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Oklahoma  
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Office of Administrative Rules



**Mary Fallin, Governor**  
**Chris Benge,**  
**Secretary of State**  
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# Table of Contents

<b>Agency/Action/Subject Index</b> .....	iii
<b>Rules Affected Index</b> .....	iv
<b>Agency Index (Title numbers assigned)</b> .....	vi
<b>Notices of Rulemaking Intent</b>	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35) .....	115, 116, 117, 118, 119
Education, State Department of (Title 210) .....	120, 121, 122, 124
Environmental Quality, Department of (Title 252) .....	125, 126, 127, 128, 129, 130
Insurance Department (Title 365) .....	130
Labor, Department of (Title 380) .....	131
Medical Licensure and Supervision, State Board of (Title 435) .....	132
Nursing, Oklahoma Board of (Title 485) .....	132
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690) .....	134, 135
Teacher Preparation, Oklahoma Commission for (Title 712) .....	136
Wildlife Conservation, Department of (Title 800) .....	136, 137, 138
Workers' Compensation Commission, Oklahoma (Title 810) .....	138, 139, 140, 141
<b>Emergency Adoptions</b>	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35) .....	143
Health Care Authority, Oklahoma (Title 317) .....	147
Human Services, Department of (Title 340) .....	154
Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475) .....	155
Public Safety, Department of (Title 595) .....	156, 158, 160, 161, 164, 165, 167



# Agency/Action/Subject Index

## **AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)**

### *Notices of Rulemaking Intent*

Agricultural Products (Chapter 10) .....	115
Fuel Alcohol (Chapter 13) .....	115
Animal Industry (Chapter 15) .....	116
Combined Pesticide (Chapter 30) .....	116
Food Safety (Chapter 37) .....	117
Market Development (Chapter 40) .....	117
Agriculture Pollutant Discharge Elimination System (Chapter 44) .....	118
Water Quality Standards Implementation Plan (Chapter 45) .....	118
Wildlife Services (Chapter 48) .....	119
Commercial Pet Breeders <u>and Animal Shelters</u> (Chapter 55) .....	119

### *Emergency Adoptions*

Wildlife Services (Chapter 48) .....	143
--------------------------------------	-----

## **EDUCATION, State Department of (Title 210)**

### *Notices of Rulemaking Intent*

Staff (Chapter 20) .....	120, 121, 122
Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools (Chapter 35) .....	122, 124

## **ENVIRONMENTAL Quality, Department of (Title 252)**

### *Notices of Rulemaking Intent*

Management of Solid Waste (Chapter 515) .....	125, 126, 127
Oklahoma Pollutant Discharge Elimination System (OPDES) Standards (Chapter 606) .....	128
Water Pollution Control Facility Construction Standards (Chapter 656) .....	129
Waterworks and Wastewater Works Operator Certification (Chapter 710) .....	130

## **HEALTH Care Authority, Oklahoma (Title 317)**

### *Emergency Adoptions*

Insure Oklahoma (Chapter 45) .....	147
------------------------------------	-----

## **HUMAN Services, Department of (Title 340)**

### *Emergency Adoptions*

Licensing Services (Chapter 110) .....	154
--	-----

## **INSURANCE Department (Title 365)**

### *Notices of Rulemaking Intent*

Licensure of Producers, Adjusters, Bail Bondsmen, Companies, Prepaid Funeral Benefits, Cemetery Merchandise Trusts, <u>Oklahoma Employee Injury Benefit Act Qualified Employers</u> , and Viatical Settlement Providers and Brokers (Chapter 25) .....	130
---	-----

## **LABOR, Department of (Title 380)**

### *Notices of Rulemaking Intent*

Alarm and Locksmith Industry Rules (Chapter 75) .....	131
---	-----

## **MEDICAL Licensure and Supervision, State Board of (Title 435)**

### *Notices of Rulemaking Intent*

Physicians and Surgeons (Chapter 10) .....	132
--	-----

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

### *Emergency Adoptions*

Pseudoephedrine Control (Chapter 55) .....	155
--	-----

## **NURSING, Oklahoma Board of (Title 485)**

### *Notices of Rulemaking Intent*

Licensure of Practical and Registered Nurses (Chapter 10) .....	132
--	-----

## **PUBLIC Safety, Department of (Title 595)**

### *Emergency Adoptions*

Class D Driver Licenses and Identification Cards and Motor License Agent Procedures (Chapter 10) .....	156, 158, 160, 161
Commercial Driver Licenses (Chapter 11) .....	164, 165, 167

## **SPEECH-LANGUAGE Pathology and Audiology, Board of Examiners for (Title 690)**

### *Notices of Rulemaking Intent*

Administrative Operations (Chapter 1) .....	134
Rules of Practice (Chapter 5) .....	134
Licensure and Fees (Chapter 10) .....	135

## **TEACHER Preparation, Oklahoma Commission for (Title 712)**

### *Notices of Rulemaking Intent*

Teacher Preparation Program Accreditation (Chapter 10) .....	136
---	-----

## **WILDLIFE Conservation, Department of (Title 800)**

### *Notices of Rulemaking Intent*

Sport Fishing Rules (Chapter 10) .....	136
Commercial Harvest Rules; Aquatic Species (Chapter 15) .....	137
Wildlife Rules (Chapter 25) .....	137
Department of Wildlife Lands Management (Chapter 30) .....	138

## **WORKERS' Compensation Commission, Oklahoma (Title 810)**

### *Notices of Rulemaking Intent*

<u>General Information</u> (Chapter 1) .....	138
<u>Practice and Procedure</u> (Chapter 2) .....	139
<u>Medical Services</u> (Chapter 3) .....	140
<u>Vocational Rehabilitation Services</u> (Chapter 4) .....	140
<u>Workers' Compensation Insurance and Self-Insurance</u> (Chapter 5) .....	141

# Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
35:30-45-1. .... [NEW] (E) .....	41	317:35-10-26. .... [AMENDED] (E) .....	84
35:30-45-2. .... [NEW] (E) .....	41	317:35-15-6. .... [AMENDED] (E) .....	90
35:30-45-3. .... [NEW] (E) .....	42	317:35-19-20. .... [AMENDED] (E) .....	90
35:30-45-4. .... [NEW] (E) .....	42	317:45-11-10. .... [AMENDED] (E) .....	147
35:30-45-5. .... [NEW] (E) .....	43	317:45-11-11. .... [AMENDED] (E) .....	149
35:30-45-6. .... [NEW] (E) .....	43	317:45-11-12. .... [REVOKED] (E) .....	150
35:30-45-7. .... [NEW] (E) .....	43	317:45-11-13. .... [REVOKED] (E) .....	151
35:30-45-8. .... [NEW] (E) .....	43	317:45-11-20. .... [AMENDED] (E) .....	151
35:30-45-9. .... [NEW] (E) .....	43	317:45-11-21. .... [AMENDED] (E) .....	152
35:30-45-10. .... [NEW] (E) .....	43	317:45-11-21.1. .... [REVOKED] (E) .....	153
35:30-45-11. .... [NEW] (E) .....	43	317:45-11-24. .... [AMENDED] (E) .....	153
35:30-45-12. .... [NEW] (E) .....	43	317:45-13-1. .... [REVOKED] (E) .....	153
35:30-45-13. .... [NEW] (E) .....	44	340:110-1-8.1. .... [AMENDED] (E) .....	153
35:30-45-14. .... [NEW] (E) .....	44	340:110-1-10.1. .... [AMENDED] (E) .....	153
35:48-3-1. .... [REVOKED] (E) .....	143	340:110-1-51. .... [AMENDED] (E) .....	153
35:48-3-2. .... [REVOKED] (E) .....	143	340:110-3-2. .... [AMENDED] (E) .....	153
35:48-3-3. .... [REVOKED] (E) .....	144	340:110-3-3. .... [AMENDED] (E) .....	153
35:48-3-4. .... [REVOKED] (E) .....	144	340:110-3-5. .... [AMENDED] (E) .....	153
35:48-3-5. .... [REVOKED] (E) .....	144	340:110-3-6. .... [AMENDED] (E) .....	153
35:48-3-6. .... [NEW] (E) .....	144	340:110-3-7.1. .... [AMENDED] (E) .....	153
35:48-3-7. .... [NEW] (E) .....	144	340:110-3-10. .... [AMENDED] (E) .....	153
35:48-3-8. .... [NEW] (E) .....	145	340:110-3-33.2. .... [AMENDED] (E) .....	153
35:48-3-9. .... [NEW] (E) .....	145	340:110-3-36. .... [AMENDED] (E) .....	153
35:48-3-10. .... [NEW] (E) .....	145	340:110-3-37. .... [AMENDED] (E) .....	153
35:48-3-11. .... [NEW] (E) .....	146	340:110-3-39. .... [AMENDED] (E) .....	153
35:48-3-12. .... [NEW] (E) .....	146	340:110-3-41. .... [AMENDED] (E) .....	153
35:48-3-13. .... [NEW] (E) .....	146	340:110-3-42. .... [AMENDED] (E) .....	153
35:48-3-14. .... [NEW] (E) .....	146	340:110-3-81. .... [AMENDED] (E) .....	153
35:48-3-15. .... [NEW] (E) .....	146	340:110-3-82. .... [AMENDED] (E) .....	153
35:48-3-16. .... [NEW] (E) .....	146	340:110-3-85. .... [AMENDED] (E) .....	153
35:48-3-17. .... [NEW] (E) .....	146	340:110-3-88. .... [AMENDED] (E) .....	153
35:48-3-18. .... [NEW] (E) .....	146	340:110-3-97.1. .... [AMENDED] (E) .....	153
35:48-3-19. .... [NEW] (E) .....	147	340:110-3-146. .... [AMENDED] (E) .....	153
158:1-5-3. .... [AMENDED] (E) .....	113	340:110-3-147. .... [AMENDED] (E) .....	153
158:1-5-5.1. .... [NEW] (E) .....	114	340:110-3-150. .... [AMENDED] (E) .....	153
158:1-5-7. .... [AMENDED] (E) .....	114	340:110-3-153.1. .... [AMENDED] (E) .....	153
158:1-5-12. .... [AMENDED] (E) .....	114	340:110-3-154. .... [AMENDED] (E) .....	153
158:1-5-13.1. .... [NEW] (E) .....	114	340:110-3-168. .... [AMENDED] (E) .....	153
165:30-26-14. .... [NEW] (E) .....	44	340:110-3-221. .... [AMENDED] (E) .....	153
210:10-13-22. .... [AMENDED] (E) .....	19	340:110-3-222. .... [AMENDED] (E) .....	153
252:100-5-2. .... [AMENDED] (E) .....	46	340:110-3-223. .... [AMENDED] (E) .....	153
252:100-5-2.1. .... [AMENDED] (E) .....	46	340:110-3-225. .... [AMENDED] (E) .....	153
252:100-5-3. .... [AMENDED] (E) .....	47	340:110-3-226. .... [AMENDED] (E) .....	153
252:100-7-60. .... [AMENDED] (E) .....	48	340:110-3-228. .... [AMENDED] (E) .....	153
252:100-7-60.5. .... [NEW] (E) .....	49	340:110-5-3. .... [AMENDED] (E) .....	153
317:35-5-7. .... [AMENDED] (E) .....	74	340:110-5-4. .... [AMENDED] (E) .....	153
317:35-5-43. .... [AMENDED] (E) .....	74	340:110-5-8. .... [AMENDED] (E) .....	153
317:35-5-44. .... [AMENDED] (E) .....	75	340:110-5-12. .... [AMENDED] (E) .....	153
317:35-5-45. .... [AMENDED] (E) .....	76	340:110-5-57. .... [AMENDED] (E) .....	153
317:35-5-46. .... [AMENDED] (E) .....	76	365:40-5-43. .... [AMENDED] (E) .....	51
317:35-6-1. .... [AMENDED] (E) .....	76	385:15-1-6. .... [AMENDED] (E) .....	52
317:35-6-15. .... [AMENDED] (E) .....	77	475:55-1-3. .... [AMENDED] (E) .....	155
317:35-6-35. .... [AMENDED] (E) .....	77	475:55-1-5. .... [AMENDED] (E) .....	156
317:35-6-36. .... [AMENDED] (E) .....	77	590:10-7-3. .... [AMENDED] (E) .....	54
317:35-6-37. .... [AMENDED] (E) .....	78	590:10-7-10. .... [AMENDED] (E) .....	54
317:35-6-60.1. .... [AMENDED] (E) .....	78	590:10-7-14. .... [AMENDED] (E) .....	54
317:35-6-61. .... [AMENDED] (E) .....	79	590:10-9-4. .... [AMENDED] (E) .....	54
317:35-7-48. .... [AMENDED] (E) .....	79	595:10-1-10. .... [AMENDED] (E) .....	157
317:35-9-67. .... [AMENDED] (E) .....	80	595:10-1-25. .... [AMENDED] (E) .....	158
317:35-10-10. .... [AMENDED] (E) .....	84	595:10-1-56. .... [AMENDED] (E) .....	159
317:35-10-25. .... [AMENDED] (E) .....	84	595:10-5-7. .... [AMENDED] (E) .....	160

595:10-15-1. .... [NEW] (E) .....	162	595:10-15-8. .... [NEW] (E) .....	163
595:10-15-2. .... [NEW] (E) .....	162	595:10-15-9. .... [NEW] (E) .....	163
595:10-15-3. .... [NEW] (E) .....	162	595:10-15-10. .... [NEW] (E) .....	163
595:10-15-4. .... [NEW] (E) .....	162	595:11-3-6. .... [AMENDED] (E) .....	164
595:10-15-5. .... [NEW] (E) .....	163	595:11-3-8. .... [AMENDED] (E) .....	165
595:10-15-6. .... [NEW] (E) .....	163	595:11-5-5. .... [AMENDED] (E) .....	167
595:10-15-7. .... [NEW] (E) .....	163		

# Agency/Title Index

[Assigned as of 12-2-13]

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

Agency	Title	Agency	Title
Board on <b>LEGISLATIVE</b> Compensation	400	Oklahoma <b>SAVINGS</b> and Loan Board ( <i>abolished 7-1-93</i> )	625
Oklahoma Department of <b>LIBRARIES</b>	405	<b>SCENIC</b> Rivers Commission	630
<b>LIEUTENANT</b> Governor	410	Oklahoma Commission on <b>SCHOOL</b> and County Funds Management	635
Oklahoma <b>LINKED</b> Deposit Review Board	415	Advisory Task Force on the Sale of <b>SCHOOL</b> Lands ( <i>functions concluded 2-92</i> )	640
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Board	420	The Oklahoma School of <b>SCIENCE</b> and Mathematics	645
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Research, Marketing and Safety Commission	422	Oklahoma Center for the Advancement of <b>SCIENCE</b> and Technology	650
<b>LITERACY</b> Initiatives Commission	425	<b>SECRETARY</b> of State	655
<b>LONG-RANGE</b> Capital Planning Commission	428	Department of <b>SECURITIES</b>	660
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators) - <i>See</i> Title 490		Board of Regents of <b>SEMINOLE</b> State College ( <i>exempted 11-1-98</i> )	665
<b>LOTTERY</b> Commission, Oklahoma	429	<b>SHEEP</b> and Wool Commission	670
Board of Trustees for the <b>MCCURTAIN</b> County Higher Education Program ( <i>exempted 11-1-98</i> )	430	State Board of Licensed <b>SOCIAL</b> Workers	675
Office of <b>MANAGEMENT</b> and Enterprise Services ( <i>Formerly</i> : Office of State <b>FINANCE</b> ) - <i>See</i> Title 260		<b>SOUTHERN</b> Growth Policies Board	680
Commission on <b>MARGINALLY</b> Producing Oil and Gas Wells	432	Oklahoma <b>SOYBEAN</b> Commission ( <i>abolished 7-1-97</i> )	685
State Board of <b>MEDICAL</b> Licensure and Supervision	435	Board of Examiners for <b>SPEECH-LANGUAGE</b> Pathology and Audiology ( <i>Formerly</i> : Board of Examiners for <b>SPEECH</b> Pathology and Audiology)	690
<b>MEDICAL</b> Technology and Research Authority of Oklahoma	440	<b>STATE</b> Employee Charitable Contributions, Oversight Committee ( <i>Formerly</i> : <b>STATE</b> Agency Review Committee)	695
Board of <b>MEDICOLEGAL</b> Investigations	445	<b>STATE</b> Use Committee ( <i>Formerly</i> : Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> )— <i>See</i> Title 304	
Department of <b>MENTAL</b> Health and Substance Abuse Services	450	Oklahoma <b>STUDENT</b> Loan Authority	700
<b>MERIT</b> Protection Commission	455	<b>TASK</b> Force 2000	705
<b>MILITARY</b> Planning Commission, Oklahoma Strategic	457	Oklahoma <b>TAX</b> Commission	710
Department of <b>MINES</b>	460	Oklahoma Commission for <b>TEACHER</b> Preparation	712
Oklahoma <b>MOTOR</b> Vehicle Commission	465	<b>TEACHERS'</b> Retirement System	715
Board of Regents of <b>MURRAY</b> State College ( <i>exempted 11-1-98</i> )	470	State <b>TEXTBOOK</b> Committee	720
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs Control	475	<b>TOBACCO</b> Settlement Endowment Trust Fund	723
Board of Regents of <b>NORTHERN</b> Oklahoma College ( <i>exempted 11-1-98</i> )	480	Oklahoma <b>TOURISM</b> and Recreation Department	725
Oklahoma Board of <b>NURSING</b>	485	Department of <b>TRANSPORTATION</b>	730
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators)	490	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to Oklahoma TURNPIKE Authority <i>11-1-05</i>) - <i>See</i> Title 731</i>	
Board of Regents of <b>OKLAHOMA</b> City Community College ( <i>exempted 11-1-98</i> )	495	Oklahoma <b>TURNPIKE</b> Authority ( <i>Formerly</i> : Oklahoma <b>TRANSPORTATION</b> Authority AND Oklahoma <b>TURNPIKE</b> Authority) - <i>See</i> also Title 745	731
Board of Regents of <b>OKLAHOMA</b> Colleges ( <i>exempted 11-1-98</i> )	500	State <b>TREASURER</b>	735
Board of Examiners in <b>OPTOMETRY</b>	505	Board of Regents of <b>TULSA</b> Community College ( <i>exempted 11-1-98</i> )	740
State Board of <b>OSTEOPATHIC</b> Examiners	510	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma TRANSPORATION Authority <i>11-1-99</i> - <i>no rules enacted in this Title</i> - <i>See</i> Title 731)</i>	745
<b>PARDON</b> and Parole Board	515	Oklahoma <b>UNIFORM</b> Building Code Commission	748
Oklahoma <b>PEANUT</b> Commission	520	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa ( <i>exempted 11-1-98</i> )	750
Oklahoma State <b>PENSION</b> Commission	525	<b>UNIVERSITY</b> Hospitals Authority	752
State Board of Examiners of <b>PERFUSIONISTS</b>	527	<b>UNIVERSITY</b> Hospitals Trust	753
Office of <b>PERSONNEL</b> Management	530	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma ( <i>exempted 11-1-98</i> )	755
Board of Commercial <b>PET</b> Breeders	532	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts of Oklahoma ( <i>exempted 11-1-98</i> )	760
Oklahoma State Board of <b>PHARMACY</b>	535	Oklahoma <b>USED</b> Motor Vehicle and Parts Commission	765
<b>PHYSICIAN</b> Manpower Training Commission	540	Oklahoma Department of <b>VETERANS</b> Affairs	770
Board of <b>PODIATRIC</b> Medical Examiners	545	Board of <b>VETERINARY</b> Medical Examiners	775
Oklahoma <b>POLICE</b> Pension and Retirement System	550	Statewide <b>VIRTUAL</b> Charter School Board	777
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> )	555	Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly</i> : Oklahoma Department of <b>VOCATIONAL</b> and Technical Education)	780
<b>POLYGRAPH</b> Examiners Board	560	Oklahoma <b>WATER</b> Resources Board	785
Oklahoma Board of <b>PRIVATE</b> Vocational Schools	565	Board of Regents of <b>WESTERN</b> Oklahoma State College ( <i>exempted 11-1-98</i> )	790
State Board for <b>PROPERTY</b> and Casualty Rates ( <i>abolished 7-1-06; see also Title 365</i> )	570	Oklahoma <b>WHEAT</b> Commission	795
State Board of Examiners of <b>PSYCHOLOGISTS</b>	575	Department of <b>WILDLIFE</b> Conservation	800
Department of <b>CENTRAL</b> Services ( <i>Formerly</i> : Office of <b>PUBLIC</b> Affairs)	580	<b>WILL</b> Rogers and J.M. Davis Memorials Commission	805
<b>PUBLIC</b> Employees Relations Board	585	Oklahoma <b>WORKERS'</b> Compensation Commission	810
Oklahoma <b>PUBLIC</b> Employees Retirement System	590		
Department of <b>PUBLIC</b> Safety	595		
<b>REAL</b> Estate Appraiser Board	600		
Oklahoma <b>REAL</b> Estate Commission	605		
Board of Regents of <b>REDLANDS</b> Community College ( <i>exempted 11-1-98</i> )	607		
State <b>REGENTS</b> for Higher Education	610		
State Department of <b>REHABILITATION</b> Services	612		
Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> )	615		
Board of Regents of <b>ROSE</b> State College ( <i>exempted 11-1-98</i> )	620		



# Notices of Rulemaking Intent

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

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

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

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS**

*[OAR Docket #13-1289]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]

### **SUMMARY:**

The proposed rules update any necessary dates of incorporations by reference.

### **AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4; 14-31 et seq.

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m., January 3, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1289; filed 11-8-13]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL**

*[OAR Docket #13-1290]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

35:13-1-1. [AMENDED]

35:13-1-2. [AMENDED]

### **SUMMARY:**

The proposed amendments incorporate citations to the most recent version of the Code of Federal Regulations for the Fuel Alcohol program.

### **AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4(A)(2) and 11-20 et seq.

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., January 3, 2014 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1290; filed 11-8-13]*

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

*[OAR Docket #13-1288]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 5. Biological Products and Laboratories [AMENDED]
- Subchapter 11. Importation of Livestock, Poultry, and Pets [AMENDED]
- Subchapter 13. Testing and Inspection For Disease and Release of Livestock at Auction Markets [AMENDED]
- Subchapter 17. Bovine and Bison Brucellosis [AMENDED]
- Subchapter 22. Swine Psuedorabies and Brucellosis [AMENDED]
- Subchapter 34. Feral Swine [AMENDED]
- Subchapter 36. Scrapie [AMENDED]
- Subchapter 38. Bovine Trichmoniasis [AMENDED]
- Subchapter 40. Bovine Tuberculosis [AMENDED]
- Subchapter 42 Tuberculosis Eradication in Cervidae [AMENDED]
- Subchapter 44. Farmed Cervidae [AMENDED]
- Subchapter 47. Chronic Wasting Disease (CWD) in Cervids [AMENDED]

### SUMMARY:

The proposed rule changes update definitions, revise identification and recordkeeping requirements for certain livestock and animals, delete outdated or unnecessary rules, make minor textual changes, revise incorporations by reference to the Code of Federal Regulations.

