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Notices of Rulemaking Intent

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

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

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

TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 2. ADMINISTRATIVE OPERATIONS

[OAR Docket #14-1035]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Operations

5:2-3-1. Principal office, hours of operation, and official website [AMENDED]

SUMMARY:

The proposed revision to Subchapter 3 is intended to notify the general public as well as all abstracting companies that the current address for the office of the Oklahoma Abstractors Board can be found on the OAB's official website. It is also intended to keep the Board from having to revise the rule each time the office is moved.

AUTHORITY:

Oklahoma Abstractors Act, 1 O.S. §§20 through 43.

COMMENT PERIOD:

Persons may submit oral or written comments to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to glynda.reppond@abstract.ok.gov during the period from January 16, 2015 to no later than 9:00 a.m. on February 17, 2015.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on February 17, 2015, in the Oklahoma Abstractors Board conference room located in the Abstractors Board office, 421 NW 13th Street, Suite 180, 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 from January 16 to February 17, 2015 to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to glynda.reppond@abstract.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by visiting www.abstract.ok.gov or contacting Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103 (405) 522-5019, FAX (405) 522-5503 or via electronic mail to glynda.reppond@abstract.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Glynda Reppond, (405) 522-5019, glynda.reppond@abstract.ok.gov.

[OAR Docket #14-1035; filed 12-18-14]

TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACT

[OAR Docket #14-1036]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Regulation of Licenses, Certificate Holders, and Permit Holders

5:11-5-3. Preparation of abstracts [AMENDED]

SUMMARY:

The proposed revision to Subchapter 5 is intended to allow all abstract companies in the State of Oklahoma to prepare Federal Court Certificates instead of restricting that function to only the abstract companies in the counties in which Federal or Bankruptcy Courts are located. Federal records are now available online through "Pacer" at www.uscourts.gov, giving abstract companies in all 77 counties the ability to certify to the records of the Clerk of the United States District Court as well as the United States Bankruptcy Court. Up until now, only the counties that had those courts located within the county have been able to perform this action.

AUTHORITY:

Oklahoma Abstractors Act, 1 O.S. §§20 through 43.

COMMENT PERIOD:

Persons may submit oral or written comments to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103, (405) 522-5019, FAX (405) 522-5503 or via electronic

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mail to glynda.reppond@abstract.ok.gov during the period from January 16, 2015 to no later than 9:00 a.m. on February 17, 2015.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on February 17, 2015, in the Oklahoma Abstractors Board conference room located in the Abstractors Board office, 421 NW 13th Street, Suite 180, 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 from January 16 to February 17, 2015 to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to glynda.reppond@abstract.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by visiting www.abstract.ok.gov or contacting Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103 (405) 522-5019, FAX (405) 522-5503 or via electronic mail to glynda.reppond@abstract.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Glynda Reppond, (405) 522-5019,
glynda.reppond@abstract.ok.gov.

[OAR Docket #14-1036; filed 12-18-14]

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

[OAR Docket #14-1068]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Breath-Alcohol Analysts
40:10-3-7 [AMENDED]

SUMMARY:

The proposed rule amendments update and clarify the requirements related to Breath Alcohol Instructor Permits. The amendments remove extraneous, outdated or repetitive language regarding the above referenced permit in an effort to simplify the rules. The amendments clarify the respective

roles of the Board and the State Director of Tests in relation to training and instructors.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 15, 2015 until February 19, 2015.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 19, 2015, at 9:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 15, 2015 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460

[OAR Docket #14-1068; filed 12-23-14]

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

[OAR Docket #14-1069]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

40:20-1-3 [AMENDED]

SUMMARY:

The proposed amendments remove ambiguity in the guidance for processing blood samples once they are withdrawn by replacing "promptly" with a specific timeframe of 24 hours. The proposed amendments also include definitional language to clarify what is meant by "dispatching or forwarding" the blood samples once withdrawn.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 15, 2015 until February 19, 2015.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 19, 2015, at 9:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 15, 2015 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460

[OAR Docket #14-1069; filed 12-23-14]

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 50. IGNITION INTERLOCK DEVICES**

[OAR Docket #14-1070]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 40:50-1-1.1. Definitions [AMENDED]
- 40:50-1-2. Device certification process [AMENDED]
- 40:50-1-2.3. Revocation of certification [AMENDED]
- 40:50-1-3. Standards and specifications [AMENDED]
- 40:50-1-3.1. Violation reset [AMENDED]
- 40:50-1-3.2. Reportable violations [AMENDED]
- 40:50-1-7. Service center licensing process [AMENDED]
- 40:50-1-7.3. Inactivation, suspension, and revocation [AMENDED]
- 40:50-1-8.3. Inactivation, suspension, and revocation [AMENDED]
- 40:50-1-12. Reciprocity [NEW]

SUMMARY:

The proposed rules clarify definitions and terms to reflect industry best practices and promote consistency within the rules. The proposed rules include minor changes to reflect the practice of the agency with regard to device certification as well as suspension, inactivation, and revocation of both service center and technician licenses. With regard to device standards and specifications, the proposed rules include the adoption of a confirmatory test to address the issue of possible circumvention of the ignition interlock device. The proposed rules provide greater flexibility to vendors by increasing the spacing of service centers from 25 miles to 40 miles in the event of a service center inactivation, suspension, or revocation. The new proposed rule provides guidelines for the agency to deal with the emerging issues related to reciprocity and competing interstate installation requirements.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 15, 2015 until February 19, 2015.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 19, 2015, at 9:00 a.m. at the Administrative Offices of the

Notices of Rulemaking Intent

Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 15, 2015 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460

[OAR Docket #14-1070; filed 12-23-14]

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 30. MANUFACTURERS, WHOLESALEERS, BREWERS NONRESIDENT SELLERS AND CLASS B WHOLESALERS

[OAR Docket #14-1067]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Manufacturers and Wholesalers

45:30-3-6. Wholesaler discrimination prohibited
[AMENDED]

Subchapter 5. Brewers, Nonresident Sellers and Class B Wholesalers

45:30-5-6. Class B Wholesaler discrimination prohibited
[AMENDED]

SUMMARY:

The proposed permanent additions to Chapter 30, Subchapter 5, Sections 45:30-3-6 and 45:30-5-6 are identical in scope and intent. They are designed to establish a method by which a Wholesaler or Class B Wholesaler may seek permission from the Director to refuse to sell alcoholic beverages to a Retail, Mixed Beverage, Caterer, Mixed Beverage/Caterer or Special Event licensee, either on a temporary or permanent basis, upon a showing, by credible

evidence, that the actions of the licensee have created a dangerous or hostile work environment for the wholesaler, or its representatives, agents or employees. The proposed permanent additions also created a process by which the licensee may be heard before any permanent permission to refuse to sell is granted by the Director to a wholesaler and an appeal procedure by which the licensee may appeal the decision of the Director to the Commission as a whole.

AUTHORITY:

Oklahoma Alcoholic Beverage Control Act, 37 O.S. §502 et. seq.; and Alcoholic Beverage Laws Enforcement Commission; 37 O.S. §514(2).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 16, 2015, at the following address: Alcoholic Beverage Laws Enforcement Commission (ABLE Commission), 3812 N. Santa Fe, Suite 200, Oklahoma City, Oklahoma 73118 Attention: Kathy Sharp or to: Kathy Sharp at email mksharp@able.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on February 20, 2015, in the Second Floor Conference Room of the ABLE Commission, 3812 N. Santa Fe, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door by 8:45 a.m. on the day of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The ABLE Commission requests that business entities affected by these proposed rules provide the ABLE Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs, such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, and/or professional services, the business entity anticipates due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Sharp at the above address, before the close of business on February 16, 2015.

RULE IMPACT STATEMENT

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the ABLE Commission at the above address beginning on January 15, 2015.

CONTACT PERSON:

Kathy Sharp
Alcoholic Beverage Laws Enforcement Commission
3812 N. Santa Fe
Suite 200
Oklahoma City, Oklahoma 73118
(405) 521-3484
Toll Free: (866) 894-3517
email: mksharp@able.ok.gov

[OAR Docket #14-1067; filed 12-23-14]

**TITLE 86. STATE BOARD OF BEHAVIORAL
HEALTH LICENSURE
CHAPTER 10. LICENSED PROFESSIONAL
COUNSELORS**

[OAR Docket #14-1071]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

86:10-1-1. [NEW]

86:10-1-2. [NEW]

86:10-1-3. [NEW]

Subchapter 3. Rules of Professional Conduct [NEW]

86:10-3-1. [NEW]

86:10-3-2. [NEW]

86:10-3-3. [NEW]

86:10-3-3.1. [NEW]

86:10-3-4. [NEW]

86:10-3-4.1. [NEW]

86:10-3-5. [NEW]

86:10-3-6. [NEW]

Subchapter 5. Fitness of Applicants [NEW]

86:10-5-1. [NEW]

86:10-5-2. [NEW]

86:10-5-3. [NEW]

Subchapter 7. Application Procedures [NEW]

86:10-7-1. [NEW]

86:10-7-2. [NEW]

86:10-7-2.1. [NEW]

86:10-7-3. [NEW]

86:10-7-4. [NEW]

86:10-7-5. [NEW]

86:10-7-6. [NEW]

86:10-7-7. [NEW]

86:10-7-8. [NEW]

86:10-7-8.1. [NEW]

86:10-7-9. [NEW]

Subchapter 9. Academic Requirements [NEW]

86:10-9-1. [NEW]

86:10-9-2. [NEW]

Subchapter 11. Supervised Experience Requirements
[NEW]

86:10-11-1. [NEW]

86:10-11-2. [NEW]

86:10-11-3. [NEW]

86:10-11-4. [NEW]

86:10-11-5. [NEW]

86:10-11-6. [NEW]

86:10-11-7. [NEW]

Subchapter 13. Fees [NEW]

86:10-13-1. [NEW]

86:10-13-2. [NEW]

86:10-13-3. [NEW]

86:10-13-4. [NEW]

86:10-13-5. [NEW]

Subchapter 15. Licensure Examinations [NEW]

86:10-15-1. [NEW]

86:10-15-2. [NEW]

86:10-15-3. [NEW]

86:10-15-4. [NEW]

86:10-15-5. [NEW]

86:10-15-6. [NEW]

86:10-15-7. [NEW]

86:10-15-8. [NEW]

Subchapter 17. Continuing Education Requirements
[NEW]

86:10-17-1. [NEW]

86:10-17-2. [NEW]

86:10-17-3. [NEW]

86:10-17-4. [NEW]

86:10-17-4.1. [NEW]

86:10-17-5. [NEW]

86:10-17-6. [NEW]

86:10-17-6.1. [NEW]

86:10-17-6.2. [NEW]

86:10-17-6.3. [NEW]

86:10-17-6.4. [NEW]

86:10-17-7. [NEW]

86:10-17-8. [NEW]

Subchapter 19. Issuance of License [NEW]

86:10-19-1. [NEW]

86:10-19-1.1. [NEW]

86:10-19-2. [NEW]

86:10-19-3. [NEW]

86:10-19-4. [NEW]

86:10-19-5. [NEW]

Subchapter 21. License and Specialty Renewal [NEW]

86:10-21-1. [NEW]

86:10-21-2. [NEW]

86:10-21-3. [NEW]

86:10-21-3.1. [NEW]

86:10-21-3.2. [NEW]

86:10-21-4. [NEW]

86:10-21-5. [NEW]

86:10-21-6. [NEW]

86:10-21-7. [NEW]

Subchapter 23. License and Specialty Late Renewal and
Expiration [NEW]

86:10-23-1. [NEW]

86:10-23-2. [NEW]

86:10-23-3. [NEW]

86:10-23-4. [NEW]

Subchapter 25. Licensure By Endorsement [NEW]

86:10-25-1. [NEW]

86:10-25-2. [NEW]

86:10-25-3. [NEW]

Subchapter 27. Consumer Information [NEW]

86:10-27-1. [NEW]

86:10-27-2. [NEW]

86:10-27-3. [NEW]

Notices of Rulemaking Intent

- 86:10-27-4. [NEW]
- Subchapter 29. Enforcement [NEW]
- 86:10-29-1. [NEW]
- 86:10-29-2. [NEW]
- 86:10-29-3. [NEW]
- 86:10-29-4. [NEW]
- 86:10-29-5. [NEW]
- 86:10-29-6. [NEW]
- 86:10-29-7. [NEW]
- 86:10-29-8. [NEW]
- 86:10-29-9. [NEW]
- 86:10-29-10. [NEW]
- 86:10-29-11. [NEW]
- 86:10-29-12. [NEW]
- 86:10-29-13. [NEW]
- 86:10-29-14. [NEW]
- Subchapter 31. Post-Military Service Occupation, Education and Credentialing Rules [NEW]
- 86:10-31-1. [NEW]
- 86:10-31-2. [NEW]
- 86:10-31-3. [NEW]

SUMMARY:

The passage of HB1467 established the newly formed State Board of Behavioral Health Licensure. The State Board of Behavioral Health Licensure is responsible for the enforcement of Licensed Professional Counselor Act. The following permanent rules are necessary to maintain the governance of Licensed Professional Counselors in Oklahoma.