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4, 6-1 et seq., 6-91 et seq., 6-131 et seq., 6-141 et seq., 6-150 et seq., 6-181 et seq., 6-290.1 et seq., 6-501 et seq., 6-601 et seq., 9-130 et seq., and 9-143.

### COMMENT PERIOD:

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

### PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., January 3, 2014, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1288; filed 11-8-13]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. COMBINED PESTICIDE

*[OAR Docket #13-1287]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

- Subchapter 17. Combined Pesticide [AMENDED]
- Subchapter 29. Fertilizer [AMENDED]
- Subchapter 37. Nursery Stock Sales [AMENDED]
- Subchapter 45. Scrap Metal Dealers [NEW]

### SUMMARY:

The proposed rule changes renames Chapter 30 as "Consumer Protection". Chapter was unintentionally renamed as "Combined Pesticide" in the FY 13 and this change corrects the error. The proposed rule changes update and clarify pesticide regulations, corrects fees associated with the distribution and sale of fertilizer and resets such fees to the amount required by statute at 2 O.S. § 8-77.7(A), revise the

expiration dates associated with nursery stock sales, make emergency scrap metal rules permanent.

**AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4, 3-32.1 et seq., 3-81 et seq., and 8-77.1 et seq.; and 59 O.S. §§ 1421 et seq.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., January 3, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1287; filed 11-8-13]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY**

*[OAR Docket #13-1286]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 3. Meat Inspection [AMENDED]
- Subchapter 5. Poultry Products Inspection [AMENDED]

**SUMMARY:**

The proposed rule changes update citations that incorporate the Code of Federal Regulations by reference.

**AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4; 6-181 et seq., and 6-251 et seq.

**COMMENT PERIOD:**

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

**PUBLIC HEARING:**

A public hearing will be held at 12:30 p.m., January 3, 2014, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1286; filed 11-8-13]*

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

*[OAR Docket #13-1281]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 17. Agritourism [NEW]

**SUMMARY:**

The proposed new rules establish eligibility and registration requirements for agritourism venues seeking to participate in the Oklahoma Agritourism Program as described in 2 O.S. § 5-12.

**AUTHORITY:**

OKLA. CONST., Article 6, Section 31; 2 O.S. § 2-4 and 5-12.

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 3, 2014, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1281; filed 11-8-13]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

*[OAR Docket #13-1285]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 1. Agriculture Environmental Permitting and AGPDES [AMENDED]

Subchapter 3. Permit Conditions and Requirements [AMENDED]

### SUMMARY:

The proposed rule change updates Code of Federal Regulations citations found within the rules relating to agricultural pollutant discharge systems.

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4; 2-18.2, 2A-1 et seq., and 2A-21 et seq.; 27A O.S. § 1-3-101(D).

### COMMENT PERIOD:

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

### PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., January 3, 2014, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1285; filed 11-8-13]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 45. WATER QUALITY STANDARDS IMPLEMENTATION PLAN

*[OAR Docket #13-1284]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 1. Water Quality Standards Implementation Plan [AMENDED]

### SUMMARY:

The proposed amendments incorporate textual changes for the purpose of clarification and modernization of Department rules.

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4(A)(2), 2A-1 et seq., 2A-21 et seq., 10-9 et seq., 10-9.13 et seq., 10-9.16 et seq., 10-9.22 et seq., 10-10.1, 20-1 et seq., and 20-40 et seq.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

**PUBLIC HEARING:**

A public hearing will be held at 11:00 a.m., January 3, 2014 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1284; filed 11-8-13]*

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

*[OAR Docket #13-1283]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking **PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Aerial Hunting [AMENDED]

**SUMMARY:**

The proposed rule changes add general provisions describing the Wildlife Services Division to a section reserved for that purpose. The proposed rule changes also revise the rules governing aerial hunting regulation in a manner consistent with legislative changes provided in SB 919, approved by the Governor on May 13, 2013.

**AUTHORITY:**

OKLA. CONST., Article 6, Section 31; 2 O.S. § 2-4; 29 O.S. § 4-107.2; and SB 919, approved by the Governor on May 13, 2013.

**COMMENT PERIOD:**

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

**PUBLIC HEARING:**

A public hearing will be held at 2:30 p.m., January 3, 2014, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2014.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov).

*[OAR Docket #13-1283; filed 11-8-13]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

*[OAR Docket #13-1282]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking **PROPOSED RULES:**

- Subchapter 1. Licensing [AMENDED]
- Subchapter 3. Standards of Care [AMENDED]
- Subchapter 5. Transportation [REVOKED]
- Subchapter 7. Recordkeeping and Sales [AMENDED]

**SUMMARY:**

The purpose of the proposed rules is to implement the provisions of House Bill 1359 of the 2013 Legislative session

## Notices of Rulemaking Intent

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adding regulation of animal shelters to the previously existing commercial pet breeders program. These rules amend all sections of the commercial pet breeder rules to include animal shelters. The rules also require that no breeding occur with females prior to their second estrus cycle and requires that no breeding shall occur at an animal shelter. The fee for animal shelters is already in effect pursuant to House Bill 1359, therefore it is not a new fee.

### **AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4; 4 O.S. §30.1

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2013 through January 3, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at 2:00 p.m., January 3, 2014, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 2, 2013 through January 3, 2013.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Bennett Abbott, (405) 522-5803, e-mail address: [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov)

*[OAR Docket #13-1282; filed 11-8-13]*

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

*[OAR Docket #13-1273]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 1. General Teaching Certificate Requirements

210:20-9-9. Kinds, types, classes and processing fees of certificates [AMENDED]

### **SUMMARY:**

The rule describes various kinds, types and classes of teaching certificates issued by the State Board of Education.

The proposed change to the rule is necessary to implement the 2013 amendments to 70 O.S. § 6-189.1 resulting from SB 170. SB 170 amended 70 O.S. § 6-189.1 to provide that any teacher with a secondary level teaching certificate can teach grades five (5) and six (6) in the subject area in which the teacher has received certification or endorsement

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-189.1.

### **COMMENT PERIOD:**

Written comments on the proposed rule will be accepted from December 2, 2013 until 4:30 p.m., January 10, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, January 10, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. A copy of the RIS will

also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

*[OAR Docket #13-1273; filed 11-7-13]*

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

*[OAR Docket #13-1274]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-102. Career development program for paraprofessionals [AMENDED]

**SUMMARY:**

The rule sets out the criteria for paraprofessional program in accordance with the provisions of 70 O.S. § 6-127A.

The proposed changes to the rule add a minimum GPA requirement that mirrors the requirements for alternative teacher certification set forth in statute, and remove the requirement that paraprofessionals with a provisional teaching certification complete the residency program in order to obtain a standard certificate. Instead, the teacher will complete a year of teaching experience in a public school and provide at least two letters of recommendation. The proposed changes are necessary because the residency program is currently on hiatus due to lack of funding and the addition of a GPA requirement is necessary to ensure provisional certificates are issued to qualified candidates for licensure.

The proposed change to the rule also requires that the one year of experience necessary for a paraprofessional to qualify for a provisional teaching certificate cannot be experience gained by an individual seeking to obtain certification under the nontraditional certification path for special education teachers set forth in 210:20-9-105.

This proposed change is necessary to prevent applicants for special education certification through the special education "boot camp" set forth at 210:20-9-105 from using the paraprofessional rule to subvert the requirements of 210:20-9-105.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-127A.

**COMMENT PERIOD:**

Written comments on the proposed rule will be accepted from December 2, 2013 until 4:30 p.m., January 10, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, January 10, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

*[OAR Docket #13-1274; filed 11-7-13]*

## Notices of Rulemaking Intent

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

*[OAR Docket #13-1275]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-110. Alternative placement teaching certificates  
[NEW]

#### **SUMMARY:**

The proposed new rule sets out the criteria for individuals to obtain a provisional and standard teaching certificate under the alternative placement program, and replaces the previous rule for alternative teaching certificates that was revoked in 1998. The rule is necessary to clarify the procedure for issuance of alternative teaching certificates in accordance with the provisions of 70 O.S. § 6-122.3

#### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-122.3.

#### **COMMENT PERIOD:**

Written comments on the proposed rule will be accepted from December 2, 2013 until 4:30 p.m., January 10, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

#### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, January 10, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on

the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

#### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

#### **CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

*[OAR Docket #13-1275; filed 11-7-13]*

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### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #13-1276]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

210:35-1-4. Standards eligible for deregulation  
[AMENDED]

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 1. Standard I: Philosophy (and/or Mission) and Goals

210:35-3-4. Standards eligible for deregulation  
[REVOKED]

Part 3. Standard II: School-Community Relationships

210:35-3-24. Standards eligible for deregulation  
[REVOKED]

Part 5. Standard III: Administration and Organization

210:35-3-44. Standards eligible for deregulation  
[REVOKED]

Part 7. Standard IV: Curriculum, Instruction, Assessment and Climate

210:35-3-64. Standards eligible for deregulation  
[REVOKED]

Part 9. Standard V: The School Staff

210:35-3-84. Standards eligible for deregulation  
[REVOKED]

Part 11. Standard VI: Student Services

210:35-3-104. Standards eligible for deregulation  
[REVOKED]

Part 13. Standard VII: The Media Program

- 210:35-3-124. Standards eligible for deregulation [REVOKED]
- Part 15. Standard VIII: Student Activities Program
- 210:35-3-144. Standards eligible for deregulation [REVOKED]
- Part 17. Standard IX: Financial Support
- 210:35-3-164. Standards eligible for deregulation [REVOKED]
- Part 19. Standard X: School Facilities
- 210:35-3-184. Standards eligible for deregulation [REVOKED]
- Subchapter 5. Additional Standards for Elementary Schools
- Part 9. Standard V: The School Staff
- 210:35-5-46. Standards eligible for deregulation [REVOKED]
- Part 13. Standard VII: The Media Program
- 210:35-5-75. Standards eligible for deregulation [REVOKED]
- Subchapter 7. Additional Standards for Middle Level Schools
- Part 5. Standard III: Administration and Organization
- 210:35-7-22. Standards eligible for deregulation [REVOKED]
- Part 9. Standard V: The School Staff
- 210:35-7-45. Standards eligible for deregulation [REVOKED]
- Part 13. Standard VII: The Media Program
- 210:35-7-65. Standards eligible for deregulation [REVOKED]
- Subchapter 9. Additional Standards for Secondary Schools
- Part 5. Standard III: Administration and Organization
- 210:35-9-22. Standards eligible for deregulation [REVOKED]
- Part 9. Standard V: The School Staff
- 210:35-9-47. Standards eligible for deregulation [REVOKED]
- Part 13. Standard VII: The Media Program
- 210:35-9-75. Standards eligible for deregulation [REVOKED]

**SUMMARY:**

The rules list the accreditation standards eligible for deregulation.

The proposed changes revoke the lists of rules pertaining to accreditation standards eligible for deregulation. The proposed revocation of the rules is necessary to bring the rules into compliance with the new provisions of the School District Empowerment Program at 70 O.S. § 3-129.11 added in 2013 by HB 2131. In addition, the proposed revocation is necessary because use of the lengthy rulemaking process is unfeasible to maintain current and updated lists of rules eligible for deregulation. The list of rules eligible for deregulation is out of date and includes numerous citations to subsections, paragraphs and subparagraphs of rules which no longer exist.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. 3-129.11.

**COMMENT PERIOD:**

Written comments on the proposed rule will be accepted from December 2, 2013 until 4:30 p.m., January 10, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, January 10, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

[OAR Docket #13-1276; filed 11-7-13]

## Notices of Rulemaking Intent

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### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #13-1277]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 23. Standard XII: Deregulation, Waivers, and the School District Empowerment Program - Rules and Procedures.

210:35-3-228. Required application criteria to be considered for requests for deregulations, waivers of statutory requirements, and participation in the School District Empowerment Program ~~deregulated status~~ [AMENDED]

210:35-3-229. ~~State Department of Education/State Board of Education application program procedures~~ Applications for participation in the School District Empowerment Program [AMENDED]

#### **SUMMARY:**

The rules set out the criteria and procedures for considering applications by public school districts for deregulation, waivers, and participation in the School District Empowerment Program.

The proposed changes to the rule are necessary to implement the new provisions of the School District Empowerment Program at 70 O.S. §3-129.11 added in 2013 by HB 2131, which provides that public schools may request exemption from all statutory requirements and State Board of Education rules from which charter schools are exempt.

#### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-129.11.

#### **COMMENT PERIOD:**

Written comments on the proposed rule will be accepted from December 2, 2013 until 4:30 p.m., January 10, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

#### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, January 10, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard,

Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

#### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

#### **CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

*[OAR Docket #13-1277; filed 11-7-13]*

### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #13-1278]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools.

Part 21. Standard XI: Accreditation Status

210:35-3-201. Statement of the standard [AMENDED]

#### **SUMMARY:**

The rule sets out statement of accreditation standards for public schools and requirements for submission of accreditation applications in accordance with the provisions of 70 O.S. § 3-104.4, which requires the State Board of Education to adopt standards of accreditation of public schools in Oklahoma.

The proposed changes add references to charter school sites, which are considered public schools. The proposed changes are necessary to clarify that new and existing charter school sites are subject to the same deadlines and requirements for submission of accreditation applications as other public schools.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-104.4.

**COMMENT PERIOD:**

Written comments on the proposed rule will be accepted from December 2, 2013 until 4:30 p.m., January 10, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, January 10, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard,

Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

[OAR Docket #13-1278; filed 11-7-13]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

[OAR Docket #13-1291]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions  
252:515-1-2. [AMENDED]
- Subchapter 19. Operational Requirements  
Part 3. Operational Requirements for All Disposal Facilities  
252:515-19-36. [AMENDED]
- Part 11. Additional Operational Requirements for Solid Waste Composting Facilities  
252:515-19-123. [AMENDED]
- Subchapter 35. Oklahoma Recycling Initiative  
252:515-35-3. [AMENDED]
- Subchapter 37. Landfill Gas Incentive Payments  
252:515-37-7. [AMENDED]

**SUMMARY:**

The Department is proposing to amend OAC 252:515 by correcting outdated citations through out Chapter 515.

**AUTHORITY:**

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, Solid Waste Management Advisory Council powers and duties, 27A O.S. § 2-2-201 and § 2-10-201.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 2, 2013 through January 13, 2014. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 16, 2014 and at the Environmental Quality Board at 9:30 a.m. on February 21, 2014.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 16, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 21, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the

## Notices of Rulemaking Intent

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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 rules.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPPProprules.htm), or reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

### RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality, may be requested from the contact person, or viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPPProprules.htm).

### CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [Mike.Stickney@deq.ok.gov](mailto:Mike.Stickney@deq.ok.gov), phone 405-702-5100, or fax 405-702-5101.

### ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

*[OAR Docket #13-1291; filed 11-8-13]*

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## TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

*[OAR Docket #13-1292]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 19. Operational Requirements  
Part 13. Wheel washes  
252:515-19-132 [REVOKED]  
252:515-19-133 [AMENDED]  
252:515-19-134 [REVOKED]  
252:515-19-135 [REVOKED]  
252:515-19-136 [REVOKED]  
252:515-19-137 [REVOKED]

### SUMMARY:

The Department is proposing to amend OAC 252:515-19 by amending and revoking Part 13. Wheel Washes due to expiration of the funding mechanism.

### AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, Solid Waste Management Advisory Council powers and duties, 27A O.S. § 2-2-201 and § 2-10-201.

### COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 2, 2013 through January 13, 2014. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 16, 2014 and at the Environmental Quality Board at 9:30 a.m. on February 21, 2014.

### PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 16, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 21, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPPProprules.htm), or reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

### RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality, may be requested from the contact person, or viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPPProprules.htm).

### CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [Mike.Stickney@deq.ok.gov](mailto:Mike.Stickney@deq.ok.gov), phone 405-702-5100, or fax 405-702-5101.

### ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

*[OAR Docket #13-1292; filed 11-8-13]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

*[OAR Docket #13-1293]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 35. Oklahoma Recycling Initiative  
252:515-35-2 [AMENDED]

**SUMMARY:**

The Department is proposing to amend OAC 252:515 Subchapter 35, Oklahoma Recycling Initiative, in order to simplify requirements for municipalities.

**AUTHORITY:**

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, Solid Waste Management Advisory Council powers and duties, 27A O.S. § 2-2-201 and § 2-10-201.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 2, 2013 through January 13, 2014. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 16, 2014 and at the Environmental Quality Board at 9:30 a.m. on February 20, 2014.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 16, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 21, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm), or reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**RULE IMPACT STATEMENT:**

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality, may be

requested from the contact person, or viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm).

**CONTACT PERSON:**

Mike Stickney, Land Protection Division, Solid Waste Compliance Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [Mike.Stickney@deq.ok.gov](mailto:Mike.Stickney@deq.ok.gov), phone 405-702-5100, or fax 405-702-5101.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

*[OAR Docket #13-1293; filed 11-8-13]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

*[OAR Docket #13-1294]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 41. Roofing Material Recycling  
252:515-41-13 Reporting requirements [NEW]

**SUMMARY:**

The Department is proposing to amend OAC 252:515 by adding a new Subchapter 41-13 in response to recent legislative changes to 27A O.S. § 802.2, relating to Roofing Material Recycling Facilities.

**AUTHORITY:**

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101, Solid Waste Management Advisory Council powers and duties, 27A O.S. § 2-2-201 and § 2-10-201.

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 2, 2013 through January 13, 2014. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 16, 2013 and at the Environmental Quality Board at 9:30 a.m. on February 20, 2014.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 16, 2014, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 20, 2013, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPPProprules.htm), or reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

### RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality, may be requested from the contact person, or viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPPProprules.htm).

### CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at [Mike.Stickney@deq.ok.gov](mailto:Mike.Stickney@deq.ok.gov), phone 405-702-5100, or fax 405-702-5101.

### ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

*[OAR Docket #13-1294; filed 11-8-13]*

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## TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

*[OAR Docket #13-1295]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-3 [AMENDED]

Subchapter 3. Discharge Permitting Process for Individual and General Discharge Permits

252:606-3-4 [AMENDED]

Appendix D. Annual Fees for Stormwater Permits and Other General Permits [REVOKED]

### SUMMARY:

The Department is proposing to: (1) update the numbering of subparagraphs incorporated by reference in 40 CFR 124.10

because subparagraph (a)(1)(iv), which is not incorporated by reference, has been revoked and subparagraph (a)(1)(v), which is incorporated by reference, has been renumbered to (a)(1)(iv); (2) replace the provision for pro-rating the initial stormwater permit fees with a provision allowing the initial fee to cover the subsequent 12 months; and (3) revoke Appendix D and move the fee language to Section 3-4.

### AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101 and 2-3-402; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

### COMMENT PERIOD:

Written comments may be submitted to the contact person from December 2, 2013, through January 2, 2014.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 14, 2014, and at the Environmental Quality Board meeting on February 21, 2014.

### PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 14, 2014, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 21, 2014, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

### CONTACT PERSON:

The contact person is Mark Hildebrand. Mark may be contacted at: [Mark.Hildebrand@deq.ok.gov](mailto:Mark.Hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #13-1295; filed 11-8-13]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS**

*[OAR Docket #13-1296]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Permit Procedures  
252:656-3-1 [AMENDED]
- Subchapter 5. Sanitary Sewer Standards  
252:656-5-4 [AMENDED]
- Subchapter 11. Lagoon Standards  
252:656-11-1 [AMENDED]  
252:656-11-3 [AMENDED]
- Subchapter 21. Disinfection Standards  
252:656-21-1 [AMENDED]  
252:656-21-2 [AMENDED]  
252:656-21-3 [AMENDED]
- Subchapter 23. ~~Supplemental Treatment Standards~~ Effluent Filtration  
252:656-23-1 [AMENDED]  
252:656-23-2 [REVOKED]
- Subchapter 25. ~~Wastewater Land Application Systems of Reclaimed Water~~  
252:656-25-2 [AMENDED]
- Subchapter 27. ~~Wastewater~~ Water Reuse  
252:656-27-4 [AMENDED]

**SUMMARY:**

The Department is proposing to: (1) require that the submission of plans include at least one set of construction plans be on 11" x 17" paper and one set of specifications be loosely bound and suitable for scanning; (2) strengthen the existing prohibition against locating lagoons in areas subject to karstification; (3) add disinfection criteria for reclaimed water systems and distinguish those criteria from the criteria required for OPDES discharges; (4) add traveling bridge filters as an approved method for filtration; (5) clarify that the minimum dosage for Category 3 reclaimed water is based on MS-2 phage inactivation; (6) update the hydraulic loading rates for disc filters; (7) require a pilot study before designing filters to be used to polish TSS from lagoon effluent; (8) add a requirement for signage around water reuse land application sites; (9) clarify that fencing is required for Category 5 reclaimed water

land application sites; (10) add a requirement for above-ground signage for existing reclaimed water piping that does not meet the purple pipe standards; and (11) make other minor clarifications and typographical corrections.

**AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 1-3-101, 2-3-202, 2-3-402, 2-3-501, 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

**COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 2, 2013, through January 2, 2014.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 14, 2014, and at the Environmental Quality Board meeting on February 21, 2014.

**PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 14, 2014, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 21, 2014, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

**CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: [Mark.Hildebrand@deq.ok.gov](mailto:Mark.Hildebrand@deq.ok.gov) (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

**ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For

## Notices of Rulemaking Intent

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hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #13-1296; filed 11-8-13]*

### **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION**

*[OAR Docket #13-1297]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Appendix A. Classification of Community and Non-Transient, Non-Community Water Systems, Wastewater Systems and Laboratories (OAC 252:710-3-33) [REVOKED]

Appendix A. Classification of Community and Non-Transient, Non-Community Water Systems, Wastewater Systems and Laboratories [NEW]

#### **SUMMARY:**

The Department is proposing to clarify that a entity only need to meet one of the listed conditions set forth for a particular classification level in order to fall under that classification.

#### **AUTHORITY:**

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201 and 59 O.S. § 1101 *et seq*; and 27A O.S. §§ 1-3-101, 2-3-202 and 2-3-402.

#### **COMMENT PERIOD:**

Written comments may be submitted to the contact person from December 2, 2013, through January 2, 2014.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 14, 2014, and at the Environmental Quality Board meeting on February 21, 2014.