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

COMMENT PERIOD:

Persons may submit written comments through February 14, 2015 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to Eric.Ashmore@bbhl.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Friday, February 20, 2015 at the State Board of Behavioral Health Licensure, 3815 N. Santa Fe, Suite 110, Oklahoma City, OK, 73118. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, 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 Eric Ashmore at the above address during the period from January 15, 2015 through February 14, 2015.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained

from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to Eric.Ashmore@bbhl.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 23, 2015 at the above addresses.

CONTACT PERSON:

Eric Ashmore, Office Manager, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

[OAR Docket #14-1071; filed 12-23-14]

TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS

[OAR Docket #14-1072]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 86:15-1-1. [NEW]
- 86:15-1-2. [NEW]
- 86:15-1-3. [NEW]
- 86:15-1-4. [NEW]
- Subchapter 3. Rules of Professional Conduct [NEW]
- 86:15-3-1. [NEW]
- 86:15-3-2. [NEW]
- 86:15-3-3. [NEW]
- 86:15-3-4. [NEW]
- 86:15-3-5. [NEW]
- 86:15-3-6. [NEW]
- 86:15-3-7. [NEW]
- 86:15-3-8. [NEW]
- 86:15-3-8.1. [NEW]
- 86:15-3-9. [NEW]
- Subchapter 5. Application for Licensure [NEW]
- 86:15-5-1. [NEW]
- 86:15-5-2. [NEW]
- 86:15-5-2.1. [NEW]
- 86:15-5-2.2. [NEW]
- 86:15-5-3. [NEW]
- 86:15-5-4. [NEW]
- Subchapter 7. Licensure Examinations [NEW]
- 86:15-7-1. [NEW]
- 86:15-7-2. [NEW]
- 86:15-7-3. [NEW]
- 86:15-7-4. [NEW]
- 86:15-7-5. [NEW]
- 86:15-7-6. [NEW]
- 86:15-7-4. [NEW]

Subchapter 9. Supervised Experience Requirements [NEW]

- 86:15-9-1. [NEW]
- 86:15-9-2. [NEW]
- 86:15-9-3. [NEW]
- 86:15-9-4. [NEW]
- 86:15-9-5. [NEW]

Subchapter 11. Fees [NEW]

- 86:15-11-1. [NEW]
- 86:15-11-2. [NEW]
- 86:15-11-3. [NEW]
- 86:15-11-4. [NEW]
- 86:15-11-5. [NEW]

Subchapter 13. Issuance and Maintenance of License [NEW]

- 86:15-13-1. [NEW]
- 86:15-13-2. [NEW]
- 86:15-13-3. [NEW]
- 86:15-13-4. [NEW]
- 86:15-13-5. [NEW]
- 86:15-13-6. [NEW]
- 86:15-13-7. [NEW]
- 86:15-13-8. [NEW]
- 86:15-13-9. [NEW]

Subchapter 15. Enforcement [NEW]

- 86:15-15-1. [NEW]
- 86:15-15-2. [NEW]
- 86:15-15-3. [NEW]
- 86:15-15-4. [NEW]
- 86:15-15-5. [NEW]
- 86:15-15-6. [NEW]
- 86:15-15-7. [NEW]
- 86:15-15-8. [NEW]
- 86:15-15-9. [NEW]
- 86:15-15-10. [NEW]
- 86:15-15-11. [NEW]
- 86:15-15-12. [NEW]
- 86:15-15-13. [NEW]
- 86:15-15-14. [NEW]

Subchapter 17. Post-Military Service Occupation, Education and Credentialing Rules [NEW]

- 86:15-17-1. [NEW]
- 86:15-17-2. [NEW]
- 86:15-17-3. [NEW]

SUMMARY:

The passage of HB 1467 established the newly formed State Board of Behavioral Health Licensure. The State Board of Behavioral Health Licensure is responsible for the enforcement of Licensed Marital and Family Therapist Act. The following permanent rules are necessary to maintain the governance of Licensed Marital and Family Therapists in Oklahoma.

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

COMMENT PERIOD:

Persons may submit written comments through February 14, 2015 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to Eric.Ashmore@bbhl.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Friday, February 20, 2015 at the State Board of Behavioral Health Licensure, 3815 N. Santa Fe, Suite 110, Oklahoma City, OK, 73118. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, 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 Eric Ashmore at the above address during the period from January 15, 2015 to February 14, 2015.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to Eric.Ashmore@bbhl.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 23, 2015 at the above addresses.

CONTACT PERSON:

Eric Ashmore, Office Manager, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

[OAR Docket #14-1072; filed 12-23-14]

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS**

[OAR Docket #14-1073]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 86:20-1-1. [NEW]
- 86:20-1-2. [NEW]
- 86:20-1-3. [NEW]
- Subchapter 3. Forms [NEW]
- 86:20-3-1. [NEW]
- 86:20-3-2. [NEW]

Notices of Rulemaking Intent

Subchapter 5. Rules of Professional Conduct [NEW]

86:20-5-1. [NEW]
86:20-5-2. [NEW]
86:20-5-3. [NEW]
86:20-5-4. [NEW]
86:20-5-4.1. [NEW]
86:20-5-5. [NEW]
86:20-5-6. [NEW]
86:20-5-7. [NEW]
86:20-5-8. [NEW]

Subchapter 7. Fitness of Applicants [NEW]

86:20-7-1. [NEW]
86:20-7-2. [NEW]
86:20-7-3. [NEW]

Subchapter 9. Application Procedures [NEW]

86:20-9-1. [NEW]
86:20-9-2. [NEW]
86:20-9-3. [NEW]
86:20-9-4. [NEW]
86:20-9-5. [NEW]
86:20-9-6. [NEW]
86:20-9-7. [NEW]
86:20-9-8. [NEW]
86:20-9-9. [NEW]
86:20-9-10. [NEW]
86:20-9-11. [NEW]
86:20-9-12. [NEW]

Subchapter 11. Academic Requirements [NEW]

86:20-11-1. [NEW]
86:20-11-2. [NEW]
86:20-11-3. [NEW]

Subchapter 13. Supervised Experience Requirement [NEW]

86:20-13-1. [NEW]
86:20-13-2. [NEW]
86:20-13-3. [NEW]
86:20-13-4. [NEW]
86:20-13-5. [NEW]
86:20-13-6. [NEW]
86:20-13-7. [NEW]

Subchapter 15. Fees [NEW]

86:20-15-1. [NEW]
86:20-15-2. [NEW]

Subchapter 17. Licensure Examination [NEW]

86:20-17-1. [NEW]
86:20-17-1.1. [NEW]
86:20-17-2. [NEW]
86:20-17-3. [NEW]
86:20-17-4. [NEW]
86:20-17-5. [NEW]
86:20-17-6. [NEW]
86:20-17-6.1. [NEW]
86:20-17-7. [NEW]

Subchapter 19. Continuing Education Requirements [NEW]

86:20-19-1. [NEW]

86:20-19-1.1. [NEW]

86:20-19-2. [NEW]
86:20-19-3. [NEW]
86:20-19-3.1. [NEW]
86:20-19-4. [NEW]
86:20-19-5. [NEW]
86:20-19-6. [NEW]
86:20-19-7. [NEW]
86:20-19-8. [NEW]

Subchapter 21. Issuance of Licensure [NEW]

86:20-21-1. [NEW]
86:20-21-2. [NEW]
86:20-21-3. [NEW]
86:20-21-4. [NEW]

Subchapter 23. License and Specialty Renewal [NEW]

86:20-23-1. [NEW]
86:20-23-2. [NEW]
86:20-23-3. [NEW]
86:20-23-4. [NEW]
86:20-23-5. [NEW]
86:20-23-6. [NEW]
86:20-23-7. [NEW]
86:20-23-8. [NEW]
86:20-23-9. [NEW]
86:20-23-10. [NEW]
86:20-23-11. [NEW]
86:20-23-12. [NEW]

Subchapter 25. Licensure by Endorsement [NEW]

86:20-25-1. [NEW]
86:20-25-2. [NEW]
86:20-25-3. [NEW]

Subchapter 27. Consumer Information [NEW]

86:20-27-1. [NEW]
86:20-27-2. [NEW]
86:20-27-3. [NEW]

Subchapter 29. Enforcement [NEW]

86:20-29-1. [NEW]
86:20-29-2. [NEW]
86:20-29-3. [NEW]
86:20-29-4. [NEW]
86:20-29-5. [NEW]
86:20-29-6. [NEW]
86:20-29-7. [NEW]
86:20-29-8. [NEW]
86:20-29-9. [NEW]
86:20-29-10. [NEW]
86:20-29-11. [NEW]
86:20-29-12. [NEW]
86:20-29-13. [NEW]
86:20-29-14. [NEW]

Subchapter 31. Post-Military Service Occupation, Education and Credentialing Rules [NEW]

86:20-31-1. [NEW]
86:20-31-2. [NEW]
86:20-31-3. [NEW]

SUMMARY:

The passage of HB1467 established the newly formed State Board of Behavioral Health Licensure. The State Board of Behavioral Health Licensure is responsible for the enforcement of Licensed Behavioral Practitioner Act. The following permanent rules are necessary to maintain the governance of Licensed Behavioral Practitioners in Oklahoma.

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

COMMENT PERIOD:

Persons may submit written comments through February 14, 2015 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to Eric.Ashmore@bbhl.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Friday, February 20, 2015 at the State Board of Behavioral Health Licensure, 3815 N. Santa Fe, Suite 110, Oklahoma City, OK, 73118. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, 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 Eric Ashmore at the above address during the period from January 15, 2015 to February 14, 2015.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to Eric.Ashmore@bbhl.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after January 23, 2015 at the above addresses.

CONTACT PERSON:

Eric Ashmore, Office Manager, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

[OAR Docket #14-1073; filed 12-23-14]

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

[OAR Docket #14-1066]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposed rules prohibit the transfer of event permits to a different date; modify language regarding the gender of participants; delete fee language superseded by OAC 92:10-1-4; delete language regarding event tickets duplicated at OAAC 92:10-1-10; and otherwise contain clean-up language.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 4, 2015. Comments may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. The comment period is from January 15, 2015, to March 4, 2015.