#### **PUBLIC HEARING:**

Before the Water Quality Management Advisory Council on January 14, 2014, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 21, 2014, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services,

revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

#### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

#### **CONTACT PERSON:**

The contact person is Mark Hildebrand. Mark may be contacted at: Mark.Hildebrand@deq.ok.gov (e-mail), (405) 702-8100 (phone) or (405) 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

#### **ADDITIONAL INFORMATION:**

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #13-1297; filed 11-8-13]*

### **TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN, COMPANIES, PREPAID FUNERAL BENEFITS, CEMETERY MERCHANDISE TRUSTS, OKLAHOMA EMPLOYEE INJURY BENEFIT ACT QUALIFIED EMPLOYERS, AND VIATICAL SETTLEMENT PROVIDERS AND BROKERS**

*[OAR Docket #13-1279]*

#### **RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

#### **PROPOSED RULES:**

Subchapter 25. Oklahoma Employee Injury Benefit Act [NEW]

365:25-25-1. Purpose [NEW]

365:25-25-2. Scope [NEW]

365:25-25-3. Authority [NEW]

365:25-25-4. Definitions [NEW]

365:25-25-5. Election Notification to the Oklahoma Insurance Department [NEW]

365:25-25-6. Election Fee [NEW]

365:25-25-7. Written Benefit Plan [NEW]

365:25-25-8. Employee Notice [NEW]

- 365:25-25-9. Funding of Qualified Employer's Benefit Plan, Liability, and Other Insurable Risk [NEW]
- 365:25-25-10. Insuring Qualified Employer's Benefit Plan, Liability, and Other Insurable Risk [NEW]
- 365:25-25-11. Self-Funding Qualified Employer's Benefit Plan, Liability, and Other Insurable Risk [NEW]
- 365:25-25-12. Oklahoma Option Self-Insured Guaranty Fund [NEW]
- 365:25-25-13. Severability [NEW]
- Appendix Z. Employee Notice [NEW]

**SUMMARY:**

These rules set out the procedure and requirements for employers to elect to become a Qualified Employer under the Oklahoma Employee Injury Benefit Act, 85A O.S. § 200 et seq. Sections 365:25-25-1 through 3 set out the purpose, scope, and authority for promulgating these rules. Section 4 sets out the definitions of terms used in the Subchapter. Section 5 describes the process for an employer to elect to become a Qualified Employer. Section 6 sets out the fee for electing to become a Qualified Employer. Section 7 outlines the specific documents and information an employer must file along with its election form. Section 8 requires an Employee notice be provided by employers electing to become a Qualified Employer, and provides specific instructions for the use and placement of the notice. Section 9 sets out the ways in which a Qualified Employer may fund its benefit plan. Section 10 sets out the requirements for Qualified Employers choosing to insure its benefits payable under its benefit plan. Section 11 sets out the requirements for Qualified Employers choosing to self-fund its benefits payable under its benefit plan. Section 12 sets out the procedure for the Commissioner to petition the Workers' Compensation Commission for its approval that the Commissioner release a Qualified Employer's security and notify the Oklahoma Property and Casualty Insurance Guaranty Association. Section 13 is a severability clause.

**AUTHORITY:**

Insurance Commissioner, 85A O.S. §§ 202, 204

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendment shall be received on or before December 18, 2013. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rules will be held December 19, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance

Department, at the mailing address above on or before December 18, 2013.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after December 2, 2013, in accordance with 75 O.S. § 253(B)(2). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1279; filed 11-7-13]*

**TITLE 380. DEPARTMENT OF LABOR  
CHAPTER 75. ALARM AND LOCKSMITH  
INDUSTRY RULES**

*[OAR Docket #13-1300]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. License Requirements

380:75-3-2. Application and license fees, period and display, and examination alternatives or prerequisites

**SUMMARY:**

The Oklahoma Department of Labor is proposing to reduce the initial license fee for company manager, inspector, technician and salesperson licenses to allow for examination fees to be paid directly to the testing facility. This will promote efficiency in the licensing process by allowing applicants to take an examination before submitting an application to the Department. The re-examination fee is also removed to accommodate changes to the examination procedure. Since technician trainees are not required to take an exam, the license fee for technician trainees is not reduced. The Commissioner is also granted the authority to allow for the option of electronic submission of the applicant's fingerprints for background checks. The proposed rules also delete the prorated fee for companies that are issued a license between February 1 and June 30. This provision is no longer necessary because the company licenses are now issued for a full year.

**AUTHORITY:**

Department of Labor; 59 O.S. § 1800.17, Alarm and Locksmith Industry Act

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., January 8, 2014, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., January 8, 2014, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., January 8, 2014, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at [www.ok.gov/odol](http://www.ok.gov/odol).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning December 17, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Tiffany J. Wythe, Assistant General Counsel, (405) 521-6186 or [tiffany.wythe@labor.ok.gov](mailto:tiffany.wythe@labor.ok.gov) or Jim Buck, Safety Standards Director, (405) 521-6111 or [james.buck@labor.ok.gov](mailto:james.buck@labor.ok.gov).

*[OAR Docket #13-1300; filed 11-8-13]*

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

*[OAR Docket #13-1298]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General provisions

435:10-1-4. Definitions [AMENDED]

Subchapter 7. Regulation of physician and surgeon practice

435:10-7-13. Telemedicine [NEW]

### **SUMMARY:**

The proposed amendments to OAC 435:10-1-4. Definitions adds definitions relating to telemedicine.

The proposed new rule at OAC 435:10-7-13 sets out parameters for practicing telemedicine in Oklahoma. The parameters are based on standards endorsed by the American Telemedicine Association and Centers for Medicare and Medicaid Services.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

The comment period will run from December 2, 2013 to January 10, 2014. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 16, 2014, at 9:00 a.m. at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than January 13, 2014.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma.

### **RULE IMPACT STATEMENT:**

A rule impact statement is available at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma, 73015.

### **CONTACT PERSON:**

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

*[OAR Docket #13-1298; filed 11-8-13]*

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### **TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

*[OAR Docket #13-1268]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

485:10-1-2. [AMENDED]

Subchapter 3. Regulations for Approved Nursing Education Programs

485:10-3-2. [AMENDED]

Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse

485:10-7-1. [AMENDED]

485:10-7-2. [AMENDED]

485:10-7-4. [AMENDED]

485:10-7-5. [AMENDED]

Subchapter 8. Criminal Background Checks for Applicants for Licensure/Certification

485:10-8-1. [AMENDED]

Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse

485:10-9-1. [AMENDED]

- 485:10-9-2. [AMENDED]
- 485:10-9-4. [AMENDED]
- 485:10-9-5. [AMENDED]
- Subchapter 10. Advanced Unlicensed Assistant
- 485:10-10-7. [AMENDED]
- Subchapter 11. Disciplinary Action
- 485:10-11-2. [AMENDED]
- Subchapter 15. Requirements for Practice as an Advanced Practice Registered Nurse
- 485:10-15-6. [AMENDED]
- 485:10-15-7. [AMENDED]
- 485:10-15-9.1. [AMENDED]
- Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Registered Nurses
- 485:10-16-3.1. [NEW]
- 485:10-16-5. [AMENDED]

**SUMMARY:**

The following revisions have been made throughout the *Rules*: "notarized" and "certified" referencing application requirements have been deleted to support use of online applications; deletion of requirements for applicant photographs as the National Council of State Boards of Nursing provides to the Oklahoma Board of Nursing the NCLEX Licensing Exam Candidate Report which includes a candidate photograph of greater quality than the photograph submitted by the applicant; change of title for "National League for Nursing Accrediting Commission" to the newly adopted title of "Accreditation Commission for Education in Nursing"; formatting and punctuation changes where appropriate.

485:10-1-2. Definitions: A definition for "complaint" is added.

485:10-3-2 Establishment of new nursing education programs. The length of time for submission of applications for Step I and Step II approvals is expanded from four weeks to eight weeks. The expanded time period will allow for request of and receipt of any additional information not previously submitted to meet the rule requirements prior to consideration by the Board.

485:10-7-2 and 485:10-9-2 Licensure by endorsement: The requirements for English language testing for applicants educated in foreign countries is revised reflect currently available tests. Temporary licensure requirements are revised citing to current rule qualifications to expand the number of options available for an applicant to submit to verify continuing qualifications for practice. References to effective dates that are now past for submission of fingerprint images are deleted and language allowing vendor inclusion in the process is added. In addition, in 485:10-9-2 the requirement of a high school diploma or General Education Development certificate for licensure through endorsement as a Licensed Practical Nurse is deleted.

485:10-7-4 and 485:10-9-4 Reinstatement of license: Currently, continuing qualifications for practice requirements are noted with licensure renewal only. Addition of continuing qualifications for practice requirements to reinstatement of license requirements ensures qualifications are met if the

licensee lapses the license for not meeting the requirements on renewal and then applies for reinstatement.

485:10-7-5 and 485:10-9-5 Inactive status: Currently, continuing qualifications for practice requirements are noted with licensure renewal only. Addition of continuing qualifications for practice requirements to return to active status of license requirements ensures qualifications are met if the licensee places the license on inactive status for not meeting the renewal requirements and then applies for return to active status.

485:10-8-1 Requirements for criminal background checks for initial licensure/certification in this state: References to effective dates now past for criminal background check requirements, as well as outdated criminal background requirements are deleted. Updated language specific to the current requirements of fingerprint-based background check is added.

485:10-9-1 Licensure by examination: Deletes the requirement of a high school diploma or a General Educational Development certificate qualification for licensure through examination as a Licensed Practical Nurse. State Board-approved practical nursing education programs have program admission criteria established.

485:10-11-2 Hearings: Specific to Board Orders, adds the language of "reviewed and signed by the Board President" to clarify current process.

485:10-16-3.1 Endorsement of prescriptive authority. To incorporate 2013 statute revisions that authorized prescriptive authority recognition by endorsement, rule requirements are added.

**AUTHORITY:**

Oklahoma Board of Nursing 59 O.S. §§ 567.2; 567.4.F.; 567.5.B; 567.5.D.; 567.5a.D.; 567.6.B; 567.6.D; 567.6a.B; 567.7.C.; 567.12; 567.18.

**COMMENT PERIOD:**

Persons wishing to submit written comments must do so by January 13, 2014, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Jackye Ward, MS, RN, NEA-BC.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 28, 2014, at 5:30 p.m., at The Reed Conference Center, 5800 Will Rogers Road, Midwest City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 28, 2014.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed *Rules* are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed *Rules*. Business entities may submit this information in writing by January 13, 2014, at 4:30 p.m., to the Oklahoma Board of

## Notices of Rulemaking Intent

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Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

### COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

### CONTACT PERSON:

Jackye Ward, MS, RN, NEA-BC

*[OAR Docket #13-1268; filed 11-5-13]*

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### TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #13-1265]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

690:1-1-5. Application of the Act and Rules of the Board  
[AMENDED]

### SUMMARY:

Subchapter 1. Deleted incorrect language "licensed language speech pathologist and audiologist"; replaced with "licensee" to clarify that it encompasses assistants.

### AUTHORITY:

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 3, 2013 until 5:00 p.m., January 3, 2014, to the attention of Amy Hall, Interim Executive Secretary. Written comments may be mailed to the Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152, hand-delivered to the Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK, facsimile, at (405) 524-4985 or by email at [amy.hall@obespa.ok.gov](mailto:amy.hall@obespa.ok.gov).

### PUBLIC HEARING:

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on January 10, 2014 at 1:00 p.m. in Conference Room 265 on the second floor at the address given above.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanie Wall, at the above address, before the close of the comment period on March 18, 2013.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Amy Hall, Interim Executive Secretary, at the above address or through the OBESPA website at [www.obespa.ok.gov](http://www.obespa.ok.gov).

### RULE IMPACT STATEMENT

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

### ADDITIONAL INFORMATION

For additional information contact Tracy Grammer, M.S., CCC-SLP at 405-271-4152

*[OAR Docket #13-1265; filed 11-4-13]*

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### TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 5. RULES OF PRACTICE

*[OAR Docket #13-1266]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 7. Procedures in Individual Proceedings

690:5-7-5. Setting of hearing and hearing continuance  
[AMENDED]

Subchapter 9. Proceedings for Adoption, Amendment and Repeal of Rules

690:5-9-6. Submission of evidence and argument on proposed rules [AMENDED]

### SUMMARY:

Subchapter 7. Corrected conflicting language of "fifteen" (15) thirty (30) calendar days"

Subchapter 9. Corrected rule heading that is missing words: "Submission of evidence and argument on proposed"

### AUTHORITY:

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from December 3, 2013 until 5:00 p.m., January 3, 2014, to the attention of Amy Hall, Interim Executive Secretary. Written comments may be mailed to the Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152, hand-delivered to the Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK, facsimile, at (405) 524-4985 or by email at amy.hall@obespa.ok.gov.

**PUBLIC HEARING:**

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on January 10, 2014 at 1:00 p.m. in Conference Room 265 on the second floor at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanie Wall, at the above address, before the close of the comment period on March 18, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Amy Hall, Interim Executive Secretary, at the above address or through the OBESPA website at www.obespa.ok.gov.

**RULE IMPACT STATEMENT**

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

**ADDITIONAL INFORMATION**

For additional information contact Tracy Grammer, M.S., CCC-SLP at 405-271-4152

*[OAR Docket #13-1266; filed 11-4-13]*

**TITLE 690. BOARD OF EXAMINERS FOR  
SPEECH-LANGUAGE PATHOLOGY AND  
AUDIOLOGY  
CHAPTER 10. LICENSURE AND FEES**

*[OAR Docket #13-1267]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensure of Speech-Language Pathologists and Audiologists
- 690:10-3-3. Criteria considered for licensure [AMENDED]
- 690:10-3-7. Examination requirement and exceptions [AMENDED]

- 690:10-3-8. Continuing education for speech-language pathologists, audiologists, and speech-language pathology assistants [AMENDED]
- Subchapter 7. Licensure of Speech-language Pathology Assistants and Audiology Assistants
- 690:10-7-1. ~~License to practice~~ Practice as an assistant [AMENDED]
- 690:10-7-3. Supervision required [AMENDED]
- 690:10-7-4. Representation of Assistant ~~Licensure as~~ Independent Practitioner [AMENDED]
- 690:10-7-5. Application for Speech-Language Pathology Assistant License or Audiology Assistant Authorization [AMENDED]
- 690:10-7-6. Period of Licensure and Authorization [AMENDED]
- 690:10-7-8. Recusal of Board members [AMENDED]
- 690:10-7-9. Academic requirements [AMENDED]
- 690:10-7-10. Roles and responsibilities of Speech-Language Pathology Assistants and Audiology Assistants [AMENDED]
- 690:10-7-11. Continuing education for speech-language pathology assistants [AMENDED]
- Subchapter 9. Fees
- 690:10-9-2. License renewal fee [AMENDED]
- 690:10-9-7. Inactive status fee [AMENDED]

**SUMMARY:**

Subchapter 3 add language to existing rules to implement SB1863, the Post Military Service Occupation, Education and Credentialing Act, The proposed amendments to Subchapter 7 change the licensure of audiology assistants back to the authorization of audiology assistants, and correct conflicting terms describing supervision of speech-language pathology assistants. The rules regarding the roles and responsibilities of speech-language pathology assistants and audiology assistants are amended to require assistants to comply with the ethical rules of practice in Chapter 15. The proposed amendments to Subchapter 9 waive the renewal fee for active duty members of the military. The rule regarding inactive status is also amended to add certain requirements to reactivate a license that has been on inactive status for 5 years or more, and limit to ten years the length of time a license may be maintained in inactive status.

**AUTHORITY:**

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from December 3, 2013 until 5:00 p.m., January 3, 2014, to the attention of Amy Hall, Interim Executive Secretary. Written comments may be mailed to the Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152, hand-delivered to the Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK, facsimile, at (405) 524-4985 or by email at amy.hall@obespa.ok.gov.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on January 10, 2014 at 1:00 p.m. in Conference Room 265 on the second floor at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanie Wall, at the above address, before the close of the comment period on March 18, 2013.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Amy Hall, Interim Executive Secretary, at the above address or through the OBESPA website at [www.obespa.ok.gov](http://www.obespa.ok.gov).

### **RULE IMPACT STATEMENT**

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

### **ADDITIONAL INFORMATION**

For additional information contact Tracy Grammer, M.S., CCC-SLP at 405-271-4152

*[OAR Docket #13-1267; filed 11-4-13]*

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## **TITLE 712. OKLAHOMA COMMISSION FOR TEACHER PREPARATION CHAPTER 10. TEACHER PREPARATION PROGRAM ACCREDITATION**

*[OAR Docket #13-1299]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Teacher Preparation Program Accreditation  
712:10-5-1 [AMENDED]

### **SUMMARY:**

The proposed Teacher Preparation Program Accreditation revisions would reflect accountability measures for the state accreditation process.

### **AUTHORITY:**

Oklahoma Commission for Teacher Preparation  
70 O.S. Supp. 1998, §6-180 et seq. Oklahoma Teacher Preparation Act

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 16, 2014 at the following address: Renee Launey-Rodolf, Oklahoma Commission For Teacher Preparation, 3545 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, OK 73112-4725.

### **PUBLIC HEARING:**

A public hearing will be held from 9:00 a.m. to 11:00 a.m. on Thursday, January 16, 2014 in the Oklahoma Commission for Teacher Preparation's Conference Room, Landmark Towers, 3545 NW 58<sup>th</sup> St., Suite 200, Oklahoma City, OK, 73112-4725.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Renee Launey-Rodolf, at the above address, before the close of the comment period.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained from the Commission for Teacher

Preparation, 3545 NW 58<sup>th</sup> Street, Suite 200, Oklahoma City, OK 73112-4725.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Commission for Teacher Preparation at the above address beginning on December 17, 2013

### **CONTACT PERSON:**

Renee Launey-Rodolf, Interim Executive Director, (405) 525-2612

*[OAR Docket #13-1299; filed 11-8-13]*

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

*[OAR Docket #13-1269]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 10. Sport Fishing Rules [AMENDED]

### **SUMMARY:**

Sets a one smallmouth bass possession limit and a 14-inch minimum size limit on all streams and rivers; reduces the size limit on saugeye/walleye/sauger at Tom Steed and Waurika Lakes to 14 inches; removes the 20 inch minimum length limit on flathead catfish; removes a duplicate section pertaining to black bass length limit on Blue River; allows Wildlife Commission to set individual annual harvest limit for paddlefish and requires online checking of all paddlefish, restricting non-residents to possession of the individual annual harvest limit of paddlefish as listed in the Oklahoma Fishing Regulations; changes daily bag limit for catfish taken by noodling to three blue, channel, or flathead catfish in

combination, with only one of them 30 inches or greater and restricts noodling to daylight hours; establishes a statewide bag and size limit for hybrid striped bass of 20 per day with only 5 greater than 20 inches in length.

**AUTHORITY:**

Title 29 O.S., Section 3-103, 4-120, 5-401 and 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 10, 2014, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 7, 2014

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 9, 2013 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #13-1269; filed 11-6-13]*

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION  
CHAPTER 15. COMMERCIAL HARVEST RULES; AQUATIC SPECIES**

*[OAR Docket #13-1270]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. Commercial Harvest Rules; Aquatic Species [AMENDED]

**SUMMARY:**

Removes the minimum size requirement for the common snapping turtle and removes language that pertains to commercially trapping turtles in municipal lakes and streams with landowner permission to clarify that turtle trapping is not allowed in waters of this state.

**AUTHORITY:**

Title 29 O.S., Section 3-103, 4-120, 5-401 and 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 10, 2014, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 7, 2014

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 9, 2013 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #13-1270; filed 11-6-13]*

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

*[OAR Docket #13-1271]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. Wildlife Rules [AMENDED]

**SUMMARY:**

These rules allow general regulations to be enforced on all COE properties and designate archery only areas around Hugo lake for safety reasons. Restrict taking of certain reptiles and amphibians such as aquatic salamander and amphiuma. Require evidence of sex remain on harvested turkeys until checked and require checking of turkeys statewide. Establish legals means to possess and sell shed antlers. Reduce the minimum draw weight for compound bows to 30 lbs and clarify that no modern firearms may be carried while muzzleloader hunting. Establish a statewide elk season, increase limit on river otters from 2 to 4 and establish a statewide otter season.

## Notices of Rulemaking Intent

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Legalize enclosed trigger traps on all WMA's that allow trapping, change deer gun season to controlled hunts on Beaver WMA and create archery and shotgun only zone near town of Beaver. Open archery deer and turkey during muzzleloader and the last 7 days of rifle season on Cimarron Bluff and Hills WMA's. Create rules and regulations for new Shorb WMA.

**AUTHORITY:**

Title 29 O.S., Section 3-103, 5-401, and 5-411; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 10, 2014, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 7, 2014

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 9, 2013 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #13-1271; filed 11-6-13]*

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

*[OAR Docket #13-1272]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Department of Wildlife Lands Management  
[AMENDED]

**SUMMARY:**

Make it illegal to possess suppressed firearms on Dept. managed lands, except by authorized law enforcement or for military training; to discharge firearms for purposes other than hunting except at shooting ranges provided for public

use; and to possess dogs during deer firearms, primitive and youth seasons on Honobia Creek, Pine Creek and Three Rivers WMA's, except as allowed by the American with Disabilities Act.

**AUTHORITY:**

Title 29 O.S., Section 3-103 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 10, 2014, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at [www.wildlifedepartment.com](http://www.wildlifedepartment.com).

**PUBLIC HEARINGS:**

**Date:** January 7, 2014

**Time:** 7:00 p.m.

**Oklahoma City** - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 9, 2013 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

*[OAR Docket #13-1272; filed 11-6-13]*

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**TITLE 810. OKLAHOMA WORKERS'  
COMPENSATION COMMISSION  
CHAPTER 1. GENERAL INFORMATION**

*[OAR Docket #13-1301]*

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

Chapter 1. General Information [NEW]

**SUMMARY:**

The proposed emergency rules consist of a comprehensive set of rules to implement the Administrative Workers' Compensation Act, 85A O.S. §§ 1-400; Enrolled Senate Bill 1062, Sections 1-169.

**AUTHORITY:**

85A O.S. § 22(A)(1)(a); Enrolled Senate Bill 1062, Section 22; Oklahoma Workers' Compensation Commission

**COMMENT PERIOD:**

Persons may submit written and oral comments to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

**PUBLIC HEARING:**

A public hearing regarding the proposed emergency rules will be held during a meeting of the Workers' Compensation Commission on Thursday, January 2, 2014, at 1:30 p.m., at the Oklahoma Judicial Center Auditorium, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about an increase in the level of direct costs, indirect costs, or other costs, if any, the business believes may be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the receptionist of the Workers' Compensation Court, First Floor, Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, or an electronic copy may be obtained upon email request to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §253(B), a rule impact statement is being prepared and will be available for review after December 15, 2013, unless the requirement of a rule impact statement is waived pursuant to 75 O.S. § 253(B)(2).