PUBLIC HEARING:

A public hearing has been scheduled for March 4, 2015, at the Oklahoma State Department of Health, 1000 NE 10th Street, Room 1102, Oklahoma City, OK, at 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma State Athletic Commission. Copies may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review on and after January 30, 2015. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

Notices of Rulemaking Intent

CONTACT PERSON:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694.

[OAR Docket #14-1066; filed 12-22-14]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS**

[OAR Docket #14-1063]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 1. Administrative Organization and Operations
[AMENDED]

SUMMARY:

The proposed revisions to chapter 1 would amend the current definition for "certified chiropractic assistant.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted January 15, 2015 through February 15, 2015 at: Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 19, 2015 a.m. at the Office of the Attorney General 313 NW 21ST, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #14-1063; filed 12-22-14]

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

[OAR Docket #14-1064]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 3. Disciplinary Procedures [AMENDED]

SUMMARY:

The proposed revisions to chapter 3 would be amending the definition of "renewal license" changing January to July.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted January 15, 2015 through February 15, 2015 at: Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 19, 2015 a.m. at the Office of the Attorney General 313 NW 21ST, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #14-1064; filed 12-22-14]

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

[OAR Docket #14-1065]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 30. Certified Chiropractic Assistants
[AMENDED]

SUMMARY:

The proposed revisions to chapter 30 would amend current language to make the certification of Certified Chiropractic Assistants voluntary versus mandatory.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted January 15, 2015 through February 15, 2015 at: Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 19, 2015 a.m. at the Office of the Attorney General 313 NW 21ST, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #14-1065; filed 12-22-14]

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

[OAR Docket #14-1085]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment
210:10-13-11. Testing students with disabilities
[AMENDED]

SUMMARY:

The proposed amendments to 210:10-13-11 clarify under what conditions a student with a disability may be offered an accommodation on an assessment required under the Oklahoma School Testing Program (OSTP). The amendments outline criteria for evaluating whether a student with a disability is eligible for specific accommodations on English

Language Arts/Reading assessments. The amendments also update the rule to reflect current guidelines for the Oklahoma Alternate Assessment Program (OAAP).

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2015 until 4:30 p.m., Tuesday, February 17, 2015.

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 Tuesday, February 17, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, 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:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and 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 on and after the date of publication of this Notice of Rulemaking Intent. 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:

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

Notices of Rulemaking Intent

Oklahoma City, Oklahoma 73105-4599. Telephone number:
(405) 522-5260

[OAR Docket #14-1085; filed 12-23-14]

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

[OAR Docket #14-1086]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Special Education

210:15-13-7. Lindsey Nicole Henry Scholarship for
Students with Disabilities Program [AMENDED]

SUMMARY:

The proposed amendments to 210:15-13-7 update the rule to reflect statutory changes to the Lindsey Nicole Henry Scholarships for Students with Disabilities Program resulting from House Bill 2414. The amendments provide for the eligibility of students with disabilities who have been served under an Individual Family Service Plan (IFSP) through the SoonerStart program, and have been evaluated and determined eligible for public school special education services although they have not yet attended school. The amendments also outline payment procedures which have changed by statute since the rule was originally adopted, and include the updated statutory deadline for applications to the program.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. §§ 13-101.1 et seq.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2015 until 4:30 p.m., Tuesday, February 17, 2015.

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 Tuesday, February 17, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, 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:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and 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 on and after the date of publication of this Notice of Rulemaking Intent. 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:

Lori Murphy, 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) 522-5260

[OAR Docket #14-1086; filed 12-23-14]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #14-1087]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria

210:25-3-4. Personnel [AMENDED]

SUMMARY:

The proposed amendments to 210:25-3-4 establish specific timeframes during which school districts may submit each of the three personnel reports required throughout the year to the State Department of Education. The amendments expand school district access to the personnel report submission system, via district superintendents, during certain periods when the reporting windows have been closed. The names of the various personnel reports are also updated for greater clarity.

AUTHORITY:

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

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2015 until 4:30 p.m., Tuesday, February 17, 2015.

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 Tuesday, February 17, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, 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:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and 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 on and after the date of publication of this Notice of Rulemaking Intent. 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:

Lori Murphy, 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) 522-5260

[OAR Docket #14-1087; filed 12-23-14]

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

[OAR Docket #14-1088]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation
210:30-5-5. Transportation routes and boundaries
[AMENDED]

SUMMARY:

The proposed amendments to 210:30-5-5 outline policies regarding the transportation of students who reside in an elementary school district and are enrolled at an independent school district in a grade they are entitled to pursue, under 70 O.S. § 8-101. These amendments are necessary to clarify the procedures that apply when an independent district exercises its right to voluntarily provide transportation to its own students who reside in an elementary district. The amendments also simplify the procedures by which the voters in a school district may petition the State Board of Education for a change in the boundaries of its transportation area.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 8-101; 70 O.S. § 9-105

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2015 until 4:30 p.m., Tuesday, February 17, 2015.

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 Tuesday, February 17, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, 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,

Notices of Rulemaking Intent

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:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and 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 on and after the date of publication of this Notice of Rulemaking Intent. 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:

Lori Murphy, 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) 522-5260

[OAR Docket #14-1088; filed 12-23-14]

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

[OAR Docket #14-1089]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation

210:30-5-6. School buses [AMENDED]

SUMMARY:

The proposed amendments to 210:30-5-6 provide that transportation equipment used to transport 10 or more students to any curriculum based program or activity, including technology center attendance, must meet the minimum standards for Types A, B, C, and D school buses. The amendments are necessary to ensure that vehicles used to transport students to and from technology centers meet the same standards as vehicles used to transport students to and from school.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 9-104; 47 O.S. § 15-109

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2015 until 4:30 p.m., Tuesday, February 17, 2015.

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 Tuesday, February 17, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, 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:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and 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 on and after the date of publication of this Notice of Rulemaking Intent. 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:

Lori Murphy, 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) 522-5260

[OAR Docket #14-1089; filed 12-23-14]

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

[OAR Docket #14-1090]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation

210:30-5-8. School bus driver certification [AMENDED]

SUMMARY:

The proposed amendments to 210:30-5-8 clarify that the valid Oklahoma State Department of Education School Bus Driving Certificate and supporting documentation required for school bus drivers is required for any school district employee or volunteer assigned any school bus driving duty involving the transportation of students. These amendments are necessary to ensure that every person transporting students in a school bus, regardless of employment classification or nature of duties, meets the standards required for school bus drivers.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 47 O.S. § 15-109

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 15, 2015 until 4:30 p.m., Tuesday, February 17, 2015.

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 Tuesday, February 17, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, 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:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and 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 on and after the date of publication of this Notice of Rulemaking Intent. 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:

Lori Murphy, 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) 522-5260

[OAR Docket #14-1090; filed 12-23-14]

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

[OAR Docket #14-1049]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 300:20-1-1. [AMENDED]
- 300:20-1-2. [AMENDED]
- 300:20-1-4. [AMENDED]
- 300:20-1-7. [AMENDED]
- 300:20-1-9. [AMENDED]
- 300:20-1-13. [AMENDED]

SUMMARY:

The word "purchasing" has been replaced with "acquisition" to encompass the entire process whether it is by purchase, lease, or grants. "Employment services" has been added to the processes that may be exempt from competitive bidding to enable use of other acquisition methods. The market for certain types of engineers is highly competitive and there is often difficulty in obtaining formal bids from organizations that specialize in recruitment of the types of engineers needed. Language has been added to recognize the unique acquisition processes necessary for services related to 1) bond issuance and coordination with the State Bond Advisor and 2) the unique requirements for analyses or studies related to forecasting, rates, production costs, resource planning or customer contracts. Emergency acquisitions for items and services may be procured through the utilization of mutual aid agreements with government and non-government owned utilities.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2010, § 861A(B)(1); 82 O.S.Supp. 2012, § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2015 through 4:45 p.m. on February 16, 2015 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen Caslavka Edwards.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday,

Notices of Rulemaking Intent

February 18, 2015 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 15, 2015 through February 16, 2015, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 15, 2015 through 4:45 p.m. on February 16, 2015 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen Caslavka Edwards.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Ellen Caslavka Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Ellen Caslavka Edwards, General Counsel, (918) 256-5545

[OAR Docket #14-1049; filed 12-19-14]

TITLE 300. GRAND RIVER DAM AUTHORITY CHAPTER 22. REPAIRS AND IMPROVEMENTS TO GRAND RIVER DAM AUTHORITY FACILITIES

[OAR Docket #14-1050]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose and Definitions [NEW]

300:22-1-1. [NEW]

300:22-1-2. [NEW]

Subchapter 3. The Bidding Process [NEW]

300:22-3-1. [NEW]

300:22-3-2. [NEW]

300:22-3-3. [NEW]

300:22-3-4. [NEW]

300:22-3-5. [NEW]

300:22-3-6. [NEW]

300:22-3-7. [NEW]

300:22-3-8. [NEW]

Subchapter 5. Contract Procedures, Payment Requests, Change Orders, and Contract Completion [NEW]

300:22-5-1. [NEW]

300:22-5-2. [NEW]

300:22-5-3. [NEW]

300:22-5-4. [NEW]

300:22-5-5. [NEW]

300:22-5-6. [NEW]

300:22-5-7. [NEW]

300:22-5-8. [NEW]

300:22-5-9. [NEW]

300:22-5-10. [NEW]

300:22-5-11. [NEW]

SUMMARY:

The proposed rules govern the manner in which Grand River Dam Authority ("GRDA") shall award contracts concerning the design, repair, construction, or improvements to GRDA generation and hydro systems and equipment. More specifically, this includes all associated structures, bridges, dams, transmission lines, substations, pipelines, and roads. The bidding process, contract award, payment requests, change orders, extensions, inspections, and completion procedures are outlined in the policy. In addition, provisions are specified for termination of underperformed contracts and evaluations of consultants and contractors.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2010, § 861A(B)(1); 82 O.S. Supp. 2012, § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2015 through 4:45 p.m. on February 16, 2015 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen Caslavka Edwards.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, February 18, 2015 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 15, 2015 through February 16, 2015, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 15, 2015 through 4:45 p.m. on February 16, 2015 at Grand River

Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen Caslavka Edwards.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Ellen Caslavka Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Ellen Caslavka Edwards, General Counsel, (918) 256-5545

[OAR Docket #14-1050; filed 12-19-14]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 35. LAKE RULES**

[OAR Docket #14-1051]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Definitions, Purpose and Application
300:35-1-1. [AMENDED]
- Subchapter 3. General Provisions
300:35-3-5. [AMENDED]
300:35-3-9. [AMENDED]
300:35-3-10. [AMENDED]
300:35-3-14. [AMENDED]
300:35-3-15. [AMENDED]
- Subchapter 5. Boating Safety Rules
300:35-5-6. [AMENDED]
300:35-5-10. [NEW]
- Subchapter 7. Vessels
300:35-7-9. [AMENDED]
300:35-7-12. [AMENDED]
- Subchapter 11. Permits for Wharves, Landings, Buoys,
Breakwaters and Docking Facilities
300:35-11-12. [AMENDED]
300:35-11-13. [NEW]
- Subchapter 13. Permits for Dikes, Excavations, Dredgings,
Erosion Control Devices, Retaining Walls, and Shoreline
Stabilization
300:35-13-4. [AMENDED]
- Subchapter 15. Commercial Use of the Lakes and Lands of
GRDA
300:35-15-1. [AMENDED]