**CONTACT PERSON:**

Norma McRae, Oklahoma Workers' Compensation Commission, [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), 405-522-3222.

*[OAR Docket #13-1301; filed 11-8-13]*

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 2. PRACTICE AND PROCEDURE**

*[OAR Docket #13-1302]*

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

Chapter 2. Practice and Procedure [NEW]

**SUMMARY:**

The proposed emergency rules consist of a comprehensive set of rules to implement the Administrative Workers' Compensation Act, 85A O.S. §§ 1-400; Enrolled Senate Bill 1062, Sections 1-169.

**AUTHORITY:**

85A O.S. § 22(A)(1)(a); Enrolled Senate Bill 1062, Section 22; Oklahoma Workers' Compensation Commission

**COMMENT PERIOD:**

Persons may submit written and oral comments to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

**PUBLIC HEARING:**

A public hearing regarding the proposed emergency rules will be held during a meeting of the Workers' Compensation Commission on Thursday, January 2, 2014, at 1:30 p.m., at the Oklahoma Judicial Center Auditorium, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about an increase in the level of direct costs, indirect costs, or other costs, if any, the business believes may be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the receptionist of the Workers' Compensation Court, First Floor, Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, or an electronic copy may be obtained upon email request to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §253(B), a rule impact statement is being prepared and will be available for review after December 15, 2013, unless the requirement of a rule impact statement is waived pursuant to 75 O.S. § 253(B)(2).

**CONTACT PERSON:**

Norma McRae, Oklahoma Workers' Compensation Commission, [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), 405-522-3222.

*[OAR Docket #13-1302; filed 11-8-13]*

## Notices of Rulemaking Intent

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### **TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 3. MEDICAL SERVICES**

*[OAR Docket #13-1303]*

#### **RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

#### **PROPOSED RULES:**

Chapter 3. Medical Services [NEW]

#### **SUMMARY:**

The proposed emergency rules consist of a comprehensive set of rules to implement the Administrative Workers' Compensation Act, 85A O.S. §§ 1-400; Enrolled Senate Bill 1062, Sections 1-169.

#### **AUTHORITY:**

85A O.S. § 22(A)(1)(a); Enrolled Senate Bill 1062, Section 22; Oklahoma Workers' Compensation Commission

#### **COMMENT PERIOD:**

Persons may submit written and oral comments to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

#### **PUBLIC HEARING:**

A public hearing regarding the proposed emergency rules will be held during a meeting of the Workers' Compensation Commission on Thursday, January 2, 2014, at 1:30 p.m., at the Oklahoma Judicial Center Auditorium, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about an increase in the level of direct costs, indirect costs, or other costs, if any, the business believes may be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the receptionist of the Workers' Compensation Court, First Floor, Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, or an electronic copy may be obtained upon email request to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov).

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §253(B), a rule impact statement is being prepared and will be available for review after December 15, 2013, unless the requirement of a rule impact statement is waived pursuant to 75 O.S. § 253(B)(2).

#### **CONTACT PERSON:**

Norma McRae, Oklahoma Workers' Compensation Commission, [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), 405-522-3222.

*[OAR Docket #13-1303; filed 11-8-13]*

### **TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 4. VOCATIONAL REHABILITATION SERVICES**

*[OAR Docket #13-1304]*

#### **RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

#### **PROPOSED RULES:**

Chapter 4. Vocational Rehabilitation Services [NEW]

#### **SUMMARY:**

The proposed emergency rules consist of a comprehensive set of rules to implement the Administrative Workers' Compensation Act, 85A O.S. §§ 1-400; Enrolled Senate Bill 1062, Sections 1-169.

#### **AUTHORITY:**

85A O.S. § 22(A)(1)(a); Enrolled Senate Bill 1062, Section 22; Oklahoma Workers' Compensation Commission

#### **COMMENT PERIOD:**

Persons may submit written and oral comments to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

#### **PUBLIC HEARING:**

A public hearing regarding the proposed emergency rules will be held during a meeting of the Workers' Compensation Commission on Thursday, January 2, 2014, at 1:30 p.m., at the Oklahoma Judicial Center Auditorium, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about an increase in the level of direct costs, indirect costs, or other costs, if any, the business believes may be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to [norma.mcRae@wcc.ok.gov](mailto:norma.mcRae@wcc.ok.gov), during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the receptionist of the Workers' Compensation Court, First Floor, Denver N. Davison Building, 1915 N. Stiles Avenue,

Oklahoma City, or an electronic copy may be obtained upon email request to norma.mcRae@wcc.ok.gov .

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §253(B), a rule impact statement is being prepared and will be available for review after December 15, 2013, unless the requirement of a rule impact statement is waived pursuant to 75 O.S. § 253(B)(2).

**CONTACT PERSON:**

Norma McRae, Oklahoma Workers' Compensation Commission, norma.mcRae@wcc.ok.gov , 405-522-3222.

*[OAR Docket #13-1304; filed 11-8-13]*

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 5. WORKERS' COMPENSATION INSURANCE AND SELF-INSURANCE**

*[OAR Docket #13-1305]*

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

Chapter 5. Workers' Compensation Insurance and Self-Insurance [NEW]

**SUMMARY:**

The proposed emergency rules consist of a comprehensive set of rules to implement the Administrative Workers' Compensation Act, 85A O.S. §§ 1-400; Enrolled Senate Bill 1062, Sections 1-169.

**AUTHORITY:**

85A O.S. § 22(A)(1)(a); Enrolled Senate Bill 1062, Section 22; Oklahoma Workers' Compensation Commission

**COMMENT PERIOD:**

Persons may submit written and oral comments to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to norma.mcRae@wcc.ok.gov,

during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

**PUBLIC HEARING:**

A public hearing regarding the proposed emergency rules will be held during a meeting of the Workers' Compensation Commission on Thursday, January 2, 2014, at 1:30 p.m., at the Oklahoma Judicial Center Auditorium, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about an increase in the level of direct costs, indirect costs, or other costs, if any, the business believes may be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information to Norma McRae, Oklahoma Workers' Compensation Commission, 50 NE 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105, 405-522-3222, or via email to norma.mcRae@wcc.ok.gov, during the period from December 2, 2013 to 1:30 p.m. on January 2, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the receptionist of the Workers' Compensation Court, First Floor, Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, or an electronic copy may be obtained upon email request to norma.mcRae@wcc.ok.gov .

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §253(B), a rule impact statement is being prepared and will be available for review after December 15, 2013, unless the requirement of a rule impact statement is waived pursuant to 75 O.S. § 253(B)(2).

**CONTACT PERSON:**

Norma McRae, Oklahoma Workers' Compensation Commission, norma.mcRae@wcc.ok.gov , 405-522-3222.

*[OAR Docket #13-1305; filed 11-8-13]*



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

*[OAR Docket #13-1280]*

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 3. Aerial Hunting

35:48-3-1. Definitions [REVOKED]

35:48-3-2. Permit required [REVOKED]

35:48-3-3. Application requirements [REVOKED]

35:48-3-4. Reporting requirements [REVOKED]

35:48-3-5. Indigenous species [REVOKED]

35:48-3-6. Purpose [NEW]

35:48-3-7. Definitions [NEW]

35:48-3-8. Permit required [NEW]

35:48-3-9. Application requirements [NEW]

35:48-3-10. Permit issuance [NEW]

35:48-3-11. Fees and charges [NEW]

35:48-3-12. Twenty-four hour notice [NEW]

35:48-3-13. Quarterly reports [NEW]

35:48-3-14. Prohibited activities [NEW]

35:48-3-15. Complaints [NEW]

35:48-3-16. Inspections [NEW]

35:48-3-17. Grounds for denial, suspension, or revocation of a license [NEW]

35:48-3-18. Sanctions for misconduct [NEW]

35:48-3-19. Pilot and aircraft requirements [NEW]

### AUTHORITY:

Oklahoma Constitution, Article 6, Section 31; 2 O.S. § 2-4; 29 O.S. § 4-107.2; and SB 919, approved by the Governor on May 13, 2013.

### DATES:

#### Adoption:

October 1, 2013.

#### Approved by Governor:

October 29, 2013

#### Effective:

November 1, 2013 or immediately upon Governor's approval if approved by the Governor after November 1, 2013.

#### 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:

Senate Bill 919 directs the State Board of Agriculture to administer and enforce the provisions of 29 O.S. § 4-107.2 which relates to the management of depredating animals by use of aircraft beginning November 1, 2013. The State Board of Agriculture has previously regulated management of depredating animals by use of aircraft but significant changes to the governing law require modification of applicable rules by the Department. Administrative adopted rules through a regular permanent rulemaking would not become effective

until July 1, 2014 or later. As prescribed by the Administrative Procedures Act, the State Board of Agriculture finds that an emergency exists and that an emergency rulemaking is necessary to administer and enforce the provisions of 29 O.S. § 4-107.2 beginning November 1, 2013. The Administrative Procedures Act permits an agency to adopt emergency rules to "comply with deadlines in amendments to an agency's governing law ... " and to "avoid violation of ... state law". 75 O.S. § 253(A)(1)(b) and (c).

### ANALYSIS:

The purpose of the proposed emergency rules is to implement the provisions of Senate Bill 919 that direct the State Board of Agriculture to regulate the management of depredating animals by use of aircraft. These rules are necessary to allow the Department to comply with deadlines in SB 919 that require the Board's to implement SB 919 beginning November 1, 2013. Emergency rules are necessary to avoid violation of state law. These rules contain provisions related to licensing requirements, application contents, inspections, fees for licenses, annual reports, renewals, complaints, recordkeeping, and operations of permit holders authorized to engage in the management of depredating animals by use of aircraft. All fees and charges contained within the proposed rules are prescribed by SB 919.

### CONTACT PERSON:

Bennett Abbott, (405) 522-5803, bennett.abbott@ag.ok.gov

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

## SUBCHAPTER 3. AERIAL HUNTING

### 35:48-3-1. Definitions [REVOKED]

~~The following terms as used in this subchapter shall mean:~~

~~(1) "Depredating animal" means feral hogs, coyotes, and crossbreeds between coyotes and dogs;~~

~~(2) "Management of depredating animals" means to manage by counting, photographing, relocating, capturing, or hunting by the use of aircraft; and~~

~~(3) "Aircraft" means non fixed wing rotary aircraft only, so that lifting surfaces rotate on a vertical axis to generate lift and does not have a rear propeller that generates forward thrust. All aircraft shall be registered with the Federal Aviation Administration and shall be rated at a minimum of 200 horsepower with dual controls removed.~~

### 35:48-3-2. Permit required [REVOKED]

~~(a) The Oklahoma Department of Agriculture, Food, and Forestry is may issue an aerial hunting permit to any person~~

## Emergency Adoptions

who holds a big game commercial hunting area license issued pursuant to Section 4-106 of Title 29 of the Oklahoma Statutes to engage in the management of depredating animals by use of aircraft only on land listed in the commercial hunting area license.

(b) The aerial hunting permit may be issued without limitation by statewide season regulations or bag limits.

(c) The aerial hunting permit shall be carried in the aircraft when performing management of depredating animals by the use of aircraft.

### 35:48-3-3. Application requirements [REVOKED]

(a) Applications for an aerial hunting permit shall be submitted to the Department.

(b) The Department may issue an aerial hunting permit if it finds that it will aid in the management of depredating animals.

(c) The Department may deny an aerial hunting permit if it finds that it will have a deleterious effect on indigenous species.

(d) The aerial hunting permit shall include, but is not limited to, the following information:

- (1) The name and address of each authorized person;
- (2) A description of the animals and number of animals authorized to be taken;
- (3) A description of the area from which the animals are authorized to be taken; and
- (4) The issue date and expiration date of the aerial hunting permit.

(e) An aerial hunting permit to manage depredating animals issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance.

(f) An aerial hunting permit shall not be bartered or transferred to any other person.

(g) Aerial hunting permits may be renewed by filing an application for renewal with the Department at least thirty (30) days prior to the expiration date.

(h) The permittee shall carry a minimum of \$300,000 in liability insurance and shall provide proof of liability insurance at the time of application and renewal.

(i) The only firearm designated for aerial hunting is a shotgun firing pellet ammunition.

(j) Aerial hunting shall occur during daylight hours only.

### 35:48-3-4. Reporting requirements [REVOKED]

(a) The pilot of an aircraft used for the management of depredating animals shall:

- (1) Maintain a daily flight log and report.
- (2) Make the daily flight log current and available for inspection by authorized agents of the Oklahoma Department of Agriculture, Food, and Forestry employees at reasonable times.
- (3) Comply with all Federal Aviation Administration (FAA) regulations for the specific type of aircraft.
- (4) Hold a current pilot's certificate from the FAA.
- (5) Maintain a minimum current FAA class II medical.
- (6) Complete a minimum of 250 hours low level time for the aircraft type.

(b) The permit application and any required reporting may be transmitted to the Department by email with supporting written documentation.

(c) Copies of the required flight log and report shall be sent to the Department within thirty (30) days of flight activity.

(d) A permit holder shall notify the Department in writing of the date, time, and area where management of depredating animals by use of an aircraft will occur no less than twenty four (24) hours prior to the flight.

(e) The holder of a permit to manage depredating animals shall, within thirty (30) days following the end of a calendar quarter or upon termination of a permit, file with the Department a report showing:

- (1) The name, address, and permit number of the permit holder;
- (2) The name and address of the pilot and any other person participating in the flights;
- (3) The number and description of the depredating animals managed under the permit;
- (4) The types of depredating animals authorized to be managed under the permit;
- (5) Dates and times of authorized flights; and
- (6) Any other information requested by the Department.

### 35:48-3-5. Indigenous species [REVOKED]

The Commissioner of Agriculture shall appoint a Department representative to meet annually with representatives designated by the Director of the Oklahoma Department of Wildlife Conservation to determine if private aircraft activities have a "deleterious effect on indigenous species."

### 35:48-3-6. Purpose

These rules establish regulation and permitting requirements for aerial hunting for the management of depredating animals in Oklahoma pursuant to 29 O.S. § 4-107.2. The Oklahoma Department of Agriculture, Food, and Forestry shall administer the provisions of 29 O.S. § 4-107.2 in accordance with the Oklahoma Agricultural Code, 2 O.S. §§ 1-1 et seq., the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., and the procedural rules promulgated by the State Board of Agriculture found in Title 35 of the Oklahoma Administrative Code.

### 35:48-3-7. Definitions

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

**"Aerial hunting"** means the killing or taking of an animal from an aerial vehicle.

**"Aircraft"** means non-experimental manned fixed wing and non-fixed wing aircraft registered with the Federal Aviation Administration (FAA), suitable for safe aerial hunting operations, with dual controls removed.

**"Department"** means the Oklahoma Department of Agriculture, Food, and Forestry.

"Depredating animal" means feral hogs, coyotes, and crossbreeds between coyotes and dogs.

"Management by use of aircraft" means to manage depredating animals by counting, photographing, relocating, capturing, or hunting by the use of aircraft.

**35:48-3-8. Permit required**

(a) No person shall engage in management by use of aircraft without obtaining an aerial hunting permit issued by the Department.

(b) The aerial hunting permit shall be carried in the aircraft when performing management by the use of aircraft.

**35:48-3-9. Application requirements**

(a) Applications for an aerial hunting permit shall be submitted to the Department using the form prescribed by the Department.

(b) A person seeking an aerial hunting permit shall submit an application containing the following information:

(1) The name of the person seeking an aerial hunting permit;

(2) The address, telephone number, and other relevant contact information for the person seeking an aerial hunting permit;

(3) If the person seeking the aerial permit is a corporation or other legal entity, the address of the entity's registered service agent;

(4) The address, telephone number, and other relevant contact information for the pilot of the aircraft used for management by the use of aircraft;

(5) The address, telephone number, and other relevant contact information for the person or persons authorized to use a firearm on the aircraft;

(6) The address, telephone number, and other relevant contact information for the landowner for the area from which animals will be taken;

(7) A description of the animals and number of animals to be taken;

(8) A description of the area from which the animals will be taken;

(9) Proof of ownership or proof of the landowner's or lessee's permission to conduct aerial hunting on the area from which the animals will be taken;

(10) A description of the aircraft that will be used for management by the use of aircraft;

(11) If applicable, a description of the firearm and ammunition that will be used for management by the use of aircraft; and

(12) Proof of liability insurance with a minimum coverage of \$300,000.

(c) A permit holder shall be required to advise the Department of any changes in information submitted with the application no less than twenty-four (24) hours prior to engaging in management by the use of aircraft.

(d) If the applicant submits an incomplete application or the Department requests additional information, the Department

shall notify the applicant that the application is incomplete and identify the information on the application that is incomplete or needs additional information. The applicant may submit additional information within twenty (20) working days to supplement and complete the application. If the applicant does not respond to the request for additional information in a timely manner, the application shall be denied.

(e) The applicant may withdraw its application from consideration at any time.

(f) An applicant whose application is denied due to insufficient information provided by the applicant or the withdrawal of the application may submit a new application. Any fees and charges paid by the applicant in connection with the denied or withdrawn application shall not be applied to the processing of a new application.

(g) Aerial hunting permits may be renewed by filing an application for renewal with the Department at least thirty (30) days prior to the expiration date.

(h) Applications and renewals for aerial hunting permits shall be accompanied by the payment of any required fee.

**35:48-3-10. Permit issuance**

(a) The Department may issue an aerial hunting permit if it finds that it will aid in the management of depredating animals.

(b) The Department may deny an aerial hunting permit if it finds that it will have a deleterious effect on indigenous species.

(c) The Department may issue an aerial hunting permit to any person to engage in the management by use of aircraft without limitation by statewide season regulations or bag limits.

(d) The Department may place reasonable restrictions on the permit holder, including limitations on the type of aircraft, firearm, and ammunition used for aerial hunting or the management by use of aircraft, the number of animals to be taken, and such other limitations necessary for safety and for the effect on indigenous species.

(e) The aerial hunting permit shall include, but is not limited to, the following information:

(1) The name and address of the pilot authorized to operate the aircraft under the permit;

(2) The name and address of the person authorized to use firearms on the aircraft or otherwise engage in the management by use of aircraft;

(3) A description of the animals and number of animals authorized to be taken;

(4) A description of the area from which the animals are authorized to be taken;

(5) The issue and expiration date of the aerial hunting permit; and

(6) Any limitations placed on the permit holder by the Department.

(f) An aerial hunting permit to manage depredating animals issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance.

(g) An aerial hunting permit shall not be bartered or transferred to any other person.

## **Emergency Adoptions**

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### **35:48-3-11. Fees and charges**

(a) The Department shall charge the following nonrefundable aerial hunting permit fees:

- (1) Fee for an initial application: \$200.00; and
- (2) Fee for a renewal application: \$200.00.

### **35:48-3-12. Twenty-four hour notice**

(a) A permit holder shall notify the Department of the date, time, and area on which the management by use of aircraft will occur not less than twenty-four (24) hours prior to the activity.

(b) Twenty-four (24) hour notification shall be made by telephone, fax, or electronic means.

(c) Twenty-four (24) hour notification shall include a confirmation by the permit holder that all the information contained in the aerial hunting permit application is current and correct or shall provide new information and documentation if necessary.

(d) Twenty-four hour notification shall include the name and address of the pilot authorized to operate the aircraft under the permit and the name and address of the person authorized to use firearms on the aircraft or otherwise engage in the management by use of aircraft;

### **35:48-3-13. Quarterly reports**

A permit holder shall file a quarterly report with the Department within thirty (30) days of each calendar quarter or on the termination of the permit, whichever occurs first, that includes the following information:

- (1) The name, address, and permit number of the permit holder;
- (2) The name and address of the pilot and any other person participating in the flights;
- (3) The number and description of the depredating animals managed under the permit;
- (4) The types of depredating animals authorized to be managed under the permit;
- (5) Dates and times of authorized flights; and
- (6) Any other information required by the Department.

### **35:48-3-14. Prohibited activities**

A permit holder or pilot shall not:

(1) Hunt, shoot, shoot at, kill, or attempt to kill any wildlife, domesticated animal, or livestock from an aircraft other than the animals authorized by the aerial hunting permit;

(2) Intentionally disturb, haze, or buzz any wildlife, domesticated animal, or livestock from an aircraft other than the animals authorized by the aerial hunting permit;

(3) Take or attempt to take any depredating animal for any purpose other than is necessary for the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops;

(4) Manage depredating animals from an unsuitable aircraft;

(5) Manage depredating animals from an unmanned aerial vehicle;

(6) Manage depredating animals with a firearm other than a shotgun using pellet ammunition;

(7) Manage depredating animals during hazardous weather, low visibility or nighttime hours;

(8) Manage depredating animals during designated deer hunting seasons from the dates of October 1 through January 15 without first obtaining a special permit from the local game warden or other authorized employee of the Department of Wildlife Conservation; or

(9) Herd animals from one property to another without the permission of all landowners or lessees affected.

### **35:48-3-15. Complaints**

(a) On receipt of a valid written complaint alleging a violation of the statutes or rules relating to the management of depredating animals by use of aircraft, an authorized agent of the Department, a local law enforcement authority, or an inspector designated by the Department may investigate the alleged violation.

(b) Any person may submit a written and signed complaint to the Department alleging a violation of the statutes or rules relating to the management of depredating animals by use of aircraft.

(c) The resolution of a complaint is the completion of the appropriate administrative, jurisdictional, and legal remedies appropriate to the circumstances.

### **35:48-3-16. Inspections**

The Department may inspect any daily flight logs and other relevant books and records of the permit holder or pilot engaged in management by use of aircraft.

### **35:48-3-17. Grounds for denial, suspension, or revocation of a license**

The Department may deny, suspend, cancel, revoke, or refuse reissuance of a license of any applicant or permit who:

(1) Violates statutes or rules relating to the management of depredating animals by use of aircraft;

(2) Engages in fraud or deceit in obtaining or renewing a permit;

(3) Engages in management by use of aircraft in this state without a valid permit;

(4) Aids or abets another person in engaging in management by use of aircraft without a valid permit;

### **35:48-3-18. Sanctions for misconduct**

If the Department determines that a permit holder has violated the statutes relating to the management of depredating animals by use of aircraft, Department rules, or other applicable legal authorities, the Department may

(1) Refer the matter to the appropriate law enforcement authority for criminal prosecution; and/or

(2) Deny, suspend, cancel, revoke, or refuse reissuance of a permit after an administrative hearing conducted in a manner consistent with OAC 35:1-9-1 et seq.