- 300:35-15-2. [AMENDED]
- Subchapter 17. Raw Water Permits
300:35-17-1. [AMENDED]
- Subchapter 21. Administration of Rules and Hearings
300:35-21-1. [AMENDED]
300:35-21-3. [AMENDED]
300:35-21-4. [AMENDED]
300:35-21-7. [AMENDED]
300:35-21-8. [AMENDED]
- Subchapter 27. Vegetation Management Plan
300:35-27-7. [AMENDED]
- Subchapter 29. Shoreline Management Plans
300:35-29-1. [NEW]

SUMMARY:

The proposed amendments include new rules for water jet packs, boating in Woodard Hollow, and the Shoreline Management Plans. Language has been added which states no dock shall extend more than one-third of the cove and measurement guidance has been provided. New rules are included to distinguish which land areas may be hunted and Ottawa County hunting rules have been established. Guidelines have been proposed for revocation of a dock installer's permit. A clarification has been added that fees will be charged on a dock permit from the date of ownership. The rules relating to hearings for violation of rules have been reorganized and expanded for clarity and improved sequential order. Other general clarifications have been made.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2010 § 861A(B)(1), 82 O.S. Supp. 2012 § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2015 through 4:45 p.m. on February 16, 2015 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen Caslavka Edwards.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, February 18, 2015 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 15, 2015 through February 16, 2015, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 15, 2015 through 4:45 p.m. on February 16, 2015 at Grand River

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Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen Caslavka Edwards.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Ellen Caslavka Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Ellen Caslavka Edwards, General Counsel, (918) 256-5545

[OAR Docket #14-1051; filed 12-19-14]

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

[OAR Docket #14-1118]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 35. Rural Health Clinics

317:30-5-355.1. [AMENDED]

317:30-5-356. [AMENDED]

317:30-5-357. [AMENDED]

317:30-5-361. [AMENDED]

Part 75. Federally Qualified Health Centers

317:30-5-664.3. [AMENDED]

317:30-5-664.4. [REVOKED]

317:30-5-664.12. [AMENDED]

(Reference APA WF # 14-02)

SUMMARY:

Rules are revised to limit encounters within Federal Qualified Health Centers (FQHC) and Rural Health Clinic Services (RHC) to one encounter per member per day as well as limit encounters to a total of four visits per member per month for adults.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.20; CFR 447.371; 42 CFR 440.365

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business

hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1118; filed 12-23-14]

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

[OAR Docket #14-1119]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-56. [AMENDED]

(Reference APA WF # 14-04)

SUMMARY:

Rules are amended to reduce/deny payment for preventable readmissions that occur within 30 days from discharge. The current policy reviews readmissions occurring within 15 days of prior acute care admissions or a related condition to determine medical necessity and appropriateness of care. If it is determined either or both admissions may be inappropriate, payment for either or both admissions may be denied.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 412.50 through 42 CFR 412.154

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1119; filed 12-23-14]

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

[OAR Docket #14-1120]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration
317:30-3-5 [AMENDED]

(Reference APA WF # 14-05)

SUMMARY:

The Agency's cost-sharing rules are revised to permit an increase of copays to the federal maximum. Additionally, policy is amended to add diabetic supplies and smoking cessation counseling and products to the service copayment exemption list in order to ensure member access to necessary services that improve member health outcomes.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1905(o) of the Social Security Act; The Deficit Reduction Act of 2005

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1120; filed 12-23-14]

Notices of Rulemaking Intent

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

[OAR Docket #14-1121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 17. Medical Suppliers

317:30-5-211.11 [AMENDED]

317:30-5-211.12 [AMENDED]

(Reference APA WF # 14-07)

SUMMARY:

Oxygen and oxygen equipment rules are revised to require a prior authorization after the initial three months. In addition, rules are revised to clarify arterial blood gas analysis (ABG) and pulse oximetry testing and Certificate of Medical Necessity requirements. Rules for rental oxygen are amended to clarify that reimbursement for rented oxygen concentrators includes both stationary and portable oxygen systems.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 424.57

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1121; filed 12-23-14]

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

[OAR Docket #14-1122]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-126 [AMENDED]

(Reference APA WF # 14-12)

SUMMARY:

Rules are revoked to eliminate payment for hospital leave to nursing facilities and ICF/IIDs.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 483.12

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1122; filed 12-23-14]

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

[OAR Docket #14-1123]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241.2. [AMENDED]
317:30-5-241.3. [AMENDED]
(Reference APA WF # 14-13)

SUMMARY:

Rules are amended to add eligibility criteria required in order to receive psychosocial rehabilitation (PSR) services. Adult PSR services will be limited to members with a history of psychiatric hospitalization or admissions to crisis centers; have been determined disabled by the Social Security Administration for mental health reasons; or who are residing in residential care facilities. Children's PSR services will be limited to members with a history of psychiatric hospitalization or admissions to crisis centers; have been determined disabled by the Social Security Administration for mental health reasons; or have a current Individual Education Plan (IEP) for emotional disturbance. Additionally, revisions are made to outpatient behavioral health rules to clarify that daily or weekly summary notes and related requirements are for rehab day programs only, to create distinction between licensed behavioral health professionals and licensure candidates, to clarify that group psychotherapy is not reimbursable, and other grammatical changes.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.130; 42 CFR 440.230

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1123; filed 12-23-14]

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

[OAR Docket #14-1126]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241. [AMENDED]
Part 25. Psychologists
317:30-5-276. [AMENDED]
Part 26. Licensed Behavioral Health Providers
317:30-5-281. [AMENDED]
(Reference APA WF # 14-15)

SUMMARY:

Rules are revised to limit the number of hours that outpatient behavioral health rendering providers can be reimbursed to 35 hours per week. Additionally, rules are revised to correct scrivener's errors made during the 2014 permanent rulemaking session.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business

Notices of Rulemaking Intent

hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1126; filed 12-23-14]

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

[OAR Docket #14-1127]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 22. Health Homes [NEW]
317:30-5-250. [NEW]
317:30-5-251. [NEW]
317:30-5-252. [NEW]
317:30-5-253. [NEW]
317:30-5-254. [NEW]

(Reference APA WF # 14-16)

SUMMARY:

Rules are added to create coverage guidelines for Health Homes. Health Homes are created to promote enhanced integration and coordination of primary, acute, behavioral health, and long-term services and supports for persons across the lifespan with chronic illness. Additionally, rules are

amended to make a distinction between LBHPs and Licensure Candidates.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 2703 of the Affordable Care Act (Public Law 111-148); Section 1945 of Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1127; filed 12-23-14]

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

[OAR Docket #14-1129]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-39 [AMENDED]

317:30-3-41 [AMENDED]
(Reference APA WF # 14-19A)

SUMMARY:

Policy is revised to change the operating agency of the 1915(c), My Life; My Choice and Sooner Seniors waivers. Members will be enrolled in the ADvantage waiver and will receive the same services provided in the current waiver. All operating functions and responsibilities for each waiver will be operated by the Oklahoma Department of Human Services. The state has decided not to pursue the relinquishment of the Medically Fragile waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 441.301

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1129; filed 12-23-14]

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

[OAR Docket #14-1132]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 17. Medical Suppliers
- 317:30-5-211.1 [AMENDED]
- 317:30-5-211.3 [AMENDED]
- 317:30-5-211.4 [AMENDED]
- 317:30-5-211.5 [AMENDED]
- 317:30-5-211.9 [AMENDED]
- 317:30-5-211.10 [AMENDED]
- 317:30-5-211.17 [AMENDED]
- 317:30-5-217 [AMENDED]
- 317:30-5-218 [AMENDED]

(Reference APA WF # 14-22)

SUMMARY:

Policy is revised to update Part 17 (Medical Suppliers) in Chapter 30 to clarify rules for durable medical equipment (DME) services. Changes include updating billing and PA requirements for DME items, updating the list of DME items that require a certificate of medical necessity, clarifying that repairs for rental DME items are not covered, and revising the definition of invoice.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1132; filed 12-23-14]

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

[OAR Docket #14-1134]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-696 [AMENDED]

317:30-5-698 [AMENDED]

317:30-5-699 [AMENDED]

317:30-5-700 [AMENDED]

317:30-5-700.1 [AMENDED]

(Reference APA WF # 14-25)

SUMMARY:

The proposed dental policy is revised to align practice with the Code on Dental Procedures and Nomenclature (CDT) and to ensure the delivery of dental services meets the standard of care. Proposed revisions include the elimination of the perinatal dental program, guidelines for x-rays, comprehensive and periodic oral evaluations, and dental sealants. Rules are revised to add coverage for the replacement of sealants; current policy restricts coverage for replacement sealants when medically necessary. Revisions also include clean-up to remove language regarding composite and amalgam restorations as it is referenced in a different section. Proposed revisions outline guidelines for stainless steel crowns to clarify that placement is allowed once for a minimum period of 24 months as well as other clean-up for clarity.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1905(r)(3) of the Social Security Act; 42 CFR 440.100

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care

Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1134; filed 12-23-14]

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

[OAR Docket #14-1135]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-14 [AMENDED]

317:30-5-14.1 [NEW]

(Reference APA WF # 14-28)

SUMMARY:

Rules are added to regulate allergy testing and immunotherapy services. Current policy does not specify controls on these services other than general medical necessity.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.50

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1135; filed 12-23-14]

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

[OAR Docket #14-1139]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 6. Inpatient Psychiatric Hospitals
- 317:30-5-95.4. [AMENDED]
- 317:30-5-95.14. [AMENDED]
- 317:30-5-95.33. [AMENDED]
- (Reference APA WF # 14-38)

SUMMARY:

Inpatient psychiatric hospital policy is revised to clarify that the member's signature on the Individual Plan of Care is required at the time of completion. However, if the member was too physically ill or their acuity level precluded them from signing the plan of care and/or the plan of care review at the time of completion, the member must sign the plan when their condition improves but before discharge. Rules are also revised to indicate that the individual plan of care must adhere to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.155; 42 CFR 483.440

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1139; filed 12-23-14]

Notices of Rulemaking Intent

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

[OAR Docket #14-1140]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 83. Residential Behavior Management Services in
Foster Care Settings
317:30-5-742.2 [AMENDED]
(Reference APA WF # 14-39)

SUMMARY:

Policy is revised to indicate a 1.5 hours daily limit on services billed by the Treatment Parent Specialist (TPS) within the Therapeutic Foster Care (TFC) setting. This change in policy aligns with limitations delineated within the State Plan for this particular provider and setting. Additionally, rules are revised to make a distinction between LBHPs and Licensure Candidates.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Oklahoma State Plan Attachment 4.19-B, pg.16.1 & Attachment 4.19-B, pg. 34

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1140; filed 12-23-14]

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

[OAR Docket #14-1141]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Hospitals
317:30-5-95.6. [AMENDED]
317:30-5-95.16. [AMENDED]
317:30-5-95.37. [AMENDED]
317:30-5-95.42. [AMENDED]
(Reference APA WF # 14-42)

SUMMARY:

Policy is revised to reflect that the History and Physical (H&P) should be completed within 24 hours after admission into an inpatient psychiatric hospital. Rules are also amended to clarify that the psychiatric evaluation is performed by a psychiatrist. Further, rules are amended to clarify that the psychiatric evaluation is completed within 60 hours of admission. Rules are amended to clarify recoupment methodology when documentation is not in the member's file. Additionally, rules are amended to reflect a distinction of LBHPs and Licensure Candidates.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 482.22

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1141; filed 12-23-14]

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

[OAR Docket #14-1143]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Hospitals
317:30-5-95.24. [AMENDED]
(Reference APA WF # 14-45)

SUMMARY:

Inpatient psychiatric hospital policy is revised to indicate that non-specialty Psychiatric Residential Treatment Facilities (PRTF) should have a staff to member ratio of 1:6 during routine awake hours and 1:8 during sleeping hours. Additionally, changes are made to clarify that staffing ratios should always be present for each individual unit not by facility or program. Other minor grammatical changes were made to the rule.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; CFR 483.354; CFR 441.151

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business

hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1143; filed 12-23-14]

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

[OAR Docket #14-1144]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 41. Family Support Services
317:30-5-412 [AMENDED]
Part 43. Agency Companion, Specialized Foster Care, Daily Living Supports, Group Homes, and Community Transition Services
317:30-5-422 [AMENDED]
Part 51. Habilitation Services
317:30-5-482 [AMENDED]
(Reference APA WF # 14-46A)

SUMMARY:

The proposed revisions are to implement policy changes recommended during the Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS)

Notices of Rulemaking Intent

annual policy review process. The recommendations will also assist DDS with being in full compliance with the new federal regulation for Home and Community-Based Services with regard to members and their settings. Additionally, the proposed policy revisions will position DDS to utilize best practice in the administration of the statewide Request for Waiver Services list.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 440.180, 42 CFR 441.301, 42 CFR 441.302, 42 CFR 441.710, and the Director of Human Services; Title 56 Section 162 of the Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1144; filed 12-23-14]

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

[OAR Docket #14-1146]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-95.34. [AMENDED]

(Reference APA WF # 14-47)

SUMMARY:

Policy is revised to indicate that when the H&P or a combined H&P and psychiatric evaluation are completed by an allopathic or osteopathic physician with a current license and a board certification/eligible in psychiatry, the assessment(s) may count as the first visit by the physician in active treatment. Additionally, rules are revised to include a distinction between LBHPs and Licensure Candidates.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 482.22; Social Security Act 1861; 42 CFR 483.440

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1146; filed 12-23-14]

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

[OAR Docket #14-1147]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

(Reference APA WF # 14-48)

SUMMARY:

Policy is revised to add the State Plan authorized billing limits of 25 units per month for regular TCM and 54 units for intensive TCM. Rules are also amended to create a distinction between LBHPs and licensure candidates. Additionally, rules are revised to correct scrivener's errors made during the 2014 permanent rulemaking session.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; State Plan Amendment 4.19-B, pg. 22

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1147; filed 12-23-14]

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

[OAR Docket #14-1150]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

(Reference APA WF # 14-50)

SUMMARY:

Policy is revised to expand the scope of telemedicine for access.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1150; filed 12-23-14]

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

[OAR Docket #14-1151]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information

317:30-3-64 [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 32. SoonerRide Non-Emergency Transportation

317:30-5-327 [AMENDED]

317:30-5-327.1 [AMENDED]

317:30-5-327.3 [AMENDED]

(Reference APA WF # 14-52A)

SUMMARY:

Non-emergency transportation rules are revised to clarify eligibility and coverage criterion.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.170

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1151; filed 12-23-14]

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

[OAR Docket #14-1153]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 21. Outpatient Behavioral Health Agency Services

317:30-5-241.1. [AMENDED]

(Reference APA WF # 14-53)

SUMMARY:

Policy is revised to add service coverage for mental health/substance use disorder screening for SoonerCare adult and child members within an outpatient behavioral health agency setting. Additionally, rules are revised to create a distinction between LBHPs and Licensure Candidates.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1153; filed 12-23-14]

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

[OAR Docket #14-1154]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 6. Inpatient Psychiatric Hospitals
- 317:30-5-95.9. [AMENDED]
- 317:30-5-95.19. [AMENDED]
- 317:30-5-95.36. [AMENDED]
- 317:30-5-95.39. [AMENDED]
- 317:30-5-95.41. [AMENDED]
- Part 21. Outpatient Behavioral Health Agency Services
- 317:30-5-240.2. [AMENDED]
- 317:30-5-240.3. [AMENDED]
- 317:30-5-241.4. [AMENDED]
- 317:30-5-241.5. [AMENDED]
- Part 83. Residential Behavior Management Services in Foster Care Settings
- 317:30-5-740.1. [AMENDED]
- 317:30-5-741. [AMENDED]
- (Reference APA WF # 14-55)**

SUMMARY:

Outpatient behavioral health rules are revised to create distinction between licensed behavioral health professionals

and licensure candidates. Additionally, other minor errors were corrected.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1154; filed 12-23-14]

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

[OAR Docket #14-1155]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 1. Physicians
- 317:30-5-22. [AMENDED]
- 317:30-5-22.1 [AMENDED]

Notices of Rulemaking Intent

(Reference APA WF # 14-58)

SUMMARY:

Rules are revised to allow general OB/GYN providers the ability to evaluate pregnant women for a defined list of high risk obstetrical services without a referral from a Maternal Fetal Medicine doctor.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1155; filed 12-23-14]

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

[OAR Docket #14-1156]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 75. Federally Qualified Health Centers
317:30-5-660.1 [AMENDED]

(Reference APA WF # 14-60)

SUMMARY:

Rules are revised to remove the requirement for FQHC's to submit the Medicare Certification number in conjunction with the Health Resources and Services Administration (HRSA) grant award letter.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 491.3; 42 CFR 405.2434; Section 4231 and 6303 of the Medicaid Manual

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1156; filed 12-23-14]

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

[OAR Docket #14-1125]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Advantage Waiver Services
317:35-17-14 [AMENDED]
(Reference APA WF # 14-14B)

SUMMARY:

Policy is revised to include all 1915(c) waiver programs to comply with 42 CFR 441.301 regarding conflict of interest provisions for case management services. These emergency changes are necessary as the regulation states providers of HCBS for the individual, or those who have an interest in or are employed by a provider of HCBS for the individual, must not provide case management services or develop the person centered service plan. Without the recommended changes, the State is out of compliance with CMS and may be in risk of losing federal funding. Additionally, rules are modified to provide clarification within the institutional transition case management service definition. Without the recommended changes, the policy will remain inconsistent with references to institutional transition as transitional case management services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 441.301

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1125; filed 12-23-14]

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

[OAR Docket #14-1128]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-41.2 [AMENDED]
317:35-5-41.3 [AMENDED]
317:35-5-42 [AMENDED]
(Reference APA WF # 14-17)

SUMMARY:

In order to come into compliance with federal regulations, rules regarding eligibility determinations for Aged, Blind, and Disabled (ABD) individuals applying for Medicaid services are amended. Policy changes include adding new language regarding the Asset Verification System to check the income or resources of ABD applicants held at financial institutions, updating how resources are counted towards the maximum resource limit, exempting the value of one automobile regardless of its value from the maximum resource limit, expanding the income disregards list, and disregarding \$20 unearned of income.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1902(f) of the Social Security Act; 42 CFR §435.120; 1915(c) Home and Community Based Services Waiver

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1128; filed 12-23-14]

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

[OAR Docket #14-1131]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Soonercare for Pregnant Women and Families with Children

Part 5. Determination of Eligibility for Soonercare Health Benefits for Pregnant Women and Families with Children

317:35-6-38 [NEW]

(Reference APA WF # 14-20)

SUMMARY:

Hospital Presumptive Eligibility (HPE) rules are added to comply with Section 1920A of the Act and federal regulations 42 CFR 435.1100-1110. HPE allows participating hospitals to make presumptive eligibility (PE) determinations, on behalf of the agency, for applicants who are deemed eligible for Medicaid services based on preliminary information provided by the applicant. Hospitals may then provide services under HPE and bill OHCA. Hospitals are guaranteed payment for

HPE services, regardless of whether or not the applicant is later found eligible for Soonercare. The rules will delineate the parameters of the HPE program, eligibility guidelines, and hospital participation rules.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 435.1100-1110

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1131; filed 12-23-14]

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

[OAR Docket #14-1136]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
317:35-1-2 [AMENDED]

Subchapter 5. Eligibility and Countable Income
Part 1. Determination of Qualifying Categorical Relationship
317:35-5-4 [AMENDED]
317:35-5-4.1 [AMENDED]
317:35-5-4.2 [NEW]
317:35-5-4.3 [NEW]
Subchapter 7. Medical Services
Part 7. Certification, Redetermination and Notification
317:35-7-61.1 [AMENDED]
Subchapter 9. ICF/MRIID, HCBW/MRIID, and Individuals Age 65 or Older in Mental Health Hospitals
Part 5. Determination of Medical Eligibility for ICF/MRIID, HCBW/MRIID, and Individuals Age 65 or Older in Mental Health Hospitals
317:35-9-48.1 [AMENDED]
(Reference APA WF # 14-33)

SUMMARY:

Policy is amended to change the TEFRA program eligibility rules to match federal guidelines for level of care (LOC). Changes include replacing all TEFRA language regarding mental retardation or ICF/MR to individuals with intellectual disabilities or ICF/IID. Rules regarding ICF/IID LOC eligibility will change to match current DSM-5 and SSA guidelines regarding intellectual disabilities. Specific LOC criteria for determining both hospital and nursing facility will be added to coincide with the ICF/IID criteria. TEFRA rules will also allow one additional psychological evaluation after the age of six, as medically needed. Finally, the Definitions section is updated to include the term "Ineligible Spouse".

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 409.31-409.34; 42 CFR 440.10; Public Law 111-256

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1136; filed 12-23-14]

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

[OAR Docket #14-1138]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-41.8 [AMENDED]
(Reference APA WF # 14-36)

SUMMARY:

Long-term care eligibility rules are clarified to be consistent with 42 U.S. Code § 1396p. Changes include increasing home equity maximum amount to \$500,000 plus the increase by the annual percentage increase in the urban component of the consumer price index, and allowing the individual to decrease this equity interest through the use of a reverse mortgage or home equity loan. The term "relative" is removed from the home exemption rules for members who fail to return back home from a long-term care institution. The term "assets" is changed to also include annuities purchased by, or on behalf of, an annuitant seeking long-term care services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 U.S. Code § 1396p

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1138; filed 12-23-14]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #14-1142]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. SoonerCare for Pregnant Women and Families with Children

Part 7. Certification, Redetermination and Notification

317:35-6-62.1 [NEW]

(Reference APA WF # 14-44)

SUMMARY:

Rules are revised to allow electronic notices to be sent to SoonerCare members' designated email addresses. Members may actively select that they wish to receive electronic communications from the agency through the SoonerCare application. The agency will confirm that the member is informed of their right to change this election at any time, ensure that members receive mailed notice of this election, and that all notices are posted on the SoonerCare application for member viewing within one business day. In instances of failed electronic communications, the agency will notify the member, through the mail, of this failed correspondence and that action is necessary.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 435.918

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1142; filed 12-23-14]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #14-1148]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income

Part 3. Non-Medical Eligibility Requirements

317:35-5-25 [AMENDED]

(Reference APA WF # 14-49A)

SUMMARY:

In order to enhance the enrollment and eligibility process for the Insure Oklahoma (IO), the methodology for determining IO eligibility, for both IP and ESI, is changing to the Modified Adjusted Gross Income (MAGI) methodology. The reasonable opportunity for SoonerCare members to obtain citizenship or alienage documentation is also amended. In order to have an effective date of January 1, 2016, the MAGI transition will also require an amendment to the 1115 Demonstration Waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 435.918

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1148; filed 12-23-14]

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

[OAR Docket #14-1152]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Coverage and Exclusions
317:35-3-2 [AMENDED]
(Reference APA WF # 14-52B)

SUMMARY:

Non-emergency transportation rules are revised to clarify eligibility and coverage criterion.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.170

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1152; filed 12-23-14]

Notices of Rulemaking Intent

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

[OAR Docket #14-1133]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Member Services

Part 1. Agency Companion Services

317:40-5-3 [AMENDED]