- (3) Assess an administrative penalty of not more than Ten Thousand Dollars (\$10,000) per day of noncompliance; and
- (4) Bring an action for injunctive relief in District Court.

**35:48-3-19. Pilot and aircraft requirements**

- (a) Pilots shall possess a commercial license from the FAA.
- (b) Pilots shall possess a Class II medical certificate.
- (c) Pilots shall have documented experience of no less than 250 low-level flying hours in an agricultural environment or some equivalent.
- (d) Only passengers on an aircraft shall be permitted to use firearms.
- (e) Suitable aircraft eligible for aerial hunting activities shall be registered with the Federal Aviation Administration, and shall be:
  - (1) powered rotor aircraft, or
  - (2) a fixed, high wing aircraft with tandem seating with a rated stall speed of 50 mph or less.

[OAR Docket #13-1280; filed 11-8-13]

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

[OAR Docket #13-1263]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

- Subchapter 11. Insure Oklahoma IP
  - Part 3. Insure Oklahoma IP Member Health Care Benefits
    - 317:45-11-10. [AMENDED]
    - 317:45-11-11. [AMENDED]
    - 317:45-11-12. [REVOKED]
    - 317:45-11-13. [REVOKED]
  - Part 5. Insure Oklahoma IP Member Eligibility
    - 317:45-11-20. [AMENDED]
    - 317:45-11-21. [AMENDED]
    - 317:45-11-21.1. [REVOKED]
    - 317:45-11-24. [AMENDED]
  - Subchapter 13. Insure Oklahoma Dental Services
    - 317:45-13-1. [REVOKED]

(Reference APA WF # 13-16)

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1115 Demonstration Project No. 11-W00048/6

**DATES:**

**Adoption:**

October 10, 2013

**Approved by Governor:**

October 15, 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 Agency finds that a compelling public interest exists and finds that an imminent peril exists to the preservation of the public health, safety, or welfare which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to the Individual Plan policy. Revisions are aligned with Special Terms and Conditions of the 1115 Demonstration Waiver. These emergency rule revisions will ensure OHCA policy is in compliance with waiver guidelines.

**ANALYSIS:**

Insure Oklahoma (IO) rules are revised to align with the Special Terms and Conditions of the Section 1115 Demonstration Waiver. In accordance with waiver special terms and conditions, the federal government has approved a one year (calendar) extension of the IO program. Rules are revised to remove Individual Plan children (while retaining Employer Sponsored Insurance (ESI) children) and limit adult Individual Plan enrollment to persons with household income at or below 100 percent of FPL. Revisions also include changes to the Individual Plan copayment structure; copayments cannot exceed current federal maximums with the exception of emergency room (ER) visits in which case the existing copay for ER visits will remain at \$30.00.

**CONTACT PERSON:**

Tywanda Cox at (405)522-7153

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

**SUBCHAPTER 11. INSURE OKLAHOMA IP**

**PART 3. INSURE OKLAHOMA IP MEMBER HEALTH CARE BENEFITS**

**317:45-11-10. Insure Oklahoma IP adult benefits**

- (a) All IP adult benefits are subject to rules delineated in 317:30 except as specifically set out in this Section. The scope of IP adult benefits described in this Section is subject to specific non-covered services listed in 317:45-11-11.
- (b) A PCP referral is required to see any other provider with the exception of the following services:
  - (1) behavioral health services;
  - (2) prenatal and obstetrical supplies and services, meaning prenatal care, delivery and 60 days of postpartum care;
  - (3) family planning supplies and services, meaning an office visit for a comprehensive family planning evaluation, including obtaining a Pap smear;
  - (4) women's routine and preventive health care services;
  - (5) emergency medical condition as defined in 317:30-3-1; and
  - (6) services delivered to American Indians at Indian Health Service, tribal, or urban Indian clinics.
- (c) IP covered adult benefits for in-network services, and limits, and applicable co-payments are listed in this subsection. In addition to the benefit-specific limits, there is a maximum lifetime benefit of \$1,000,000. ~~Dependent children coverage is found at 317:45-11-12. Children are not held to the maximum lifetime benefit. Member cost sharing related to premium and co-payments cannot exceed federal maximums~~

## Emergency Adoptions

with the exception of emergency room visits, in which case the State establishes the maximum for member cost share. Native American adults providing documentation of ethnicity who receive items and services furnished by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services are exempt from co-payments. Coverage for IP services includes:

- (1) Anesthesia / Anesthesiologist Standby. Covered in accordance with 317:30-5-7. Eligible services are covered for covered illness or surgery including services provided by a Certified Registered Nurse Anesthetist (CRNA) or Anesthesiologist Assistant (AA).
- (2) Blood and Blood Products. Processing, storage, and administration of blood and blood products in inpatient and outpatient settings.
- (3) Chelation Therapy. Covered for heavy metal poisoning only.
- (4) Diagnostic X-ray, including Ultrasound. Covered in accordance with 317:30-5-22(b)(2). PCP referral is required. ~~Standard radiology (X ray or Ultrasound): \$0 co pay. Specialized scanning and imaging (MRI, MRA, PET, or CAT Scan); \$25 co pay per scan.~~
- (5) Emergency Room Treatment, services and supplies for treatment in an emergency. Contracted provider services are subject to a \$30 co-pay per occurrence. The emergency room co-pay will be waived if the member is admitted to the hospital or death occurs before admission.
- (6) Inpatient Hospital Benefits. Covered in accordance with 317:30-5-41, 317:30-5-47 and 317:30-5-95; ~~—\$50 co pay per admission.~~
- (7) Preventive Office Visit. For services of evaluation and medical management (wellness exam); one visit per year ~~with a \$10 co pay.~~ This visit counts as an office visit.
- (8) Office Visits/Specialist Visits. Covered in accordance with 317:30-5-9, 317:30-5-10, and 317:30-5-11. For services of evaluation and medical management; up to four visits are covered per month; PCP referral required for specialist visits; ~~\$10 co pay per visit.~~
- (9) Outpatient Hospital/Facility Services.
  - (A) Includes hospital surgery services in an approved outpatient facility including outpatient services and diagnostic services. Prior authorization required for certain procedures; ~~\$25 co pay per visit.~~
  - (B) Therapeutic radiology or chemotherapy on an outpatient basis without limitation to the number of treatments per month for persons with proven malignancies or opportunistic infections; ~~\$10 co pay per visit.~~
  - (C) Physical, Occupational and Speech Therapy services. Coverage is limited to one evaluation/re-evaluation visit (unit) per discipline per calendar year and 15 visits (units) per discipline per date of service per calendar year; ~~\$10 co pay per visit.~~
- (10) Maternity (Obstetric). Covered in accordance with 317:30-5-22. ~~Nursery care paid separately under eligible child; \$50 inpatient hospital co pay.~~

- (11) Laboratory/Pathology. Covered in accordance with 317:30-5-20; ~~\$0 co pay.~~
- (12) Mammogram (Radiological or Digital). Covered in accordance with 317:30-5-901; ~~\$0 co pay.~~
- (13) Immunizations. Covered in accordance with 317:30-5-2.
- (14) Assistant Surgeon. Covered in accordance with 317:30-5-8.
- (15) Dialysis, Kidney dialysis, and services and supplies, either at home or in a facility; ~~\$0 co pay.~~
- (16) Oral Surgery. Services are limited to the removal of tumors or cysts; ~~Inpatient Hospital \$50 or Outpatient Hospital/Facility; \$25 co pay applies.~~
- (17) Behavioral Health (Mental Health and Substance Abuse) Treatment (Inpatient). Covered in accordance with 317:30-5-95.1; ~~\$50 co pay per admission.~~
- (18) Behavioral Health (Mental Health and Substance Abuse) Treatment (Outpatient). Outpatient benefits are limited to 48 visits per calendar year. Additional visits may be approved as medically necessary.
  - (A) Agency services. Covered in accordance with 317:30-5-241 and 317:30-5-596; ~~\$10 co pay per visit.~~
  - (B) Individual provider services. Licensed Behavioral Health Professionals (LBHPs) are defined as follows for the purpose of Outpatient Behavioral Health Services and Outpatient Substance Abuse Treatment:
    - (i) Allopathic or Osteopathic Physicians with a current license and board certification in psychiatry or board eligible in the state in which services are provided, or a current resident in psychiatry practicing as described in 317:30-5-2.
    - (ii) Practitioners with a license to practice in the state in which services are provided or those actively and regularly receiving board approved supervision, and extended supervision by a fully licensed clinician if board's supervision requirement is met but the individual is not yet licensed, to become licensed by one of the licensing boards listed in (I) through (VI) below. The exemptions from licensure under 59 Okla. Stat. § 1353(4) and (5), 59 § 1903(C) and (D), 59 § 1925.3(B) and (C), and 59 § 1932(C) and (D) do not apply to Outpatient Behavioral Health Services.
      - (I) Psychology,
      - (II) Social Work (clinical specialty only),
      - (III) Professional Counselor,
      - (IV) Marriage and Family Therapist,
      - (V) Behavioral Practitioner, or
      - (VI) Alcohol and Drug Counselor.
    - (iii) Advanced Practice Nurse (certified in a psychiatric mental health specialty), licensed as a registered nurse with a current certification of recognition from the board of nursing in the state in which services are provided.
    - (iv) A Physician's Assistant who is licensed in good standing in this state and has received specific training for and is experienced in performing

mental health therapeutic, diagnostic, or counseling functions.

(v) LBHPs must have a valid Insure Oklahoma contract in order to bill for services rendered.

(vi) LBHP services require prior authorization and are limited to 8 therapy services per month per member and 8 testing units per year per member; ~~\$10 co-pay per visit.~~

(19) Durable Medical Equipment and Supplies. Covered in accordance with 317:30-5-210 through 317:30-5-218. A PCP referral and prior authorization is required for certain items. DME/Supplies are covered up to a \$15,000 annual maximum; exceptions from the annual DME limit are diabetic supplies, oxygen, home dialysis, and parenteral therapy; ~~\$5 co-pay for durable/non-durable supplies and \$25 co-pay for durable medical equipment.~~

(20) Diabetic Supplies. Covered in accordance with 317:30-5-211.15; not subject to \$15,000 annual DME limit; ~~\$5 co-pay per prescription.~~

(21) Oxygen. Covered in accordance with 317:30-5-211.11 through 317:30-5-211.12; not subject to \$15,000 annual DME limit; ~~\$5 co-pay per month.~~

(22) Pharmacy. Covered in accordance with 317:30-5-72.1 and 317:30-5-72. Prenatal vitamins and smoking cessation products do not count against monthly prescription limits; ~~\$5/\$10 co-pay per prescription.~~

(23) Smoking Cessation Products. Products do not count against monthly prescription limits. Covered in accordance with 317:30-5-72.1; ~~\$5/\$10 co-pay per product.~~

(24) Nutrition Services. Covered in accordance with 317:30-5-1076; ~~\$10 co-pay per visit.~~

(25) External Breast Prosthesis, Bras and Prosthetic Garments. Covered in accordance with 317:30-5-211.13; ~~\$25 co-pay per prosthesis.~~

(26) Surgery. Covered in accordance with 317:30-5-8; ~~\$50 co-pay per inpatient admission and \$25 co-pay per outpatient visit.~~

(27) Home Dialysis. Covered in accordance with 317:30-5-211.13; not subject to \$15,000 annual DME limit; ~~\$0 co-pay.~~

(28) Parenteral Therapy. Covered in accordance with 317:30-5-211.14; not subject to \$15,000 annual DME limit; ~~\$25 co-pay per month.~~

(29) Family Planning Services and Supplies, including Sterilizations. Covered in accordance with 317:30-3-57; ~~\$0 co-pay.~~

(30) Home Health and Medications, Intravenous (IV) Therapy and Supplies. Covered in accordance with 317:30-5-211.15 and 317:30-5-42.16(b)(3).

(31) Fundus photography.

(32) Perinatal dental care for pregnant women. Covered in accordance with 317:30-5-696; ~~\$0 co-pay.~~

**317:45-11-11. Insure Oklahoma IP adult non-covered services**

Certain health care services are not covered in the Insure Oklahoma IP adult benefit package listed in 317:45-11-10. These services include, but are not limited to:

- (1) services not considered medically necessary;
- (2) any medical service when the member refuses to authorize release of information needed to make a medical decision;
- (3) organ and tissue transplant services;
- (4) weight loss intervention and treatment including, but not limited to, bariatric surgical procedures or any other weight loss surgery or procedure, drugs used primarily for the treatment of weight loss including appetite suppressants and supplements, and/or nutritional services prescribed only for the treatment of weight loss;
- (5) procedures, services and supplies related to sex transformation;
- (6) supportive devices for the feet (orthotics) except for the diagnosis of diabetes;
- (7) cosmetic surgery, except as medically necessary and as covered in 317:30-3-59(19);
- (8) over-the-counter drugs, medicines and supplies except contraceptive devices and products, and diabetic supplies;
- (9) experimental procedures, drugs or treatments;
- (10) dental services (preventive, basic, major, orthodontia, extractions or services related to dental accident) except for pregnant women and as covered in 317:30-5-696;
- (11) vision care and services (including glasses), except services treating diseases or injuries to the eye;
- (12) physical medicine including chiropractic and acupuncture therapy;
- (13) hearing services;
- (14) transportation [emergency or non-emergency (air or ground)];
- ~~(15) rehabilitation (inpatient);~~
- ~~(16) cardiac rehabilitation;~~
- ~~(17) allergy testing and treatment;~~
- ~~(18) home health care with the exception of medications, intravenous (IV) therapy, supplies;~~
- ~~(19) hospice regardless of location;~~
- ~~(20) Temporomandibular Joint Dysfunction (TMD) (TMJ);~~
- ~~(21) genetic counseling;~~
- ~~(22) fertility evaluation/treatment/and services;~~
- ~~(23) sterilization reversal;~~
- ~~(24) Christian Science Nurse;~~
- ~~(25) Christian Science Practitioner;~~
- ~~(26) skilled nursing facility;~~
- ~~(27) long-term care;~~
- ~~(28) stand by services;~~
- ~~(29) thermograms;~~
- ~~(30) abortions (for exceptions, refer to 317:30-5-6);~~
- ~~(31) services of a Lactation Consultant;~~
- ~~(32) services of a Maternal and Infant Health Licensed Clinical Social Worker;~~
- ~~(33) enhanced services for medically high risk pregnancies as found in 317:30-5-22.1;~~
- ~~(34) ultraviolet treatment-actinotherapy; and~~
- ~~(35) private duty nursing.~~

## Emergency Adoptions

### 317:45-11-12. Insure Oklahoma IP children benefits [REVOKED]

(a) IP covered child benefits for in network services, limits, and applicable co payments are listed in this Subsection. All IP benefits are subject to rules delineated in 317:30 except as specifically set out in this Section. All services provided must be medically necessary as defined in 317:30-3-1(f). The scope of IP child benefits described in this Section is subject to specific non covered services listed in 317:45-11-13. Dependent children are not held to the maximum lifetime benefit of \$1,000,000. Native American children providing documentation of ethnicity are exempt from co payments.

Coverage includes:

- (1) Ambulance services. Covered as medically necessary; \$50 co pay per occurrence; waived if admitted.
- (2) Blood and blood products. Processing, storage, and administration of blood and blood products in inpatient and outpatient settings.
- (3) Chelation therapy. Covered for heavy metal poisoning only.
- (4) Chemotherapy and radiation therapy. Covered as medically necessary; \$10 co pay per visit.
- (5) Clinic services including renal dialysis services. Covered as medically necessary; \$0 co pay for dialysis services; \$10 co pay per office visit.
- (6) Diabetic supplies. One glucometer, one spring-loaded lancet device, two replacement batteries per year-100 glucose strips and lancets per month; not included in DME \$15,000 max/year; \$5 co pay per billable service. Additional supplies require prior authorization.
- (7) Diagnostic X ray services. Covered as medically necessary; \$25 co pay per scan for MRI, MRA, PET, CAT scans only.
- (8) Dialysis. Covered as medically necessary.
- (9) Durable medical equipment and supplies. Covered as medically necessary with \$15,000 annual maximum; \$5 co pay per item for durable/non durable supplies; \$25 co pay per item for DME.
- (10) Emergency department services. Covered as medically necessary; \$30 co pay per occurrence; waived if admitted.
- (11) Family planning services and supplies. Birth control information and supplies; pap smears; pregnancy tests.
- (12) Home health services. Home health visits limited to 36 visits per year, prior authorization required, includes medications IV therapy and supplies; \$10 co pay per visit, appropriate pharmacy and DME co pays will apply.
- (13) Hospice services. Covered as medically necessary, prior authorization required; \$10 co pay per visit.
- (14) Immunizations. Covered as recommended by ACIP; \$0 co pay.
- (15) Inpatient hospital services (acute care only). Covered as medically necessary; \$50 co pay per admission.
- (16) Laboratory services. Covered as medically necessary.
- (17) Psychological testing. Psychological, neurological and development testing; outpatient benefits per calendar

year, prior authorization required issued in four unit increments not to exceed eight units/hours per testing set; \$0 co pay.

(18) Mental health/substance abuse treatment outpatient. All outpatient benefits require prior authorization. Outpatient benefits limited to 48 visits per calendar year. Additional units as medically necessary; \$10 co pay per outpatient visit.

(19) Mental health/substance abuse treatment inpatient. Acute, detox, partial, and residential treatment center (RTC) with 30 day max per year, 2 days of partial or RTC treatment equals 1 day accruing to maximum. Additional units as medically necessary; \$50 co pay per admission. Requires prior authorization.

(20) Nurse midwife services. Covered as medically necessary for pregnancy related services only; \$0 co pay.

(21) Nutrition services. Covered as medically necessary; \$10 co pay.

(22) Nutritional support. Covered as medically necessary; not included in DME \$15,000 max/year. Parenteral nutrition covered only when medically necessary; \$25 co pay.

(23) Other medically necessary services. Covered as medically necessary.

(24) Oral surgery. Covered as medically necessary and includes the removal of tumors and cysts; \$25 co pay for outpatient; \$50 co pay for inpatient hospital.

(25) Outpatient hospital services. Covered as medically necessary and includes ambulatory surgical centers and therapeutic radiology or chemotherapy on an outpatient basis without limitation to the number of treatments per month for children with proven malignancies or opportunistic infections; \$25 co pay per visit; \$10 co pay per visit for therapeutic radiology or chemotherapy.

(26) Oxygen. Covered as medically necessary; not included in DME \$15,000 max/year; \$5 co pay per month.

(27) PCP visits. Blood lead screen covered as medically necessary. Hearing services limited to one outpatient newborn screening. Well baby/well child exams follow recommended schedule to age 19; \$0 co pay for preventive visits and well baby/well child exams; \$10 co pay for all other visits.

(28) Physical, occupational, and speech therapy. Covered as medically necessary. \$10 co pay per visit.

(29) Physician services, including preventive services. Covered as medically necessary; \$0 co pay for preventive visits; \$10 co pay for all other visits.

(30) Prenatal, delivery and postpartum services. Covered as medically necessary; \$0 co pay for office visits; \$50 co pay for delivery.

(31) Prescription drugs and insulin. Limited to six per month; generic preferred. Prenatal vitamins and smoking cessation products do not count toward the six prescription limit; \$5 \$10 co pay.

(32) Smoking cessation products. Limited coverage; 90 day supply; products do not count against prescription drug limit; \$5 \$10 co pay.

- (33) ~~Specialty clinic services.—Covered as medically necessary; \$10 co pay.~~
- (34) ~~Surgery.—Covered as medically necessary; \$25 co pay for outpatient facility; \$50 co pay for inpatient hospital.~~
- (35) ~~Tuberculosis services.—Covered as medically necessary; \$10 co pay per visit.~~
- (36) ~~Ultraviolet treatment actinotherapy.—Covered as medically necessary; prior authorization required after one visit per 365 sequential days; \$5 co pay.~~
- (b) ~~A PCP referral is required to see any other provider with the exception of the following services:~~
  - (1) ~~behavioral health services;~~
  - (2) ~~prenatal and obstetrical supplies and services, meaning prenatal care, delivery and 60 days of postpartum care;~~
  - (3) ~~family planning supplies and services, meaning an office visit for a comprehensive family planning evaluation, including obtaining a Pap smear;~~
  - (4) ~~women's routine and preventive health care services;~~
  - (5) ~~emergency medical condition as defined in 317:30-3-1; and~~
  - (6) ~~services delivered to American Indians at Indian Health Service, tribal, or urban Indian clinics.~~

**317:45-11-13. Insure Oklahoma IP children non-covered services [REVOKED]**

- ~~Certain health care services are not covered in the Insure Oklahoma IP benefit package for children listed in 317:45-11-12. These services include, but are not limited to:~~
- (1) ~~services not considered medically necessary;~~
  - (2) ~~any medical service when the member refuses to authorize release of information needed to make a medical decision;~~
  - (3) ~~organ and tissue transplant services;~~
  - (4) ~~weight loss intervention and treatment including, but not limited to, bariatric surgical procedures or any other weight loss surgery or procedure, drugs used primarily for the treatment of weight loss including appetite suppressants and supplements, and/or nutritional services prescribed only for the treatment of weight loss;~~
  - (5) ~~procedures, services and supplies related to sex transformation;~~
  - (6) ~~supportive devices for the feet (orthotics) except for the diagnosis of diabetes;~~
  - (7) ~~cosmetic surgery, except as medically necessary and as covered in 317:30-3-59(19);~~
  - (8) ~~over the counter drugs, medicines and supplies except contraceptive devices and products, and diabetic supplies;~~
  - (9) ~~experimental procedures, drugs or treatments;~~
  - (10) ~~transportation [non-emergency (air or ground)];~~
  - (11) ~~rehabilitation (inpatient);~~
  - (12) ~~cardiac rehabilitation;~~
  - (13) ~~allergy testing and treatment;~~
  - (14) ~~Temporomandibular Joint Dysfunction (TMD) (TMJ);~~

- (15) ~~genetic counseling;~~
- (16) ~~fertility evaluation/treatment and services;~~
- (17) ~~sterilization reversal;~~
- (18) ~~Christian Science Nurse;~~
- (19) ~~Christian Science Practitioner;~~
- (20) ~~skilled nursing facility;~~
- (21) ~~long-term care;~~
- (22) ~~stand-by services;~~
- (23) ~~thermograms;~~
- (24) ~~abortions (for exceptions, refer to 317:30-5-6);~~
- (25) ~~donor transplant expenses;~~
- (26) ~~tubal ligations and vasectomies; and~~
- (27) ~~private duty nursing.~~

**PART 5. INSURE OKLAHOMA IP MEMBER ELIGIBILITY**

**317:45-11-20. Insure Oklahoma IP eligibility requirements**

- (a) Working adults not eligible to participate in an employer's qualified health plan, employees of non-participating employers, self-employed, unemployed seeking work, workers with a disability, and qualified college students may apply for the Individual Plan. Applicants cannot obtain IP coverage if they are eligible for ESI. Applicants, unless a qualified college student, must be engaged in employment as defined under state law, must be considered self-employed as defined under federal and/or state law, or must be considered unemployed as defined under state law.
- (b) The eligibility determination will be processed within 30 days from the date the complete application is received. The applicant will be notified in writing of the eligibility decision.
- (c) In order to be eligible for the IP, the applicant must:
  - (1) choose a valid PCP according to the guidelines listed in 317:45-11-22, at the time they make application;
  - (2) be a US citizen or alien as described in 317:35-5-25;
  - (3) be an Oklahoma resident;
  - (4) provide social security numbers for all household members;
  - (5) be not currently enrolled in, or have an open application for SoonerCare or Medicare;
  - (6) be age 19 through 64 or an emancipated minor;
  - (7) make premium payments by the due date on the invoice;
  - (8) not have full-time employment with any employer who does not meet the eligible employer guidelines listed in 317:45-7-1(a) (1)-(2);
  - (9) be not currently covered by a private health insurance policy or plan; and
  - (10) provide in a timely manner any and all documentation that is requested by the Insure Oklahoma program by the specified due date.
- (d) If employed and working for an approved Insure Oklahoma employer who offers a qualified health plan, the applicant must meet the requirements in subsection (c) of this Section and:

## Emergency Adoptions

- (1) have annual gross household income at or below ~~250~~100 percent of the Federal Poverty Level. ~~The increase from 200 to 250 percent of the FPL will be phased in over a period of time as determined by the Oklahoma Health Care Authority.~~
  - (2) be ineligible for participation in their employer's qualified health plan due to number of hours worked.
  - (3) have received notification from Insure Oklahoma indicating their employer has applied for Insure Oklahoma and has been approved.
- (e) If employed and working for an employer who does not offer a qualified health plan, the applicant must meet the requirements in subsection (c) of this Section and have an annual gross household income at or below ~~250~~100 percent of the Federal Poverty Level. ~~The increase from 200 to 250 percent of the FPL will be phased in over a period of time as determined by the Oklahoma Health Care Authority.~~ The standard deduction for work related expenses such as income tax payments, Social Security taxes, and transportation to and from work, is \$240 per each full-time or part-time employed member.
- (f) If self-employed, the applicant must meet the requirements in subsection (c) of this Section and:
- (1) must have an annual gross household income at or below ~~250~~100 percent of the Federal Poverty Level. ~~The increase from 200 to 250 percent of the FPL will be phased in over a period of time as determined by the Oklahoma Health Care Authority.~~ No standard deduction for work related expenses such as income tax payments, Social Security taxes, and transportation to and from work may be made for self-employed individuals. Allowable Deductions for work related expenses for self-employed individuals, with the exception of the standard deduction, are found at 317:35-10-26(b)(1);
  - (2) verify self-employment and income by providing the most recent federal tax return with all supporting schedules and copies of all 1099 forms; and
  - (3) must not have full-time employment with any employer who does not meet the eligible employer guidelines listed in 317:45-7-1(a)(1)-(2).
- (g) If unemployed seeking work, the applicant must meet the requirements in subsection(c) of this Section and the following:
- (1) Applicant must have an annual gross household income at or below ~~250~~100 percent of the Federal Poverty Level. ~~The increase from 200 to 250 percent of the FPL will be phased in over a period of time as determined by the Oklahoma Health Care Authority.~~ In determining income, payments of regular unemployment compensation in the amount of \$25 per week ending June 30, 2010 and any amount of emergency unemployment compensation paid through May 31, 2010, will not be counted, as authorized under the American Recovery and Reinvestment Tax Act of 2009.
  - (2) Applicant must verify eligibility by providing a most recent copy of their monetary OESC determination letter and a most recent copy of at least one of the following:
    - (A) OESC eligibility letter,

- (B) OESC weekly unemployment payment statement, or
  - (C) bank statement showing state treasurer deposit.
- (h) If working with a disability, the applicant must meet the requirements in subsection (c) of this Section and:
- (1) Applicant must have an annual gross household income at or below ~~250~~100 percent of the Federal Poverty Level based on a family size of one. ~~The increase from 200 to 250 percent of the FPL will be phased in over a period of time as determined by the Oklahoma Health Care Authority.~~
  - (2) Applicant must verify eligibility by providing a copy of their:
    - (A) ticket to work, or
    - (B) ticket to work offer letter.
- (i) IP approved individuals must notify the OHCA of any changes, including household status and income, that might impact individual and/or dependent eligibility in the program within 30 calendar days of the change.

### 317:45-11-21. Dependent eligibility

- (a) If the spouse of an Insure Oklahoma IP approved individual is eligible for Insure Oklahoma ESI, they must apply for Insure Oklahoma ESI. Spouses cannot obtain Insure Oklahoma IP coverage if they are eligible for Insure Oklahoma ESI.
- (b) The employed or self-employed spouse of an approved applicant must meet the guidelines listed in 317:45-11-20 (a) through (g) to be eligible for Insure Oklahoma IP.
- (c) The dependent of an applicant approved according to the guidelines listed in 317:45-11-20(h) does not become automatically eligible for Insure Oklahoma IP.
- (d) The applicant and the dependents' eligibility are tied together. If the applicant no longer meets the requirements for Insure Oklahoma IP, then the associated dependent enrolled under that applicant is also ineligible.
- (e) Dependent college students must enroll under their parents and all annual gross household income (including parent income) must be included in determining eligibility. Independent college students may apply on their own without parent income included in the household. College student status as dependent or independent is determined by the student's current Free Application for Federal Student Aid (FAFSA). College students must also provide a copy of their current student schedule to prove full-time student status.
- (~~f~~) ~~Dependent children in families whose annual gross household income is from 185 up to and including 300 percent of the Federal Poverty Level may be eligible. The inclusion of children into the Insure Oklahoma program will be phased in over a period of time as determined by the OHCA. No other deductions or disregards apply.~~
  - (1) ~~Children found to be eligible for SoonerCare may not receive coverage through Insure Oklahoma.~~
  - (2) ~~Children are not eligible for Insure Oklahoma if they are a member of a family eligible for employer sponsored dependent health insurance coverage under any Oklahoma State Employee Health Insurance Plan.~~

(3) ~~Children who already have coverage through another source must undergo, or be excepted from, a six month uninsured waiting period prior to becoming eligible for Insure Oklahoma. Exceptions to the waiting period may include:~~

- ~~(A) the cost of covering the family under the ESI plan meets or exceeds 10 percent of the annual gross household income. The cost of coverage includes premiums, deductibles, co insurance, and co payments;~~
- ~~(B) loss of employment by a parent which made coverage available;~~
- ~~(C) affordable ESI is not available; "affordable" coverage is defined by the OHCA annually using actuarially sound rates established by the Oklahoma State and Education Employee Group Insurance Board (OSEEGIB); or~~
- ~~(D) loss of medical benefits under SoonerCare.~~

(f) IP approved individuals must notify the OHCA of any changes, including household status and income, that might impact individual and/or dependent eligibility in the program within 30 calendar days of the change.

**317:45-11-21.1. Certification of newborn child deemed eligible [REVOKED]**

(a) ~~A newborn child is deemed eligible on the date of birth for SoonerCare benefits when the child is born to a member of Insure Oklahoma IP and the annual gross household income does not exceed SoonerCare requirements. The newborn child is deemed eligible through the last day of the month the child attains the age of one year.~~

(b) ~~The newborn child's eligibility is not dependent on the mother's continued eligibility in Insure Oklahoma IP. The child's eligibility is based on the original eligibility determination of the mother for Insure Oklahoma IP and consideration is not given to any income or resource changes that occur during the deemed eligibility period.~~

(c) ~~The newborn child's certification period is shortened only in the event the child:~~

- ~~(1) loses Oklahoma residence; or~~
- ~~(2) expires.~~

(d) ~~No other conditions of eligibility are applicable, including social security number enumeration and citizenship and identity verification. However, it is recommended that social security number enumeration be completed as soon as possible after the child's birth.~~

**317:45-11-24. Member cost sharing**

(a) Members are given monthly invoices for health plan premiums. The premiums are due, and must be paid in full, no later than the 15th day of the month prior to the month of IP coverage.

- (1) Members are responsible for their monthly premiums, in an amount not to exceed four percent of their monthly gross household income.
- (2) Working disabled individuals are responsible for their monthly premiums in an amount not to exceed four percent of their monthly gross household income, based

on a family size of one and capped at ~~250~~100 percent of the Federal Poverty Level. The increase from 200 to 250 percent of the FPL will be phased in over a period of time as determined by the Oklahoma Health Care Authority.

(3) Native Americans providing documentation of ethnicity are exempt from premium payments.

(b) IP coverage is not provided until the premium and any other amounts due are paid in full. Other amounts due may include but are not limited to any fees, charges, or other costs incurred as a result of Insufficient/Non-sufficient funds.

**SUBCHAPTER 13. INSURE OKLAHOMA DENTAL SERVICES**

**317:45-13-1. Dental services requirements and benefits [REVOKED]**

~~The Oklahoma Health Care Authority (OHCA) provides dental services to children who qualify for the Insure Oklahoma Individual Plan (IP). Dental coverage is obtained through direct purchase from the OHCA. The existing cost sharing requirements for IP qualified children apply. Native Americans children providing documentation of their ethnicity are exempt from dental co pay requirements. Children obtaining medical coverage through IP receive Dental IP coverage. The OHCA contracts with Dental IP providers utilizing the SoonerCare network. The Dental IP providers are reimbursed pursuant to the SoonerCare fee schedule for rendered services.~~

(1) ~~The Dental IP program is covered as medically necessary and includes coverage for Class A, B, C, and orthodontia services. All coverage is provided as necessary to prevent disease, promote and restore oral health, and treat emergency conditions. Dental services follow the American Academy of Pediatric Dentistry (AAPD) periodicity schedule. Prior authorization is required for certain services.~~

(2) ~~Class A services are covered as medically necessary and include preventive, diagnostic care such as cleanings, check ups, X rays, and fluoride treatments, no co pay is required.~~

(3) ~~Class B services are covered as medically necessary and include basic, restorative, endodontic, periodontic, oral and maxillofacial surgery care such as fillings, extractions, periodontal care, and some root canal, \$10 co pay is required.~~

(4) ~~Class C services are covered as medically necessary and include major, prosthodontics care such as crowns, bridges and dentures, \$25 co pay is required.~~

(5) ~~Class D services are covered as medically necessary and include orthodontic care. Orthodontic care is not covered for cosmetic purposes or any purposes which are not medical in nature, \$25 co pay is required.~~

(6) ~~Emergency dental services are covered as medically necessary, no co pay is required.~~

*[OAR Docket #13-1263; filed 10-31-13]*

# Emergency Adoptions

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

[OAR Docket #13-1264]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions

Part 1. Licensing Services-Child Care

340:110-1-8.1 [AMENDED]

340:110-1-10.1 [AMENDED]

Part 3. Licensing Services-Residential Care and Agencies

340:110-1-51 [AMENDED and RENUMBERED to OAC 340:110-1-8.1]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 1. Requirements for Child Care Centers

340:110-3-2 through 340:110-3-3 [AMENDED]

340:110-3-5 [AMENDED]

340:110-3-6 [AMENDED]

340:110-3-7.1 [AMENDED]

340:110-3-10 [AMENDED]

340:110-3-33.2 [AMENDED]

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

340:110-3-36 through 340:110-3-37 [AMENDED]

340:110-3-39 [AMENDED]

340:110-3-41 through 340:110-3-42 [AMENDED]

Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes

340:110-3-81 through 340:110-3-82 [AMENDED]

340:110-3-85 [AMENDED]

340:110-3-88 [AMENDED]

340:110-3-97.1 [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-146 through 340:110-3-147 [AMENDED]

340:110-3-150 [AMENDED]

340:110-3-153.1 [AMENDED]

340:110-3-154 [AMENDED]

340:110-3-168 [AMENDED]

Part 14. Requirements for School-Age Programs

340:110-3-221 through 340:110-3-223 [AMENDED]

340:110-3-225 through 340:110-3-226 [AMENDED]

340:110-3-228 [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 1. Requirements for Child-Placing Agencies

340:110-5-3 through 340:110-5-4 [AMENDED]

340:110-5-8 [AMENDED]

340:110-5-12 [AMENDED]

Part 5. Requirements for Foster Home Agencies

340:110-5-57 [AMENDED]

(Reference APA WF 13-05)

### AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Senate Bill 917; Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.; and Oklahoma Department of Labor Child Labor Law, 40 O.S. §§ 70 and 77.

### DATES:

#### Adoption:

September 24, 2013

#### Approved by Governor:

On October 15, 2013 except for 340:110-1-51 & 340:110-5-12 which were approved by Governor on October 29, 2013

#### Effective:

November 1, 2013

#### 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:

Emergency rulemaking approval is requested to comply with: (1) legislation as a result of amendments to Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), the Oklahoma Child Care Facilities Licensing Act (Licensing Act); and (2) 40 O.S. §§ 70 and 77 per Oklahoma Department of Labor Child Labor Law. Emergency rulemaking approval is requested effective November 1, 2013.

### ANALYSIS:

The proposed amendments reflect revisions to rules per the Oklahoma Child Care Licensing Facilities Act as a result of Senate Bill (SB) 917. SB 917 amended statute with regard to: (1) provisions for fingerprinting processes and procedures relating to licensed child care facilities; (2) definitions for responsible entity and specialized services professionals; (3) clarifying rap back definition and unsupervised access to children; and (4) requiring parent notification when volunteers, who transport on an irregular basis, or specialized service professionals may not have been fingerprinted.

Revisions also remove the category of teen aides for child care center and school-age programs. Oklahoma Child Care Services (OCCS) was contacted by Oklahoma Department of Labor on May 17, 2013, regarding teen aide licensing requirements for child care centers and school-age programs. The teen aide category is being removed in response to clarification received from Oklahoma Department of Labor and also OKDHS Legal Services review of this language.

### CONTACT PERSON:

Dena Thayer at 405-521-4326

**DUE TO EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT THE DEPARTMENT OF HUMAN SERVICES, SEQUOYAH BUILDING, OKLAHOMA CITY AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., SECTION 255(B):**

### SUMMARY:

OAC 340:110-1-8.1 is amended to reflect revisions to division policy regarding fingerprinting.

OAC 340:110-1-10.1 is amended to reflect revisions to division policy regarding fingerprinting.

OAC 340:110-1-51 is amended and renumbered to OAC 340:110-1-8.1.

OAC 340:110-3-2 is amended to define specialized services professionals, define unsupervised access to children, remove definition of teen aides, and align program definitions.

OAC 340:110-3-3 is amended to reflect clarified definitions.

OAC 340:110-3-5 is amended to reflect revised rule section citations.

OAC 340:110-3-6 is amended to require parental notification when applicable regarding specialized services professionals and volunteers transporting on an irregular basis. Amendments also revise maintenance of personnel records regarding rule revisions associated with fingerprinting and remove reference to teen aide category and records.

OAC 340:110-3-7.1 is amended to reflect requirements for facilities regarding fingerprinting processes and procedures and remove category of teen aides.

OAC 340:110-3-10 is amended to reflect revised rule section citations.

OAC 340:110-3-33.2 is amended to reflect revised rule section citations.

OAC 340:110-3-36 is amended to define specialized services professionals, unsupervised access to children, and align program definitions.

OAC 340:110-3-37 is amended to reflect clarified definitions.

OAC 340:110-3-39 is amended to reflect revised rule section citations.

OAC 340:110-3-41 is amended to require parental notification when applicable regarding specialized services professionals and volunteers transporting on an irregular basis. Amendments also revise maintenance of personnel records regarding rule revisions associated with fingerprinting.

OAC 340:110-3-42 is amended to reflect requirements for facilities regarding fingerprinting processes and procedures.

OAC 340:110-3-81 is amended to define specialized services professionals, unsupervised access to children, and align program definitions.

OAC 340:110-3-82 is amended to reflect clarified definitions.

OAC 340:110-3-85 is amended to reflect requirements for facilities regarding fingerprinting processes and procedures.

OAC 340:110-3-88 is amended to require parental notification when applicable regarding specialized services professionals and volunteers

transporting on an irregular basis. Amendments also revise maintenance of personnel records regarding rule revisions associated with fingerprinting.

OAC 340:110-3-97.1 is amended to reflect revised rule section citations.

OAC 340:110-3-146 is amended to define specialized services professionals and align program definitions.

OAC 340:110-3-147 is amended to reflect clarified definitions.

OAC 340:110-3-150 is amended to reflect clarified definitions.

OAC 340:110-3-153.1 is amended to reflect requirements for facilities regarding fingerprinting processes and procedures. Amendments also revise maintenance of personnel records regarding rule revisions associated with fingerprinting.

OAC 340:110-3-154 is amended to require parental notification when applicable regarding specialized services professionals and volunteers transporting on an irregular basis.

OAC 340:110-3-168 is amended to revise language as hospitals contracting with Oklahoma Health Care Authority are no longer exempt from submission of criminal history records to Licensing Records Office.

OAC 340:110-3-221 is amended to define specialized services professionals, define unsupervised access to children, remove definition of teen aides, and align program definitions.

OAC 340:110-3-222 is amended to reflect clarified definitions.

OAC 340:110-3-223 is amended to reflect revised rule section citations.

OAC 340:110-3-225 is amended to require parental notification when applicable regarding specialized services professionals and volunteers transporting on an irregular basis. Amendments also revise maintenance of personnel records regarding rule revisions associated with fingerprinting and remove reference to teen aide category and records.

OAC 340:110-3-226 is amended to reflect requirements for facilities regarding fingerprinting processes and procedures and remove category of teen aides.

OAC 340:110-3-228 is amended to reflect revised rule section citations.

OAC 340:110-5-3 is amended to define specialized services professionals and align program definitions.

OAC 340:110-5-4 is amended to reflect clarified definitions.

OAC 340:110-5-8 is amended to reflect requirements for facilities regarding fingerprinting processes and procedures.

OAC 340:110-5-12 is amended to revise maintenance of personnel records regarding rule revisions associated with fingerprinting.

OAC 340:110-5-57 is amended to reflect revised rule section citations.

[OAR Docket #13-1264; filed 11-1-13]

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

[OAR Docket #13-1262]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

475:55-1-3. Pharmacy requirements [AMENDED]

475:55-1-5. Electronic Reporting [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

DATES:

Adoption:

October 7, 2013

Approved by Governor:

October 29, 2013

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The compelling extraordinary circumstance that requires these rule amendments came from the Oklahoma Court of Criminal Appeals. In Angela Michelle Wolf v. State of Oklahoma, 2012 OK CR 16, the Court of Criminal Appeals held the criminal provisions of the Oklahoma Methamphetamine Offender Registry Act, 63 O.S. §2-701 to be unconstitutional because the Act lacks a notice requirement. As a result, House Bill 2217, signed by the Governor on April 29, 2013, added notification elements to the statutes, which go into effect November 1, 2013. The amendments to the rules explain how these notification procedures are to take place.

ANALYSIS:

475:55-1-3. Pharmacy requirements [AMENDED] - Adds section addressing notification requirements prior to the purchase of pseudoephedrine products.

475:55-1-5. Electronic Reporting [AMENDED] - Adds requirement to have a person attest that they are not subject to the Methamphetamine Registry Act before they can purchase pseudoephedrine products.

CONTACT PERSON:

Marie Schuble, 405-521-2885

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):

475:55-1-3. Pharmacy requirements

(a) Schedule V pseudoephedrine substances may be sold only in licensed pharmacies that are registered with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. These substances, as a special class of Schedule V controlled substances, shall be kept in a locked environment (shelving unit, safe, cabinet, etc.) that is within view of the pharmacy, or behind the pharmacy counter. As specified in 63 OS, 2-303 (1), 2-304 (A)-4, and OAC 475:20-1-2, the pharmacist and those with access to pseudoephedrine products will have an affirmative duty to guard against the theft and diversion of these products.

(b) Pharmacies that sell, distribute or otherwise deliver Schedule V pseudoephedrine substances must post a sign, provided by the Oklahoma Bureau of Narcotics, in a conspicuous area in or around the pharmacy, to inform persons obtaining pseudoephedrine about the provisions of the Oklahoma Methamphetamine Offender Registry Act, 63 O.S. §2-701, that prohibit any person who, after November 1, 2010, that has been convicted, pled guilty or no contest, or otherwise on that date was serving any sentence for a methamphetamine related offense, from purchasing or possessing a product containing any amount of pseudoephedrine. Alternatively, the above notification may be presented to the purchaser by electronic means. A purchaser must attest, by signature, in written or electronic form, that they are not subject to the Oklahoma Methamphetamine Offender Registry Act, as summarized above, prior to purchase of any pseudoephedrine products. The pharmacy must maintain those signatures for a period of two (2) years from the date of signature.

## Emergency Adoptions

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### 475:55-1-5. Electronic Reporting

Pharmacists or other authorized persons who sell Schedule V pseudoephedrine products shall exercise reasonable care in assuring that the purchaser has not exceeded the three and six-tenths (3.6) gram limit per day, the seven and two-tenths (7.2) gram limit for a thirty (30) day period or the sixty (60) gram limit for a twelve (12) month period. The pharmacist or other authorized person must utilize the real-time electronic pseudoephedrine tracking system as set forth pursuant to 63 O.S. §2-341 and the Methamphetamine Registry as set forth pursuant to 63 O.S. §2-701. The following provisions are necessary for compliance with this system:

- (1) All pseudoephedrine transactions regulated by Oklahoma law must be approved through submitting the request to the electronic log and Methamphetamine Registry;
- (2) Pseudoephedrine products regulated by Oklahoma law will only be sold to customers who present a valid form of identification and who attest that they are not subject to the Oklahoma Methamphetamine Offender Registry Act;
- (3) The customer information must be the same as that on the presented identification, and shall include the following information (fields that are required for submitting information as required by Oklahoma law):
  - (A) Pharmacy identification;
  - (B) Identification number;
  - (C) Last name;
  - (D) First name;
  - (E) Purchase quantity (in grams);
  - (F) Initials of the pharmacist or other authorized person conducting the transaction;
  - (G) Product name;
  - (H) Form of pseudoephedrine if it is liquid or gel-caps;
  - (I) Customer's street address;
  - (J) Customer's current city, state, and zip code; and
  - (K) Date of birth.
- (4) If at any time a pharmacist or other authorized person discovers that the electronic log is unavailable or that the information submitted to the electronic log is inaccurate, the authorized person may continue regulated transactions for twenty-four (24) hours, provided that all sales are manually recorded. The authorized person shall suspend all sales if the reporting problem is not corrected within twenty-four (24) hours of discovery. Regulated sales may be resumed only when the reporting problem is corrected and all manually recorded sales are correctly submitted to the electronic log.