317:40-5-4 [REVOKED]

317:40-5-5 [AMENDED]

317:40-5-6 [AMENDED]

317:40-5-9 [REVOKED]

317:40-5-10 [REVOKED]

317:40-5-11 [AMENDED]

317:40-5-13 [AMENDED]

Part 3. Guidelines to Staff

317:40-5-40 [AMENDED]

(Reference APA WF # 14-23)

SUMMARY:

Policy is revised to include all Developmental Disabilities Services (DDS) to comply with 29 CFR 552.109 regarding domestic service employees employed by third-party employers, or employers other than the individual receiving services, or his or her family, or household. The regulation precludes third party employers from claiming the companion exemption.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 29 CFR 552.109

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1133; filed 12-23-14]

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

[OAR Docket #14-1137]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:40-1-1 [AMENDED]

(Reference APA WF # 14-34)

SUMMARY:

The proposed revisions are to implement policy changes recommended during the Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) annual policy review process. The recommended policy revisions will position DDS to utilize best practice in the administration of the statewide Request for Waiver Services list. OAC 317:40-1-1. Home and Community-Based Services (HCBS) Waivers for persons with intellectual disabilities or certain persons with related conditions is amended to: (1) include timeframes for how long psychological evaluations are considered valid to determine eligibility for DDS HCBS Waiver services; (2) include timeframes for reporting any address changes or other contact information to DHS; and (3) provide timeframes when an individual is removed from the Request for Waiver Services List when the individual fails to respond or does not provide DHS requested information.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 440.180, 42 CFR 441.301, 42 CFR 441.302, 42 CFR 441.710, and the Director of Human Services; Title 56 Section 162 of the Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1137; filed 12-23-14]

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

[OAR Docket #14-1145]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
317:40-1-3 [NEW]
 - Subchapter 5. Member Services
 - Part 9. Service Provisions
317:40-5-100 [AMENDED]
317:40-5-103 [AMENDED]
 - Part 11. Other Community Residential Supports
317:40-5-152 [AMENDED]
 - Subchapter 7. Employment Services Through Home and
Community-Based Services Waivers
317:40-7-15 [AMENDED]
- (Reference APA WF # 14-46B)**

SUMMARY:

The proposed revisions are to implement policy changes recommended during the Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) annual policy review process. The recommendations will also assist DDS with being in full compliance with the new federal regulation for Home and Community-Based Services with regard to members and their settings. Additionally, the proposed policy revisions will position DDS to utilize best practice in the administration of the statewide Request for Waiver Services list.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 440.180, 42 CFR 441.301, 42 CFR 441.302, 42 CFR 441.710, and the Director of Human Services; Title 56 Section 162 of the Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1145; filed 12-23-14]

Notices of Rulemaking Intent

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

[OAR Docket #14-1149]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:45-1-3 [AMENDED]

Subchapter 9. Insure Oklahoma ESI Employee Eligibility

317:45-9-1 [AMENDED]

Subchapter 11. Insure Oklahoma IP

Part 5. Insure Oklahoma IP Member Eligibility

317:45-11-20 [AMENDED]

317:45-11-21 [AMENDED]

(Reference APA WF # 14-49B)

SUMMARY:

In order to enhance the enrollment and eligibility process for the Insure Oklahoma (IO), the methodology for determining IO eligibility, for both IP and ESI, is changing to the Modified Adjusted Gross Income (MAGI) methodology. The reasonable opportunity for SoonerCare members to obtain citizenship or alienage documentation is also amended. In order to have an effective date of January 1, 2016, the MAGI transition will also require an amendment to the 1115 Demonstration Waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 435.918

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1149; filed 12-23-14]

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

[OAR Docket #14-1124]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Medically Fragile Waiver Services

317:50-1-14 [AMENDED]

(Reference APA WF # 14-14A)

SUMMARY:

Policy is revised to include all 1915(c) waiver programs to comply with 42 CFR 441.301 regarding conflict of interest provisions for case management services. These emergency changes are necessary as the regulation states providers of HCBS for the individual, or those who have an interest in or are employed by a provider of HCBS for the individual, must not provide case management services or develop the person centered service plan. Without the recommended changes, the State is out of compliance with CMS and may be in risk of losing federal funding. Additionally, rules are modified to provide clarification within the institutional transition case management service definition. Without the recommended changes, the policy will remain inconsistent with references to institutional transition as transitional case management services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 441.301

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #14-1124; filed 12-23-14]

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

[OAR Docket #14-1130]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. My Life, My Choice [REVOKED]
- 317:50-3-1 [REVOKED]
- 317:50-3-2 [REVOKED]
- 317:50-3-3 [REVOKED]
- 317:50-3-4 [REVOKED]
- 317:50-3-5 [REVOKED]
- 317:50-3-6 [REVOKED]
- 317:50-3-7 [REVOKED]
- 317:50-3-8 [REVOKED]
- 317:50-3-9 [REVOKED]
- 317:50-3-10 [REVOKED]
- 317:50-3-11 [REVOKED]
- 317:50-3-12 [REVOKED]
- 317:50-3-13 [REVOKED]
- 317:50-3-14 [REVOKED]
- 317:50-3-15 [REVOKED]
- 317:50-3-16 [REVOKED]
- Subchapter 5. Sooner Seniors [REVOKED]
- 317:50-5-1 [REVOKED]
- 317:50-5-2 [REVOKED]
- 317:50-5-3 [REVOKED]
- 317:50-5-4 [REVOKED]
- 317:50-5-5 [REVOKED]

- 317:50-5-6 [REVOKED]
- 317:50-5-7 [REVOKED]
- 317:50-5-8 [REVOKED]
- 317:50-5-9 [REVOKED]
- 317:50-5-10 [REVOKED]
- 317:50-5-11 [REVOKED]
- 317:50-5-12 [REVOKED]
- 317:50-5-13 [REVOKED]
- 317:50-5-14 [REVOKED]
- 317:50-5-15 [REVOKED]
- 317:50-5-16 [REVOKED]
- (Reference APA WF # 14-19B)

SUMMARY:

Policy is revised to change the operating agency of the 1915(c), My Life;My Choice and Sooner Seniors waivers. Members will be enrolled in the ADvantage waiver and will receive the same services provided in the current waiver. All operating functions and responsibilities for each waiver will be operated by the Oklahoma Department of Human Services. The state has decided not to pursue the relinquishment of the Medically Fragile waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 42 CFR 441.301

COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2015, through February 16, 2015, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Wednesday, February 18, 2015, at 1:00 p.m., at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on February 16, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #14-1130; filed 12-23-14]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

[OAR Docket #14-1101]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Risk Management
Part 3. Safety and Risk Management
377:3-11-20. General provisions [AMENDED]

SUMMARY:

Proposed rule changes are the results of renumbered and revised statutes. The proposed rules are necessary in order to correctly reference the applicable provisions.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on Monday, February 16, 2015 at the following address: Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLYnn.Hartman@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on Tuesday, February 17, 2015 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 8:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional 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 JLYnn Hartman at the above address before the close of the comment period on February 16, 2015.

COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812

N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLYnn.Hartman@oja.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before January 30, 2015 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLYnn Hartman, Director of Government Relations, (405) 530-2866, or JLYnn.Hartman@oja.ok.gov.

[OAR Docket #14-1101; filed 12-23-14]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

[OAR Docket #14-1102]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Office of Public Integrity
Part 11. Requirements for Certification of Secure Juvenile Facilities
377:3-13-124. Purpose [AMENDED]
377:3-13-124.1 Executive Administration [NEW]
377:3-13-126. Policies and procedures [AMENDED]
377:3-13-127. Physical plant requirements [AMENDED]
377:3-13-131. Admission procedures [AMENDED]
377:3-13-132. Juvenile rights and grievance procedures [AMENDED]
377:3-13-132.1. Juvenile work [NEW]
377:3-13-132.2. Religious services and counseling [NEW]
377:3-13-133. Visitation procedures [AMENDED]
377:3-13-133.1. Access to Courts/Counsel [NEW]
377:3-13-134. Clothing provision [AMENDED]
377:3-13-135. Personal hygiene provision [AMENDED]
377:3-13-136.1. Juvenile personal property [NEW]
377:3-13-136.2. Liability [NEW]
377:3-13-136.3. Records [NEW]
377:3-13-137. Disciplinary procedures [AMENDED]
377:3-13-138. Medical and health care programs [AMENDED]
377:3-13-138.1. Surgery [NEW]
377:3-13-138.2. Medical isolation [NEW]
377:3-13-138.3. Administration of medications [NEW]
377:3-13-138.4. Juvenile's refusal of medical services [NEW]
377:3-13-138.5. Emergency medical services [NEW]
377:3-13-140.1. Diagnostic evaluation [NEW]
377:3-13-141. Educational programs [AMENDED]
377:3-13-142. Recreational programs [AMENDED]
377:3-13-144. Security and control [AMENDED]
377:3-13-147.1 Background history records searches [NEW]

- 377:3-13-147.2. Sexual activity [NEW]
- 377:3-13-148.1. Injuries, fires, and assaults [NEW]
- 377:3-13-149. Food and nutrition requirements [AMENDED]

SUMMARY:

Proposed rule revisions are the results of amendments to correct inconsistencies between Chapter 3 certifying all secure facilities, and Chapter 35 governing institutional services. Many of the provisions of Chapter 3 were adopted in 2009 in whole or in part from provisions in Chapter 35. Over time, statutes have changed, provisions of the Terry D. Dismissal Order have been modified, and rules have been amended resulting in conflicting provisions between the two Chapters. OJA is proposing revoking Chapter 35, while amending Chapter 3 to include applicable certification provisions, as well as correct conflicting provisions. The proposed rules are necessary in order to ensure the safety of children by making all secure facilities be subject to the same provisions, whether operated by OJA, contracted with OJA, or those which are currently in no relationship with OJA.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on Monday, February 16, 2015 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on Tuesday, February 17, 2015 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 8:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional 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 JLynn Hartman at the above address before the close of the comment period on February 16, 2015.

COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before January 30, 2015 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

[OAR Docket #14-1102; filed 12-23-14]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 5. ~~RELEASE FROM~~
INSTITUTIONAL PLACEMENT**

[OAR Docket #14-1103]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Intensive Treatment Program Transfers [NEW]
- 377:5-7-1. Intensive Treatment Program Transfer Process [NEW]

SUMMARY:

Proposed rule revisions are the results of conforming the Chapter name to the current content, and adding the Intensive Treatment Program Transfer Process, which is currently found in the proposed revoked Chapter 35 (377:35-11-3). The proposed rules are necessary in order for the provisions to be referenced accurately.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on Monday, February 16, 2015 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on Tuesday, February 17, 2015 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 8:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

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proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on February 16, 2015.

COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before January 30, 2015 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

[OAR Docket #14-1103; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #14-1104]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of Juvenile Affairs

377:10-1-4.1. Use of chemical agents [AMENDED]

Subchapter 3. Placement

377:10-3-1. Purpose [AMENDED]

377:10-3-2. Placement process [AMENDED]

SUMMARY:

Proposed rule revisions are due to minor scrivener errors, and adding a statute citation. The Oklahoma State Statute, as per Senate Bill 929 (2014), effective May 28, 2014, allows for an extended youth to be in detention and to receive services.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on Monday, February 16, 2015 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on Tuesday, February 17, 2015 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 8:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional 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 JLynn Hartman at the above address before the close of the comment period on February 16, 2015.

COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before January 30, 2015 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

[OAR Docket #14-1104; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #14-1105]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Custody

Part 1. General Provisions

377:25-7-2. Grievance procedure [AMENDED]

Subchapter 11. Case Records and Reports

377:25-11-3. Reports for court reviews [AMENDED]

SUMMARY:

Proposed rule revisions are minor changes to correct references and minor scrivener errors, as well as to remove a specific judicial review hearing document, an Individual

Treatment and Service Plan, which is not required to be filed at review hearings [10A O.S., Sections 2-2-502(D) and 2-2-504].

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on Monday, February 16, 2015 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on Tuesday, February 17, 2015 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 8:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional 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 JLynn Hartman at the above address before the close of the comment period on February 16, 2015.

COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before January 30, 2015 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

[OAR Docket #14-1105; filed 12-23-14]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 35. INSTITUTIONAL SERVICES
[REVOKED]**

[OAR Docket #14-1106]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Institutional Services [REVOKED]

SUMMARY:

Proposed rule revisions are the results of amendments to correct inconsistencies between Chapter 3 certifying all secure facilities, and Chapter 35 governing institutional services. Many of the provisions of Chapter 3 were adopted in 2009 in whole or in part from provisions in Chapter 35. Over time, statutes have changed, provisions of the Terry D. Dismissal Order have been modified, and rules have been amended resulting in conflicting provisions between the two Chapters. OJA is proposing revoking Chapter 35, while amending Chapter 3 to include applicable certification provisions, as well as correct conflicting provisions. The proposed rules are necessary in order to ensure the safety of children by making all secure facilities be subject to the same provisions, whether operated by OJA, contracted with OJA, or those which are currently in no relationship with OJA.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on Monday, February 16, 2015 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 8:00 a.m. on Tuesday, February 17, 2015 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 8:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional 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 JLynn Hartman at the above address before the close of the comment period on February 16, 2015.

COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during

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normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before January 30, 2015 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

[OAR Docket #14-1106; filed 12-23-14]

TITLE 395. OKLAHOMA LAW ENFORCEMENT RETIREMENT SYSTEM CHAPTER 10. RETIREMENT AND PENSION BENEFIT PROGRAM

[OAR Docket #14-1062]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

395:10-1-11. Deferred Option Plan [AMENDED]

SUMMARY:

The proposed revisions to the chapter listed above are to bring the rules in compliance with the IRS and legislative changes we are making in the Legislative Session for 2015. These changes clear up language concerning the payment of interest in the Deferred Option Plan.

AUTHORITY:

Oklahoma Law Enforcement Retirement System; Title 47 §2-300- 2-315.

COMMENT PERIOD:

Persons wishing to present their view orally or in writing may do so from February 17, 2015 through March 19, 2015 at the following address: Oklahoma Law Enforcement Retirement System, 421 NW 13th Street, Suite 100, Oklahoma City, OK 73103.

PUBLIC HEARING:

There will be no public hearing held but one can be requested by contacting Ginger Poplin, no later than 5:00 pm on March 19, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Law Enforcement Retirement System, 421 NW 13th Street, Suite 100, Oklahoma City, OK 73103.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Law Enforcement Retirement System at the above address beginning January 30, 2015.

CONTACT PERSON:

Ginger Poplin, Executive Director, (405) 522-4931

[OAR Docket #14-1062; filed 12-22-14]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #14-1037]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 3. Taxpayer Identification

710:1-3-6 [AMENDED]

710:1-3-7 [REVOKED]

Subchapter 5. Practice and Procedure

Part 1. General Provisions

710:1-5-1 [AMENDED]

Part 3. Description of Administrative Review and Hearings

710:1-5-10 [AMENDED]

710:1-5-11 [AMENDED]

710:1-5-17 [AMENDED]

Part 5. Administrative Proceedings Related to Tax Protests

710:1-5-21 [AMENDED]

710:1-5-25 [AMENDED]

710:1-5-42 [AMENDED]

Part 8. Settlement of Tax Liability

710:1-5-92 [AMENDED]

Part 10. Business Compliance Proceedings

710:1-5-117 [AMENDED]

Part 11. Disqualification of Persons Representing

Taxpayers before the Oklahoma Tax Commission

710:1-5-200 [AMENDED]

SUMMARY:

Sections **710:1-3-6**, **710:1-5-17**, **710:1-5-25** and **710:1-5-117** have been amended, and **710:1-3-7** has been revoked to reflect a change in policy regarding the inclusion of a taxpayer's social security number on payment instruments and certain returns, applications and forms.

Section **710:1-5-42** has been amended to reflect the provisions of Senate Bill 864 [2013] which amended the appeal process for any taxpayer aggrieved by a final order of the Tax Commission assessing a tax or an additional tax or denial of a claim for refund. [68:225]

Sections **710:1-5-1**, **710:1-5-10**, **710:1-5-11**, **710:1-5-21**, **710:1-5-92**, **710:1-5-117** and **710:1-5-200** have been amended, changing *Rules of Practice and Procedure before the Oklahoma Tax Commission* to *Rules of Practice and Procedure before the Office of the Administrative Law Judges* and also updating the internal cross-references.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove

obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2015, 9:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1037; filed 12-19-14]

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

[OAR Docket #14-1038]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 10. Ad Valorem [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Ad Valorem rules have been made to implement recent legislation. All legislative references are to the 54th Legislature, 2nd Regular Session (2014).

Subchapter 1, "General Provisions" has been amended consistent with the passage of House Bill 3188 [2014] which amends the definition of improvement for purposes of valuing property damaged by a natural disaster or other event which is subsequently rebuilt or restored. **Subchapter 1**, has also been amended along with **Subchapter 3, "Equalization Study"** to provide for the amendment to Article 10, Section 8B of the Oklahoma Constitution which modified the maximum allowable increase in any taxable year for locally assessed homestead and agricultural property from 5% to 3%. [State Question 758, adopted at election held November 6, 2012].

Proposed amendments to **Subchapter 14, "Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate"** have been made to implement the provisions of State Question 770, adopted by voter approval, effective November 4, 2014, which amends Section 8E of Article 10 of the Oklahoma Constitution to allow for the transfer of the property tax exemption afforded 100% disabled veterans or their surviving spouses under the specific circumstances outlined in the approved measure.

New **Subchapter 16, "Unremarried Surviving Spouses of Persons Who Died in the Line of Military Duty"**, has been adopted to outline eligibility requirements and qualification procedures for the property tax exemption allowed unremarried surviving spouses of persons who died in the line of military duty in accordance with the adoption by voter approval of State Question 771.

Sections **710:10-7-15, 710:10-12-11 and 710:10-13-12** have been amended, changing *Rules of Practice and Procedure before the Oklahoma Tax Commission* to *Rules of Practice and Procedure before the Office of the Administrative Law Judges* and also updating the internal cross-references. In addition, other rule changes may be made to clarify policy,

Notices of Rulemaking Intent

improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 23, 2015 at 12:30 p.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1038; filed 12-19-14]

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

[OAR Docket #14-1039]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

710:20-1-3 [AMENDED]

Subchapter 5. Mixed Beverage

710:20-5-1 [AMENDED]

710:20-5-2 [AMENDED]

SUMMARY:

Sections **710:20-1-3**, **710:20-5-1** and **710:20-5-2** have been amended consistent with the provisions of Sections 18 through 21 of Senate Bill 1715 [2014] which provide for Oklahoma Tax Commission licensing, bonding and mixed beverage tax reporting and payment requirements of holders of public event licenses issued by the ABLE Commission along with acts prohibited by these licensees.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 23, 2015, 12:30 p.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the

information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1039; filed 12-19-14]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 40. FRANCHISE TAX**

[OAR Docket #14-1040]

RULEMAKING ACTION:

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

710:40-1-6 [AMENDED]

SUMMARY:

Section **710:40-1-6** has been amended, extending the delinquency date from September 1 to September 15, pursuant to the provisions of SB 341 [2014]. **[68:12108]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2015, 10:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133;
FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1040; filed 12-19-14]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION

[OAR Docket #14-1041]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 45. Gross Production [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Gross Production rules have been made.

Proposed amendments to **Subchapter 5**, "*Required Returns and Reports*", have been made to:

Implement the provisions of Senate Bill 332 [First Regular Session of the 54th Legislature (2013)], which strikes the provision that required reports for a zero gross amount. [68:1010]

Delete obsolete information that is no longer required to be reported to the OTC.

Implement the provisions of Senate Bill 841 [Second Regular Session of the 44th Legislature (1994)], which strikes the Conservation Excise Tax.

Reflect current statutes by changing "penalties shall be calculated" to "penalties may be calculated." [68:1010]

Proposed amendments to **Subchapter 7**, "*Special Reporting Requirements*", have been made to:

Update policies to reflect current OTC procedures, which include no longer requiring non-operating interest owners to register with the OTC.

Proposed amendments to **Subchapter 9**, "*Exemptions and Exclusions*", have been made to:

Implement the provisions of House Bill 2562 [Second Regular Session of the 54th Legislature (2014)], which extends the sunset date for the deep well, new discovery, and 3-D seismic incentives from July 1, 2014 to July 1, 2015; extends the sunset date for the enhanced recovery, inactive well, and production enhancement incentives from July 1, 2014 to July 1, 2020; provides that no claims for rebates for production occurring before 2003 are permitted after July 1, 2014; extends the sunset date for the economically-at-risk incentive from calendar year 2013 to calendar year 2020; provides that no claims regarding the economically-at-risk incentive shall be permitted after December 31, 2015 for production periods occurring between calendar years 2005 through 2013; provides that no claims for the economically-at-risk incentive shall be claimed more than eighteen months after the date that

the refund is first available for production periods occurring between 2014 and 2020. [68:1001, 1001.3a]

Proposed amendments to **Subchapter 11**, "*Transporters*" and **Subchapter 15**, "*Reclaimers and Reclaiming Operations*", have been made to:

Clarify policy to reflect current OTC procedures, which include no longer accepting a cash deposit or bond for a claimer's license or transporter's license.

AUTHORITY:

68 O.S. §§ 203; 1001(M); 1001.1; and 1013; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2015, 10:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1041; filed 12-19-14]

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

[OAR Docket #14-1042]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 54th Legislature (2014) unless otherwise indicated.

Section **710:50-7-2**, which provides for the application of income tax payments, has been revoked. Section **710:1-3-46** already provides guidance for the application of partial payments for all tax types.

Section **710:50-13-2** has been revoked and that language added to Section **710:50-13-6** to improve readability as both rules address the payment of Oklahoma estimated income tax.

Section **710:50-13-6** has been further amended to reflect a change in policy; a taxpayer is no longer required to include their social security number on their payment instrument.

Section **710:50-15-85** has been revoked to reflect the provisions of Section 1 of House Bill 1680 [2005] which sunsetted the income tax credit for Oklahoma agricultural producers on December 31, 2009. **[68:2357.25]**

Sections **710:50-15-86, 710:50-15-86.1, 710:50-15-87 and 710:50-15-87.1** have been revoked to reflect the provisions of House Bill 2124 [2004] which sunsetted the Oklahoma Small Business Venture credits and the Oklahoma Rural Small Business Venture credits on December 31, 2011. **[68:2357.62, 2357.63, 2357.73, 2357.74]**

Section **710:50-15-93** has been revoked to reflect the provisions of House Bill 2308 [2013] which repealed the tax credit for the development of commercial space industries. **[68:2357.13]**

Section **710:50-15-101** has been amended to implement the provisions of Senate Bill 1151 which added a sunset date to the film and music profit reinvestment income tax credit. **[68:2357.101]**

Section **710:50-15-107** has been amended to implement the provisions of Senate Bill 1152 which added sunset dates to the Credit for Eligible Wages Paid by an Employer to an Injured Employee and the Credit for Modification Expenses Paid by an Employer for an Injured Employee. **[68:2357.47]**

Section **710:50-15-109**, income tax credit for qualified employers and employees of the aerospace sector, has been amended to implement the provisions of House Bill 2509 which extended the sunset date and amended the definition of "qualified employee" **[68:2357.301 through 2357.304]**

Section **710:50-15-111** has been amended to implement the provisions of Senate Bill 1170 which added a sunset date to the wire transmitter fee income tax credit. **[68:2357.401]**

Sections **710:50-15-114 and 710:50-15-115** have been amended to implement the provisions of House Bill 2643 which amended the credits for Contributions to Scholarship-Granting Organizations and Educational Improvement Grant Organizations, and to reflect a change in policy - donors are no longer required to provide their social security number when making a donation. **[68:2357.206]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203, 2357.47, 2357.206; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2015, 9:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1042; filed 12-19-14]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #14-1043]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Motor Vehicle rules have been made. All legislative references are to the Second Regular Session of the 54th Legislature (2014) unless otherwise indicated.