*[OAR Docket #13-1262; filed 10-30-13]*

## TITLE 595. DEPARTMENT OF PUBLIC SAFETY

### CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

*[OAR Docket #13-1254]*

#### RULEMAKING ACTION:

EMERGENCY adoption

#### RULES:

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

Part 3. Driver License Renewal

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

#### AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

#### DATES:

##### Adoption:

September 9, 2013

##### Approved by Governor:

October 15, 2013

##### Effective:

Immediately upon the Governor's approval

##### Expiration:

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

#### SUPERSEDED EMERGENCY ACTIONS:

Not applicable

#### INCORPORATION BY REFERENCE:

Not applicable

#### FINDING OF EMERGENCY:

This rule is of compelling public interest to protect the public health, safety and welfare of Oklahoma motorists as it relates to the operation of motor vehicles upon the public roadways and to comply with provisions of House Bill 1082 passed by the 54th Legislature and signed into law by the Governor on April 22, 2013. This bill will become effective November 1, 2013.

#### ANALYSIS:

595:10-1-10 is amended to allow persons to use as a valid proof of identification, an expired Oklahoma driver license as long as the expiration period is one (1) year or less. The rule further clarifies if a license is expired for more than one (1) year and the issue date of the license was before 11/01/2007, the holder of the license must show proof of legal presence in this country.

#### CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

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

### SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD

#### PART 3. DRIVER LICENSE RENEWAL

**595:10-1-10. Procedure for obtaining a renewal driver license.**

(a) **General requirements.** During the month of expiration or as provided in (d) of this Section, each licensee shall present proper identification and pay the required fee to a Motor License Agent or to the Driver License ~~Examining Services~~ Division of the Department of Public Safety for renewal of the driver license of the licensee. Failure to renew a driver license by the end of the month of expiration shall not relieve the person of the obligation to renew his or her driver license under the provisions required by law and this Section if the person wishes to keep his or her driver license in force.

(b) **Required identification.**

(1) **Renewal with valid and unexpired driver license.** The valid and unexpired Class D license provided as the primary identification may be retained by the licensee, after the motor license agent has first punched a hole through the identification number of the license. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(4).

(2) **Renewal with an expired driver license.** The expired Class D driver license provided as the primary identification may be retained by the licensee, after the motor license agent has first punched a hole through the identification number of the license. The person shall provide primary identification as prescribed in OAC 595:10-1-3(b)(2), as appropriate. Any applicant with a license expired more than one (1) year past the expiration date and the original issue date was before 11/01/2007 must show proof of legal presence in this country. If the motor license agent's operator is not Birth Certificate certified the applicant must go to an agent who is certified or they must see a Driver License Examiner.

(3) **Renewal without driver license.** Any person who does not have the valid and unexpired driver license shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(c) **Vision examination.** Persons holding a commercial driver license shall, upon renewal, meet the vision standards established in OAC 595:10-5-7 and 49 C.F.R., ~~§391.41~~ § 391.41.

(d) **Limitations to issuance of a renewal driver license.**

(1) A renewal driver license will be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation or denial and who complies with this Section.

(2) Any applicant who requests a renewal of his or her driver license when the license has been expired in excess of three (3) years is required to appear before a Driver License Examiner, pursuant to OAC 595:10-1-2.

(e) **Early renewal of a driver license.** Any licensee may renew his or her driver license no more than one (1) year prior to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-18.

(f) **Change of driver license number.** (1) Use of the licensee's Social Security number as the driver license number is prohibited. At the time of renewal, any licensee whose driver license number is his or her ~~social security~~ Social Security number shall inform the Department or the motor license agent of that fact. If the numbers are the same, a new driver license number will be assigned for the licensee by computer [47 O.S. § 6-106(B)].

(2) Any licensee may request to change his or her driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement license [see OAC 595:10-1-18 regarding replacement driver licenses].

(g) **Persons who may appear before a motor license agent.** An individual who has previously held an Oklahoma Class D driver license ~~which~~ that has been surrendered to another state in exchange for the other stat's license, may apply directly to a motor license agent for reactivation of the previous Oklahoma Class D license, upon establishing Oklahoma residence and following the applicable procedure for renewal. The agent shall call the Driver License Services Division and request clearance to issue the license. Any applicant with a license expired more than one (1) year past the expiration date and the original issue date was before 11/01/2007 must show proof of legal presence in this country. If the motor license agent's operator is not Birth Certificate certified the applicant must go to an agent who is certified or they must see a Driver License Examiner. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license. If the out of state license has been lost or destroyed, the person shall provide to a motor license agent a notarized affidavit of that fact. In no case shall the out of state driver license be retained by the person when an Oklahoma license has been issued to the person. The agent shall retain the license and submit it to the Department with the agent's report. If clearance is not given, the person shall be informed to contact the state whose action is causing the clearance to be withheld.

(h) **Persons unable to appear due to medical situation.** An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to renew his or her driver license, in which case the Department shall issue by mail an identification card to the person and shall not issue a driver license. The driver license shall be surrendered by the individual to the Department prior to issuance of the identification card. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

*[OAR Docket #13-1254; filed 10-28-13]*

# Emergency Adoptions

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

[OAR Docket #13-1255]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

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

Part 7. Identification Cards

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

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

**DATES:**

**Adoption:**

September 9, 2013

**Approved by Governor:**

October 15, 2013

**Effective:**

Immediately upon the Governor's approval

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

Not applicable

**INCORPORATION BY REFERENCE:**

Not applicable

**FINDING OF EMERGENCY:**

The rule is of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and is necessary to comply with the provisions of Senate Bill 966 passed by the first session of the 54th Legislature and signed into law on April 22, 2013. The bill becomes effective November 1, 2013.

**ANALYSIS:**

This rule is required to implement the provision of Senate Bill 966 allowing a notarized affidavit in lieu of a legal

**CONTACT PERSON:**

Kimberly D. Dammien, DPS Legislative Services manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2140. E-mail: kdammien@dps.state.ok.us

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

### SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD

#### PART 7. IDENTIFICATION CARDS

**595:10-1-25. Procedure for obtaining an identification card.**

(a) A person wishing to obtain an identification card shall appear before a Driver License Examiner or, if the applicant has been issued a computerized format (digital) driver license for a t least thirty (30) days, may appear before a motor license

agent. The applicant shall be required to furnish the same acceptable means of identification as when applying for a driver license [see ~~OCAOAC~~ 595:10-1-3(b) regarding identification documents required] and complete the application form unless the applicant has been previously issued an original Oklahoma driver license on or after November 1, 2007.

(b) If appearing before a driver License Examiner, the Examiner will complete and, if appropriate, will approve the identification card application. A DL-10 form will be processed for the applicant. The applicant shall take the DL-10 form, along with the identification presented to the Driver License Examiner at application time, to a motor license ~~agency~~ agent and pay the required fee. If applicant is under age eighteen (18) and has not been issued a computerized format (digital) driver license for at least thirty (30) days, may submit a notarized affidavit signed by a custodial legal parent or legal guardian in lieu of custodial legal parent or legal guardian appearing in person and signing application. [47 O.S. § 6-105.3(A)].

(c) When appearing before a motor license agent, the agent shall process the application for the applicant, collect the required fee from the applicant, and issue the identification card to the applicant.

(d) An identification card may be issued as prescribed in OAC 595:10-1-10(h) and 10-1-18(g).

(e) Identification card numbers will be assigned by computer. Use of the applicant's Social Security number is prohibited [47 O.S. §§ 6-105(H) and 6-106(B)].

(f) An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to renew his or her identification card, in which case the Department shall issue by mail an identification card to the person. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

[OAR Docket #13-1255; filed 10-28-13]

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

[OAR Docket #13-1257]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

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

Part 13. Motor License Agents

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

**AUTHORITY**

Commissioner of Public Safety, 47 O.S. § 6-101 et seq.

**DATES:**

**Adoption:**

September 17, 2013

**Approved by Governor:**

October 15, 2013

**Effective:**

Immediately upon the Governor's approval

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

Not applicable.

**INCORPORATION BY REFERENCE:**

Not applicable.

**FINDING OF EMERGENCY:**

This rule is of compelling public interest to protect the public health, safety and welfare of Oklahoma motorists as it relates to the operation of motor vehicles upon the public roadways and to comply with provisions of House Bill 1082 passed by the 54th Legislature and signed into law by the Governor on April 22, 2013. This bill will become effective November 1, 2013.

**ANALYSIS:**

House Bill 1082 provides the use of an expired driver license or Oklahoma identification card as identification for renewal purposes provided the expiration is not later than one (1) year past the original expiration date of the card. This rule allows motor license agents to accept the expired identification for the purposes of renewal.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave, Robert R. Lester Training Center, Room 232, PO Box 11415, Oklahoma City, Ok 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

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

**SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD**

**PART 13. MOTOR LICENSE AGENTS**

**595:10-1-56. Renewal of driver license or identification cards**

(a) **Normal renewal procedure.** If an applicant presents proper identification [see OAC 595:10-1-51 regarding identification documents required], the agent may accept the required remittance for the class of driver license or the identification card being issued, make any changes necessary that have been authorized and issue the driver license or identification card. If the licensee presents an Oklahoma driver license or the card holder presents an Oklahoma identification card as a form of identification, the agent shall;

- (1) for a Class D licensee or identification card holder, return the expired license or card, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent's regular reports to the Driver License Examining Services Division of the Department, or
- (2) for a Class A, B, or C commercial licensee, the license shall be surrendered by the licensee to the motor

license agent, and the agent shall retain the license and return it with the agent's regular reports to the Driver License Examining Services Division of the Department.

(b) **Early renewal.** An individual may make application for the renewal of his or her license or card not more than one (1) year prior to the expiration date of the license or card. If the application for renewal occurs more than one (1) year prior to the expiration date, the agent shall notify the individual that the transaction must be treated as a replacement under the provisions of OAC 595:10-1-57. The agent shall;

- (1) for a Class D licensee or identification card holder, return the expired license or card, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent's regular reports to the Driver License Examining Services Division of the Department, or
- (2) for a Class A, B, or C commercial licensee, the license shall be surrendered by the licensee to the motor license agent, and the agent shall retain the license and return it with the agent's regular reports to the Driver License Examining Services Division of the Department.

(c) **Late renewal.** An individual who makes application for renewal but whose license or card has been expired in excess of three (3) years shall be referred by the agent to a Driver License Examiner.

(d) **Renewal of expired license.** The holder of an Oklahoma driver license or identification card which has expired more than ~~30 days~~ **one (1) year** shall be required to show proof of lawful presence in the United States to the motor license agency in order to renew the license or card. Any motor license agent who has been certified by the Department to identify state certified birth certificates may renew an expired license or card by entering the certificate information in the computer. If the agent has not been certified by the Department, the agent shall refer the applicant to a Driver License Examiner to show proof of lawful presence in the United States.

(e) **Persons temporarily out of state.** The holder of an unexpired Oklahoma driver license or identification card who is temporarily out of the state of Oklahoma and who wishes to renew or replace the license or card by mail shall be referred to the Driver License Examining Services Division of the Department of Public Safety or the Department of Public Safety website.

(f) **Previous Oklahoma licensees and card holders.** An individual who has previously held an Oklahoma Class D driver license which has been surrendered to another state in exchange for the other state's license or who has previously held an Oklahoma identification card which has expired, may apply directly to a motor license agent for reactivation of the previous Oklahoma license or identification card, upon establishing Oklahoma residence and following the applicable procedures for renewal. Before attempting to issue a driver license under this subsection, the agent shall call the Driver License Examining Services Division and request clearance to issue the license. If clearance is not given, the person shall be informed to contact the state whose action is causing the

# Emergency Adoptions

clearance to be withheld. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license or card. If the out of state license has been lost or destroyed, the person shall provide to the motor license agent a notarized affidavit of that fact. The agent shall retain the license or affidavit, as applicable, and submit it to the Department with the agent's report. This procedure applies to a Class D driver license or identification card only.

(g) **Commercial driver license renewal.** The holder of a Class A, B, or C commercial driver license shall appear before a Driver License Examiner for renewal.

[OAR Docket #13-1257; filed 10-28-13]

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

[OAR Docket #13-1256]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 5. Medical Aspects

Part 1. Medical Conditions

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

### AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

### DATES:

#### Adoption:

September 9, 2013

#### Approved by Governor:

October 15, 2015

#### Effective:

Immediately upon Governor approval

#### Expiration:

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

### SUPERSEDED EMERGENCY ACTIONS:

Not Applicable

### INCORPORATION BY REFERENCE:

Not Applicable

### FINDING OF EMERGENCY:

The rule is required to implement the provisions of Senate Bill 1354 relating to the use of bioptic telescopic devices, which became effective November 1, 2012.

The rule implements the provisions of Senate Bill 1354 that shall provide an opportunity for individuals who use a bioptic telescopic device and can successfully pass the necessary tests and examinations with the use of a bioptic telescopic device to drive a Class D motor vehicle.

### ANALYSIS:

Amendment to this chapter will provide individuals using a bioptic telescopic device an opportunity to test for the issuance of a restricted Oklahoma Driver License.

The proposed action is amending existing rules.

The circumstances which created the need for these rules are discussed in the Finding of Emergency section above.

The rule implements the provisions of Senate Bill 1354 (2012) regarding individuals using a bioptic telescopic device to aid the driver while driving.

### CONTACT PERSON:

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

## SUBCHAPTER 5. MEDICAL ASPECTS

### PART 1. MEDICAL CONDITIONS

#### 595:10-5-7. Vision standards and problems

##### (a) Acuity.

(1) A person may be considered for a Class D driver license if the visual acuity is:

(A) Twenty/sixty (20/60) or better in both eyes, with or without corrective lenses.

(B) Twenty/fifty (20/50) or better in one eye, with or without corrective lenses.

(C) Any person not meeting the requirements in (A) or (B) of this paragraph may apply for a restricted driver license with such restrictions as speed limit, locale, and time, if the visual acuity is no worse than twenty/one hundred (20/100) in one eye or both eyes, with or without corrective lenses.

(2) A person may be considered for a Class A, B, or C intrastate commercial driver license if the visual acuity in one eye alone or with both eyes is ~~twenty-four~~ twenty/forty (20/40) or better, with or without corrective lenses.

##### (b) Field of vision.

(1) A person may be considered for a Class D driver license if the field of vision is at least seventy (70) degrees in the horizontal meridian in one eye alone or with both eyes. Any person not meeting the requirement in this paragraph may apply for a restricted driver license with such restrictions as speed limit, locale, and time, if the field of vision is not narrower than sixty (60) degrees in the horizontal Meridian in one eye alone.

(2) A person may be considered for a Class A, B, or C intrastate commercial driver license if the field of vision is at least seventy (70) degrees in the horizontal meridian in one eye alone.

(c) **Eye diseases.** A person with progressive eye disease such as cataract, glaucoma, nystagmus, iritis, iridocyclitis, retinitis pigmentosa, choroiditis, retinal detachments, macular degeneration, inflammatory vascular, eye ground diseases, optic atrophy, or other disease affecting vision or visual fields shall not be licensed unless they meet the visual standards set forth in (a) and (b) of this Section. If licensed, future periodic vision reports may be required to be submitted to the Department by an ophthalmologist or optometrist.

(d) ~~Telescopic lenses. A person wearing telescopic lenses shall not be licensed.~~ **Use of Bioptic Telescopic Device.**

(1) A person using a bioptic telescopic device shall be eligible for a restricted Class D driver license under section if the person meets the following:

(A) Demonstrates a visual acuity of at least twenty/sixty (20/60) in one eye alone or with both eyes measured separately with the corrective carrier lenses and a field of vision of seventy (70) degrees in the horizontal meridian with or without corrective carrier lenses, or if the person has vision in one eye only, the person demonstrates a visual acuity of twenty/fifty (20/50) as measured with monocular vision with the corrective carrier lenses, with a field of vision at least seventy-five (75) degrees in the horizontal meridian with or without the corrective carrier lenses.

(B) Any person not meeting the requirements in (A) of this paragraph may apply for a restricted driver license with such restrictions as speed limit, locale, and time, if the visual acuity is no worse than twenty/one hundred (20/100) in one eye or both eyes, with corrective lenses and *without* the use of field expanders. A bioptic telescopic device fitted and in use by the person cannot exceed a four times (4x) magnification. A visual acuity of at least twenty/sixty (20/60) or better in each eye alone or with both eyes with the use of the bioptic telescopic device is required for qualification for a restricted Class D driver license. If the best corrected visual acuity with the use of corrective carrier lenses is twenty/one hundred (20/100), the Department will require specific restrictions to be placed on the restricted Class D driver license limiting the maximum speed of operation to 45 miles per hour and daylight driving only on a permanent basis.

(C) The applicant will provide a vision screening report of examination by an ophthalmologist or optometrist on a form prescribed by the Department to document that the visual acuity and field of vision standards have been met. The vision screening report of examination, completed by the ophthalmologist or optometrist, must provide a favorable recommendation that the condition of the applicant is stable and the applicant fitted with the bioptic telescopic device is capable of safely operating a motor vehicle. Following the review of the visual screening report of examination by the Department, additional testing and training of the applicant using a bioptic telescopic device may be required prior to licensing, if such a recommendation is made by the Department.

(2) If the applicant using a bioptic telescopic device is an original applicant for a driver license, the applicant may be eligible for a limited learner permit or restricted Class D driver license. The learner permit or restricted Class D driver license shall have a detailed restriction 8 thereon requiring the use of the bioptic telescopic device to drive. Driving with the restriction 8 shall also limit driving to during daylight hours only, preclude operation of a motor vehicle upon the interstate highways, and limit the speed of the vehicle driven to a maximum of 45 miles per hour.

(3) The use of a bioptic telescopic device shall only be used as a reference while driving by persons issued a limited learner permit or a restricted Class D driver license. The following additional restrictions on the license will be applied to person using a bioptic telescopic device while driving:

(A) The licensee or permit holder shall not be eligible for any endorsements;

(B) The licensee or permit holder shall only be permitted driving during daylight hours;

(C) The licensee or permit holder shall not be allowed to operate a motor vehicle on the interstate highways; and

(D) The licensee or permit holder shall be restricted to the maximum speed of operation to 45 miles per hour or by a lower limit of speed according to the recommendation of the Department.

(4) Persons issued a restricted Class D driver license, after using a bioptic telescopic device for a period of thirty-six (36) months or more while driving, may apply for the removal of one or more of the restrictions listed in (d)(3) above, if he or she:

(A) Has not been involved in any motor vehicle accident for a period of the preceding thirty-six months;

(B) Has provided to the Department a favorable recommendation from the ophthalmologist or optometrist that is most familiar with the visual correction and placement of the bioptic telescopic device; and

(C) Has not been cited for any moving traffic violations or a violation of the licensing restrictions.

(e) **Operation of a Commercial Motor Vehicle.** No person shall be considered for the operation of a commercial motor vehicle driver license (CDL) with the use of a bioptic telescopic device.

(f) **Required Notification of Department.** If any organic issues develop that decrease the abilities of the licensee to manage the safe operation of a motor vehicle, the licensee is responsible of notifying the Department of that development immediately.

(eg) **Required equipment.** Any person with visual acuity of twenty/one hundred (20/100) or worse in the left eye shall be required to have a left outside rearview mirror (Restriction code2) [see 595:10-1-92 regarding driving restriction codes] on any vehicle the person operates.

[OAR Docket #13-1256; filed 10-28-13]

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

[OAR Docket #13-1261]

**RULEMAKING ACTION:**  
EMERGENCY adoption

# Emergency Adoptions

## RULES:

- Subchapter 15. Provisional Driver License Program [NEW]
- 595:10-15-1. Purpose [NEW]
- 595:10-15-2. Definitions [NEW]
- 595:10-15-3. Eligibility criteria [NEW]
- 595:10-15-4. Participants in the PDL Program [NEW]
- 595:10-15-5. Terms and conditions under which the participant licensee can drive [NEW]
- 595:10-15-6. Proof of insurance [NEW]
- 595:10-15-7. Completion of required forms, payment of the initial minimum monthly payment, and payment of the provision license fee [NEW]
- 595:10-15-8. Ineligibility from future participation in the program [NEW]
- 595:10-15-9. Completion of the PDL program [NEW]
- 595:10-15-10. Construction [NEW]

## AUTHORITY:

Commissioner of Public Safety, 47 O.S. § 6-101 et seq.

## DATES:

### Adoption:

September 19, 2013

### Approved by Governor:

October 15, 2013

### Effective:

Immediately upon the Governor approval

### Expiration:

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

## SUPERSEDED EMERGENCY ACTIONS:

Not applicable.

## INCORPORATION BY REFERENCE:

Not applicable.

## FINDING OF EMERGENCY:

This rule is of compelling public interest to protect the public health, safety and welfare of Oklahoma motorists as it relates to the operation of motor vehicles upon the public roadways and to comply with provisions of Senate Bill 97 passed by the 54th Legislature and signed into law by the Governor on May 14, 2013. This bill will become effective November 1, 2013.

## ANALYSIS:

Senate Bill 97 provides licensees whose driving privileges have been suspended or revoked for violations, other than those relating to drug and alcohol offenses, to enter into an agreement with the Department of Public Safety to make monthly payments of no less than twenty-five dollars (\$25.00) towards the total reinstatement amount and to have restricted driving privileges until the amount owed is paid in full.

## CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave, Robert R. Lester Training Center, Room 232, PO Box 11415, Oklahoma City, Ok 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

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

## **SUBCHAPTER 15. PROVISIONAL DRIVER LICENSE PROGRAM**

### **595:10-15-1. Purpose**

The purpose of this subchapter is to implement the provisions of 47 O.S. § 6-212 regarding the Provisional Driver License (PDL) Program. This subchapter further provides information to the public regarding the eligibility requirements, terms and conditions of the program, and fees associated with the program.

### **595:10-15-2. Definitions**

In addition to terms defined in 47 O.S. § 1-101 et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

"All outstanding driver license reinstatement fees" shall mean the total of all processing and reinstatement fees as shown by the driving record maintained by the Department of Public Safety.

"Applicant" is the person applying for admission into the Provisional Driver License Program ("PDL Program")

"Method of Payment" is the manner of payment to the Department of Public Safety specifically authorized by these rules.

"Participant Licensee" is the person who has been admitted into the PDL Program and has been issued a Provisional Driver License.

"Payout Agreement" is the required written promise between the Participant Licensee and the Department of Public Safety which authorizes the terms and conditions upon which driving is permitted and specifies the amount of the minimum monthly payment.

"Provisional Driver License ("PDL")" is the limited license, specifying the terms and conditions under which driving is permitted, issued by the Department of Public Safety to the Participant Licensee while the individual is participating in the program.

"Untimely Payment" is a payment that is not received by the Finance Division of the Department of Public Safety by the last calendar day of the month in which the payment is due.

### **595:10-15-3. Eligibility criteria**

The Applicant for the Provisional Driver License Program:

- (1) cannot be a Commercial Driver License holder;
- (2) must renew and/or retest, if required, if the Applicant's driver license has expired (If a driver license has never been issued to the Applicant, the Applicant must complete all requirements for the initial issuance of an Oklahoma license.);
- (3) will not qualify if any requirement for reinstatement of driving privileges, other than the payment of all outstanding driver license reinstatement fee(s) has not been satisfied and proof of the same provided to the Department of Public Safety;
- (4) will not qualify if the Applicant cannot provide the Department of Public Safety with satisfactory proof of current liability insurance;

### **595:10-15-4. Participants in the PDL Program**

(a) The Participant Licensee must enter into a written Payout Agreement with DPS which will stipulate if the Participant Licensee fails to remit the minimum statutory monthly payment or if the payment is an untimely payment, the licensee's participation in the PDL Program shall be immediately revoked

by the Department of Public Safety, and the licensee shall be immediately returned to his or her previous license status.

(b) The Participant Licensee must further acknowledge that any violation of law by the Participant Licensee that would result in the suspension or revocation of a driver license shall result in the revocation of the Provisional Driver License and the Participant Licensee shall be ineligible for future participation in the PDL Program.

(c) Upon acceptance into the PDL Program and paying the Twenty-five dollar (\$25.00) Provisional Driver License fee, the Participant Licensee will be issued a paper Provisional Driver License specifying the specific terms and conditions under which the Participant Licensee can lawfully operate a motor vehicle. The Provisional Driver License shall be carried by the Participant Licensee at all times while driving.

(d) The Provisional Driver License will be valid for a period of six (6) months. Before the expiration of that six (6) month time period, the Participant Licensee shall return to a Driver Compliance Hearing Officer to be recertified and provide proof they are eligible to continue in the PDL Program. If the Participant Licensee is eligible, another Provisional Driver License will be issued and will be valid for a period of six (6) months. Appearance before a Driver Compliance Hearing Officer and recertification will be required every six (6) months until all reinstatement fees are paid in full, or if the Participant Licensee is no longer eligible to participate in the PDL Program, or if the Participant Licensee is otherwise determined to not be eligible for the PDL Program.

**595:10-15-5. Terms and conditions under which the Participant Licensee can drive**

The Participant Licensee will only be allowed to operate a motor vehicle during the times and to and from the location(s) identified on the Provisional Driver License and under the same conditions and restrictions as shown on the driving record maintained by the Department of Public Safety.

**595:10-15-6. Proof of insurance**

Prior to being accepted into the PDL Program, the Applicant shall provide DPS satisfactory proof of current liability insurance. Upon acceptance into the PDL Program, the Participant Licensee shall maintain liability insurance. Failure to maintain liability insurance shall result in the revocation of the Provisional Driver License and the Participant Licensee shall be immediately returned to his or her previous license status. The Participant Licensee shall also be ineligible for future participation in the PDL Program.

**595:10-15-7. Completion of required forms, payment of the initial minimum monthly payment, and payment of the Provisional License fee**

(a) The Applicant for the PDL Program will be required to complete all required forms for DPS, including but not limited to a written Payout Agreement, prior to being accepted into the PDL Program.

(b) The minimum monthly payment of at least twenty-five dollars (\$25.00) per month toward the satisfaction of all outstanding driver license reinstatement fees will be agreed upon by the Participant Licensee and the Department of Public Safety. At no time will the Participant Licensee be allowed to pay less than the monthly statutory limit of twenty-five dollars (\$25.00).

(c) The method of payment shall be paid in the manner prescribed by the Department of Public Safety.

(d) The first payment is due and must be received by DPS on or before the last calendar day of the month in which the Applicant is accepted into the PDL Program. All subsequent payments are due and must be received by DPS on or before the last calendar day of each month thereafter.

(e) Failure of the Participant Licensee to make the required monthly payments shall result in the removal of the Participant Licensee from the PDL Program, the revocation of the Provisional Driver License, and the return of the Participant Licensee to his or her former driver license status.

(f) The Participant Licensee shall pay a one-time Provisional Driver License fee to the Department of Public Safety in the amount of twenty-five dollars (\$25.00) prior to the issuance of the initial Provisional Driver License. The Provisional Driver License fee shall be remitted to the State Treasurer to be credited to the Department of Public Safety Restricted Revolving Fund and are to be budgeted and expended solely for the purpose of administrating the provisions of the Provisional Driver License Program.

**595:10-15-8. Ineligibility from future participation in the PDL Program**

If a Participant Licensee has violated any of the provisions, requirements or terms of this program as determined by DPS, the Participant Licensee will be removed from the program and will be ineligible for future participation in the Provisional Driver License Program.

**595:10-15-9. Completion of the PDL Program**

Upon payment of all outstanding driver license reinstatement fees and completion of all other requirements for reinstatement, DPS shall reinstate the Participant Licensee to full driving privileges with conditions and restrictions as shown by the driving record maintained by the Department of Public Safety and allow the Participant Licensee to obtain a regular driver license upon the Participant Licensee's payment of the requisite fee(s) for such license.

**595:10-15-10. Construction**

Nothing in this section shall limit the authority of DPS to issue a modified driver license pursuant to 47 O.S. § 754.1, 47 O.S. § 755, or 47 O.S. § 6-211.

*[OAR Docket #13-1261; filed 10-28-13]*

# Emergency Adoptions

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

[OAR Docket #13-1258]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 3. Examination

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

### AUTHORITY:

Commissioner of Public Safety, 47 O.S. § 6-101 et seq.

### DATES:

#### Adoption:

September 17, 2013

#### Approved by Governor:

October 15, 2013

#### Effective:

Immediately upon the Governor approval

#### Expiration:

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

### SUPERSEDED EMERGENCY ACTIONS:

Not applicable.

### INCORPORATION BY REFERENCE:

Not applicable.

### FINDING OF EMERGENCY:

The rule is of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and is necessary to comply with the provisions of Senate Bill 652 passed during the first session of the 54th Legislature and signed into law on May 13, 2013. This bill becomes effective November 1, 2013.

### ANALYSIS:

This rule is required to ensure the Department of Public Safety meets Federal Regulations regarding all CDL applicants and their ability to obtain a Commercial Learner Permit. The applicant will be required to maintain the Commercial Learner Permit for fourteen (14) days before being eligible to take the skills examination. Failure to implement this rule could deem the Oklahoma CDL program in noncompliance and, therefore, the State would no longer be able to issue any type of Commercial Driver License that would be recognized by other states.

### CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave, Robert R. Lester Training Center, Room 232, PO Box 11415, Oklahoma City, Ok 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

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

### SUBCHAPTER 3. EXAMINATION

#### 595:11-3-6. Written examination

(a) **General.** A written examination shall be administered by a driver examiner to each applicant for a commercial driver license to determine the applicant's ability to read and understand highway signs and the applicant's knowledge of the traffic laws of this state; provided, the written examination may be waived as provided in OAC 595:11-1-13(a). The written examination, if not waived, and the vision screening shall be

successfully passed by the applicant before the skills test is administered. The written examination includes, when applicable, any separate endorsement/restriction examinations as described in this Section. An applicant determined by an examiner to be cheating on any portion of an examination shall:

- (1) immediately forfeit the examination,
- (2) be given a failing score by the examiner, and
- (3) be disqualified from retaking the examination for one week.

#### (b) Examination content.

(1) **Written examination.** The written examination administered for a commercial driver license shall consist of a minimum of fifty (50) multiple-choice questions. In addition, the combination vehicle test administered for a Class A commercial driver license shall consist of a minimum of twenty (20) multiple-choice questions. The minimum passing score for each written examination shall be eighty percent (80%).

(2) **Endorsement or restriction examination.** The minimum number of multiple-choice questions and the minimum passing score for each endorsement or restriction examination shall be as follows:

- (A) P passenger endorsement - 20 questions - 80% score
- (B) H hazardous material endorsement - 30 questions - 80% score
- (C) N tank vehicle endorsement - 20 questions - 80% score
- (D) M motorcycle endorsement - 20 questions - 75% score
- (E) S school bus endorsement - 20 questions - 80% score
- (F) T double or triple trailers endorsement - 20 questions - 80% score
- (G) Airbrakes - 25 questions - 80% score. Failure to pass at least 80% of the 25 questions regarding air brakes will result in a restriction code "L" (Vehicle Without Air Brakes) being placed on the applicant's license upon issuance. The applicant shall be prohibited from taking the skill examination in a vehicle with air brakes.

(c) **Alternate method of examination.** The Department may provide an alternate method for the written examination for an applicant who cannot read or has a language barrier.

(d) **Retesting.** An applicant failing the written examination may be granted the opportunity to retest on the next regular business day.

(e) **Discretionary examination.** Any examination, as deemed necessary by the Department, may be administered by the Department as required for the establishment and authorization of a special endorsement or to permit the operation of commercial motor vehicles.

(f) ~~Restricted Class A, B, or C commercial driver license~~ **Commercial learner permit.** Any person eighteen (18) years of age or older may apply for a ~~restricted Class A, B, or C commercial learner permit~~ **commercial learner permit**, as provided in 47 O.S. §6-101(F), solely for the purpose of behind-the-wheel training in a commercial motor vehicle while accompanied by a licensed driver

who is twenty-one (21) years of age or older and who holds a valid commercial driver license, including any and all required endorsements, for the class and type of commercial motor vehicle being driven.

(1) ~~The restricted commercial driver license learner permit shall be issued as provided for 47 O.S. § 6-101(F)(2). Any person may reapply for another restricted one renewal of a commercial driver license learner permit by complying with all requirements for the class of restricted commercial driver license desired in 47 O.S. § 6-101 and § 6-115.~~

(2) The Department shall not place a hazardous materials (H) endorsement on a ~~restricted commercial driver license learner permit.~~

(3) A "No Passengers" restriction (restriction code W) shall be placed on any commercial learner permit issued with a (P) or (S) endorsement. The permit holder shall not operate a commercial motor vehicle which carries any passengers.

(4) An "Empty/Purge Tank" restriction (restriction code W) shall be placed on any commercial learner permit issued with an (N) endorsement. The tank vehicle shall be empty and shall be purged if the tank vehicle contained hazardous materials, and the permit holder shall not operate a commercial motor vehicle with a tank vehicle which is not empty or which has not been purged if the tank vehicle contained hazardous materials. A current and valid purge certificate shall be carried in the vehicle at all times when operated by a driver with a permit.

[OAR Docket #13-1258; filed 10-28-13]

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

[OAR Docket #13-1259]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**  
Subchapter 3. Examination  
595:11-3-8. Skills examination [AMENDED]

**AUTHORITY**  
Commissioner of Public Safety, 47 O.S. § 6-101 et seq.

**DATES:**

**Adoption:**  
September 17, 2013

**Approved by Governor:**  
October 15, 2013

**Effective:**  
Immediately upon the Governor approval

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

**SUPERSEDED EMERGENCY ACTIONS:**  
Not applicable.

**INCORPORATION BY REFERENCE:**  
Not applicable.

**FINDING OF EMERGENCY:**  
The rule is of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and is necessary to comply with the provisions

of Senate Bill 652 passed during the first session of the 54th Legislature and signed into law on May 13, 2013. This bill becomes effective November 1, 2013.

**ANALYSIS:**

This rule is required to ensure the Department of Public Safety meets Federal Regulations regarding all CDL applicants and their ability to obtain a Commercial Learner Permit. The applicant will be required to maintain the Commercial Learner Permit for fourteen (14) days before being eligible to take the skills examination. Failure to implement this rule could deem the Oklahoma CDL program in noncompliance and therefore the State could no longer issue any type of Commercial Driver License that would be recognized by other states.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave, Robert R. Lester Training Center, Room 232, PO Box 11415, Oklahoma City, Ok 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

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

**SUBCHAPTER 3. EXAMINATION**

**595:11-3-8. Skills examination**

(a) **In general.** The skills examination shall be administered only after the applicant has successfully passed the written examination, or had it waived if eligible under OAC 595:11-1-13(a), and the vision screening. Whenever a skills examination is required, the following general conditions shall apply:

(1) The skills examination shall start at a designated location and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a commercial motor vehicle. The applicant shall furnish for the skills examination the type of commercial motor vehicle required for the class of driver license requested. It is the responsibility of the applicant to furnish for the skills examination a commercial motor vehicle in good working order which meets all state laws and federal requirements regarding operability and equipment. A vehicle not equipped with air brakes shall be required to have driving restriction code L"(Vehicle Without Air Brakes) placed on the license of the applicant, upon approval of the issuance of the license.

- (2) The skills examination shall not be administered in a commercial motor vehicle which:
- (A) is transporting hazardous materials or which is required to be placarded for hazardous materials,
  - (B) requires an oversize permit under the laws of this state or the rules of the Department of Public Safety,
  - (C) was not designed and constructed by the manufacturer with a seating capacity for one or more persons in addition to the driver,
  - (D) is not insured as required by 47 O.S. §7-600 et seq.,
  - (E) does not have a current license plate,

## Emergency Adoptions

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- (F) is saddle mounted,
  - (G) is a wrecker vehicle towing another vehicle, or
  - (H) is not equipped with seatbelts, if the vehicle was originally manufactured and equipped with seatbelts.
- (3) The applicant has been issued and held a commercial learner permit for a minimum of fourteen (14) days.
- (b) **Scoring of examination.** The scoring procedure will be on a cumulative deduction system based on poor or improper driving practices. The Commissioner or the Commissioner's representative shall determine a point value for each act of poor or improper driving. The applicant will be allowed ten (10) minutes per Basic Control Skills (BCS) maneuver to complete the maneuver. In the event the applicant is not able to complete the maneuver in the time allowed, the skills examination will be deemed an automatic failure.
- (c) **Content of examination for commercial driver license.** The skills examination shall be conducted in conformance with 49 C.F.R., Section 383.
- (d) **Retesting.**
- (1) An applicant who fails the skills examination for a commercial driver license may be granted the opportunity to retest the following business day.
  - (2) ~~When an applicant fails to qualify for a commercial driver license after three (3) attempts to successfully pass the skills examination, he or she will be required to obtain a restricted commercial driver license, which shall restrict the individual to operating a commercial motor vehicle while accompanied by a qualified licensed driver in the front seat, before another skills examination will be administered.~~
  - (3) ~~The Department shall conduct the skills examination for the holder of a restricted commercial driver license not more than three (3) times, each time at least one (1) business day apart or as instructed by the examiner, beginning no sooner than thirty (30)fourteen (14) days from the date of issuance of the restricted licensecommercial learner permit. Should the restricted licensee fail the third examination, the licensee shall wait at least thirty (30) days before being given another skills examination by the Department. The fourth and subsequent examinations shall be given at the request of the restricted licensee but not more than one (1) examination shall be given every thirty (30) days.~~
  - (4) ~~In computing any time period prescribed by this subsection, the day of the failed examination from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.~~
- (e) **Exceptions to thirty-day waiting period.** ~~The holder of a restricted commercial driver license shall not be eligible to have a skills examination administered until after a minimum of thirty (30) days following the issuance of such license. However, the holder of a restricted commercial driver license,~~

~~restricting the holder to being accompanied by a licensed driver twenty one (21) years of age or older holding a valid license for the class of vehicle being driven, may have the thirty day waiting time waived if the restricted licensee is currently receiving instruction or has successfully completed a commercial motor vehicle driver training program conducted by a commercial truck driver education school licensed by the Department, a school bus driver education course conducted by the State Department of Education, or a truck driver training course offered by the Oklahoma Department of Career and Technology Education. The restricted licensee shall submit to the Department evidence of successful course completion or evidence the licensee is currently receiving instruction. In computing the 30 day time period prescribed by this subsection, the day on which the restricted commercial driver license is issued shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.~~

(f) **Substitute for skills examination.** A skills examination may be waived by the Department for an applicant when one of the following requirements is met:

- (1) The applicant is the holder of a valid commercial driver license from one of the fifty (50) states, the District of Columbia, or a Canadian province.
- (2) The applicant is a fireman or an active member of any branch of the military, Military Reserves or National Guard on active duty, including personnel on full-time or part-time National Guard training, National Guard Military Technicians (civilians who are required to wear a military uniform), and active duty personnel of the U.S. Coast Guard; provided, the person for the two (2) years immediately preceding application for a commercial driver license [49 C.F.R. Parts 383 and 391];
  - (A) can show, with proper documentation, that he or she has operated a representative class commercial motor vehicle,
  - (B) certifies that he or she has not been licensed by more than one jurisdiction at the same time,
  - (C) certifies that he or she has not had any suspension, revocation, cancellation, denial, or disqualification of driving privileges in the two (2) years immediately preceding the application,
  - (D) has not been convicted of any major disqualifying offense, as defined in 47 O.S., § 6-205.2,
  - (E) has not been convicted more than once of a serious traffic offense, as defined in 47 O.S., § 6-205.2, regardless of the type or class of vehicle the offense occurred in, and
  - (F) certifies that he or she has not been involved in any collision in which he or she was recorded as being at fault.

[OAR Docket #13-1259; filed 10-28-13]

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

[OAR Docket #13-1260]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 5. Commercial Driver License Third-Party Examiners  
595:11-5-5. Requirements for certification as a third-party examiner, display of certificate, certification renewal [AMENDED]

**AUTHORITY:**

Commissioner of Public Safety, 47 O.S. § 6-101 et seq.

**DATES:**

**Adoption:**

September 17, 2013

**Approved by Governor:**

October 15, 2013

**Effective:**

Immediately upon the Governor approval

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

Not applicable.

**INCORPORATION BY REFERENCE:**

Not applicable.

**FINDING OF EMERGENCY:**

The rule is of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and is necessary to comply with 49 C.F.R. § 384.228 (effective July 8, 2015)

**ANALYSIS:**

Currently, an application for a third-party examiner must be accompanied by a certified criminal history report from the Oklahoma State Bureau of Investigation. This rule removes the OSBI report and replaces it with a nationwide criminal background check that has been certified within the immediately preceding thirty (30) days. This rule further states that certified third-party examiners will submit examination reports by electronic means immediately upon completion of the examination instead of allowing the submission of the examination reports by the tenth calendar day of the following month.

**CONTACT PERSON:**

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

**SUBCHAPTER 5. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS**

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

(a) **Requirements and application for certification.** A driver training instructor may apply for certification as a third-party examiner. The applicant shall meet the following requirements:

- (1) Meet all the requirements for a Driver License Examiner of the Department [47 O.S., § 2-106(c) and (d)].
- (2) Complete an application provided by the Department [see 595:11-5-13] and submit a ~~certified criminal history report from the Oklahoma State Bureau of Investigation~~ nationwide criminal background check certified within the immediately preceding thirty (30) days and, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.

- (3) Be employed by a certified school.
- (4) Have and maintain throughout the time period to be covered by the certification:

- (A) a valid Oklahoma commercial driver license for the class or classes of vehicle, including any endorsement or endorsements, for which the instructor desires to administer examinations; provided, the applicant shall not be required to have a hazardous materials endorsement (endorsement H),
- (B) in order to administer school bus examinations, a valid School Bus Workshop Instructor Certificate issued by the State Board of Education, and
- (C) in order to administer truck examinations, a valid certificate issued by the Oklahoma Board of Career and Technology Education showing the applicant has met the current requirements.

- (5) Successfully complete a course of instruction prescribed by the Department [see 595:11-5-6].
- (6) Meet the same vision standards as for Driver License Examiners of the Department [see OAC 595:10-5-7 and 49 C.F.R., § 391.41 regarding vision standards].
- (7) Have full use of both upper and lower extremities.
- (8) Agree to submit ~~monthly examination reports, by the tenth calendar day of the following month,~~ to the Department by electronic means immediately upon completion of each examination, detailing examining activity.

(b) **Ineligibility based upon driving record or criminal record.** A driver training instructor shall be deemed to be ineligible for certification as a third-party examiner upon evidence of a record of any of the following convictions:

- (1) Two (2) or more convictions for a moving traffic offense within the twelve (12) months immediately preceding the application.
- (2) Any alcohol- or drug-related conviction requiring the Department to revoke, suspend, or disqualify the instructor's driving privilege within the five (5) years immediately preceding the application.
- (3) Any conviction for any offense which required or will require the Department to take any type of action against the instructor within the three (3) years immediately preceding the application, including, but not limited to:
  - (A) a warning letter, or
  - (B) a revocation, suspension, cancellation, denial or disqualification of the instructor's driving privileges.

## Emergency Adoptions

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- (4) Any misdemeanor conviction, except for a misdemeanor conviction for a traffic offense, within the five (5) years immediately preceding the application.
- (5) Any felony conviction in this state or any other state or country.
- (c) **Certification.** Upon acceptance and approval by the Department of the application for certification from a driver training instructor, or upon acceptance and approval by the Department of the application for renewal of certification from a third-party examiner, and upon completion to the satisfaction of the Department by the instructor or third-party examiner of all other requirements for certification, the Department shall provide the third-party examiner with:
- (1) a certificate evidencing approval by the Department as a third-party examiner, which shall be posted at the examination location at the certified school and in full view of the public. The certification will be valid for four (4) years.
- (2) an identification card to be carried by the third-party examiner whenever the examiner is administering an examination.
- (3) an official seal to be used by the third-party examiner to be used as provided in 595:11-5-14.
- (d) **Renewal of certification.**
- (1) A certified third-party examiner shall be eligible for renewal of certification if the examiner:
- (A) submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year [see 595:11-5-13],
- (B) submits a ~~certified criminal history report from the Oklahoma State Bureau of Investigation~~ nationwide criminal background check certified

- within the immediately preceding thirty (30) days ~~and, if the applicant has not lived in Oklahoma for the immediately preceding five (5), a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence,~~
- (C) submits a current copy of the State Department of Education instructor certificate,
- (D) is currently employed by a certified school,
- (E) currently meets the requirements and standards of the Department as prescribed by this Subchapter,
- (F) administered fifteen (15) or more examinations within the twelve (12) months immediately preceding the application for renewal of certification, and
- (2) Any driver training instructor who was previously certified as a third-party examiner and whose previous certification has been expired for not more than one (1) year may make application for renewal of certification as provided in paragraph (1) of this section.
- (3) Any third-party examiner who does not qualify for renewal of certification may apply, after a period of at least one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a third-party examiner and shall meet all requirements as for an initial application for certification as a third-party examiner.

*[OAR Docket #13-1260; filed 10-28-13]*

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