Section **710:60-1-3** has been amended to clarify policy regarding a motor license agent's access to, and release of, taxpayer information.

Sections **710:60-3-23** and **710:60-7-8** have been amended to implement the provisions of House Bill 3216 and Senate Bill 1199 which provide for a credit for registration fees and excise tax on a vehicle which is a replacement for a currently registered vehicle which was destroyed by a tornado. [47:1132.3, 68:2103.1]

Section **710:60-3-32** has been amended to clarify policy regarding documentation requirements for original title applicants bringing in used vehicles from another titling jurisdiction reflecting Oklahoma addresses. [47:1105]

Section **710:60-3-111** has been amended to clarify existing policy relating to utilization of an agricultural exemption permit to qualify for farm truck registration. [47:1133, 1134]

Section **710:60-3-140** has been amended to implement the provisions of Senate Bill 1397 which amended the definitions of "all-terrain vehicle" and "recreation off-highway vehicle" by removing the seating and steering descriptions, while adding a width requirement of 50 inches or less for ATVs and 65 inches or less for ROHVs. [47:1102]

Section **710:60-3-168** has been amended to implement Motor Vehicle Registration and License Tag compacts between certain Indian Tribes and the State of Oklahoma.

Section **710:60-5-51** has been amended to clarify existing policy relating to out-of-state document notarization and Oklahoma original title applicants intending to register their vehicles under the International Registration Plan (IRP). [47:1105]

New Section **710:60-5-66** has been added to clarify existing policy of contacting law enforcement when title application is made on a reported stolen vehicle. [47:1105, 1107]

Section **710:60-5-71** has been amended to establish policy relating to title applicants with certificates of title that have been reassigned by a non-dealer, providing an alternative for taxpayers possessing improperly reassigned certificates of title. [47:1107]

Sections **710:60-5-74** and **710:60-5-75** have been amended to clarify existing policy regarding the application of odometer branding on motor vehicles entering from another state.

Sections **710:60-5-111** and **710:60-5-115** have been amended to eliminate the entry of lien time to conform to current policy and statutes. [47:1110]

Section **710:60-5-116** has been amended to implement the provisions of Senate Bill 582 relating to possessory lien claims pursuant to Sections 91 and 91A of Title 42 of the Oklahoma Statutes.

Section **710:60-7-3** has been amended to clarify existing policy regarding the excise tax exemption relating to repossessed vehicles returned to former owner; vehicle must have been titled in Oklahoma prior to repossession for exemption to apply. [68:2105]

Sections **710:60-9-52** and **710:60-9-72** have been amended to revise and clarify motor license record retention and reporting requirements as a result of new system processes.

Sections **710:60-9-91** and **710:60-9-120** have been amended to reflect a change in policy regarding the inclusion of a taxpayer's social security number on payment instruments.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

47 O.S. §§ 1140, 1149 and 1151; 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2015, 2:00 p.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1043; filed 12-19-14]

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

[OAR Docket #14-1044]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales and Use Tax rules have been made to implement recent legislation. All legislative references are to the 54th Legislature, 2nd Regular Session (2014).

Section **710:65-3-4** relating to contents of a monthly sales tax report has been amended to require inclusion of a vendor's social security number or federal employer identification number only in the circumstances where the vendor's sales tax permit number is not provided.

Sections **710:65-5-5** and **710:65-7-3** have been amended to implement the provisions of Senate Bill 1228 by outlining the parameters under which a person will be deemed personally liable for the nonpayment of sales tax. **[68:253]**

Section **710:65-7-24** has been amended for purposes of Oklahoma's compliance as a member state with the Streamlined Sales and Use Tax Agreement.

Section **710:65-13-15** has been amended to remove the beekeeping exclusion from the activities that constitute agricultural production for purposes of the sales tax exemption afforded holders of agricultural exemption permits. **[68:1358]**

Section **710:65-13-40** has been amended to delete the requirement that an IRS determination letter be presented in order for a church to obtain a sales tax exemption card. **[68:1356(7)]**

Sections **710:65-13-95**, **710:65-19-9**, **710:65-19-61** and **710:65-19-105** have been amended and Section **710:65-19-50** has been revoked consistent with the passage of SB 862 which amended the sales tax exemption for sales of gold, silver, platinum, palladium or other bullion items such as coins, bars and legal tender of any nation by removing the requirement that in order to be exempt the items must be stored within a recognized depository facility. **[68:1357(42)]**

Section **710:65-19-142** has been amended to remove the requirement that hospitals, infirmaries, or sanitariums possess a sales tax permit in order to purchase exempt from sales tax prescription drugs for patient treatment. **[68:1357(9)]**

Notices of Rulemaking Intent

Section **710:65-19-58** has been revoked as obsolete and unnecessary.

Sections **710:65-7-18**, **710:65-13-171**, **710:65-19-330** and **710:65-19-367** have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

Sections **710:65-3-4**, **710:65-9-10**, **710:65-13-51**, **710:65-13-54**, **710:65-13-80**, **710:65-13-85**, **710:65-13-153**, **710:65-13-155**, **710:65-13-156**, **710:65-13-194** and **710:65-13-348** have been amended, changing *Rules of Practice and Procedure before the Oklahoma Tax Commission* to *Rules of Practice and Procedure before the Office of the Administrative Law Judges* and also updating the internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 23, 2015 at 11:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or

other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1044; filed 12-19-14]

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

[OAR Docket #14-1045]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax

Part 3. Delivery Sales

710:70-2-50 [AMENDED]

710:70-2-51 [AMENDED]

710:70-2-52 [REVOKED]

Subchapter 5. Excise on Tobacco Products

710:70-5-3 [AMENDED]

Subchapter 7. Cigarette and Tobacco Products Sales by

Federally Recognized Indian Tribes and Nations

710:70-7-8 [AMENDED]

710:70-7-9 [AMENDED]

710:70-7-10 [AMENDED]

Subchapter 9. Reporting required by the Prevention of

Youth Access to Tobacco Act and the Master Settlement

Agreement Complementary Act

710:70-9-4 [AMENDED]

710:70-9-5 [NEW]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the 54th Legislature, 2nd Regular Session (2014).

Sections **710:70-2-50**, **710:70-2-51** have been amended to reflect the provisions of Section 2 of House Bill 2361 [2014] which enacted a new section of law to be added to the Cigarette Stamp Tax Code regulating the sale and distribution

of cigarettes from mailing, shipping or otherwise delivering cigarettes to any person in this state. [68:317.9]

Section 710:70-2-52 has been revoked consistent with Section 4 of House Bill 2361 [2014] which repealed Sections 317.2, 317.3, 317.4, 317.5, 317.6 and 317.7 of Title 68 relating to delivery sales of cigarettes.

Section 710:70-5-3 has been amended to require the electronic payment of tobacco products excise tax in order to facilitate the timely payment, allocation and apportionment of the tobacco tax revenues.

Sections 710:70-7-8 and 710:70-7-9 have been amended to strike obsolete tax rates and provide for the new unity cigarette and tobacco products tax rates applicable to compacts signed after July 1, 2013.

Section 710:70-7-10 has been amended, changing Rules of Practice and Procedure before the Oklahoma Tax Commission to Rules of Practice and Procedure before the Office of the Administrative Law Judges and also updating the internal cross-references.

Section 710:70-9-4 has been amended to implement the provision of Section 1 of House Bill 2363 [2014] which provides additional conditions upon which a nonparticipating manufacturer and its brands may be removed or excluded from the Oklahoma Directory of Certified Tobacco Manufacturers and Brands by the Attorney General. [68:360.9]

New Section 710:70-9-5 has been adopted in accordance with Section 2 of House Bill 2363 [2014] which requires wholesalers and distributors to report to the Attorney General and Tax Commission information relating to sales to retailers and wholesalers of cigarettes and roll-your own tobacco. [68:360.10]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 & 403.1

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 23, 2015 at 1:30 p.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access

to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1045; filed 12-19-14]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 85. VARIOUS TAX INCENTIVES**

[OAR Docket #14-1046]

RULEMAKING ACTION:

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

Chapter 85. Various Tax Incentives [AMENDED]

SUMMARY:

Section 710:85-7-3 has been amended to comply with Section 14 of Senate Bill 318 [2009] which requires a production company to either have already filed or will file any Oklahoma tax return or tax document which may be required by law in order to be eligible for a rebate payment. [68:3624]

Sections **710:85-1-8, 710:85-1-13, 710:85-3-34, 710:85-3-57, 710:85-5-11, 710:85-9-4 and 710:85-11-7**

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have been amended, changing *Rules of Practice and Procedure before the Oklahoma Tax Commission* to *Rules of Practice and Procedure before the Office of the Administrative Law Judges* and also updating the internal cross-references.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **February 23, 2015, 1:30 p.m.**, in the office of the Oklahoma Tax Commission, 2501 Lincoln Blvd., 4th Floor, Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although it has been determined that the promulgation of these rules is not expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.oktax.state.ok.us.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: LHaws@tax.ok.gov

[OAR Docket #14-1046; filed 12-19-14]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #14-1047]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 90. Withholding [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references unless otherwise indicated are to the 54th Legislature, 2nd Regular Session (2014).

Section **710:90-1-12** has been amended to update references and remove obsolete language.

Section **710:90-5-3** amendments have been made to implement the provisions of SB 1228 by outlining the parameters under which a person will be deemed personally liable for the nonpayment of withholding tax. [68:253]

AUTHORITY:

68 O.S. §§ 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 23, 2015, 9:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th

floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1047; filed 12-19-14]

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

[OAR Docket #14-1048]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 21. Quality Events
- 710:95-21-2 [AMENDED]
- 710:95-21-3 [AMENDED]
- 710:95-21-4 [AMENDED]
- 710:95-21-7 [AMENDED]
- 710:95-21-8 [AMENDED]
- 710:95-21-9 [AMENDED]
- 710:95-21-10 [AMENDED]
- 710:95-21-11 [AMENDED]

Subchapter 22. Registration Requirements for Resident and Nonresident Contractors
710:95-22-9 [AMENDED]

SUMMARY:

Subchapter 21 has been amended to reflect the changes made to the Quality Event Incentive Act, 68 O.S. §§ 4301 et seq., pursuant to the adoption by the Oklahoma Legislature of HB 2711 [2014] effective November 1, 2014 which modifies the qualification procedures for quality event recognition along with the determination of incremental sales tax occurring as a result of an event.

Section **710:95-22-9** has been amended, changing *Rules of Practice and Procedure before the Oklahoma Tax Commission* to *Rules of Practice and Procedure before the Office of the Administrative Law Judges* and also updating the internal cross-references.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203 & 4309

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2015**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 23, 2015, 11:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase

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in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2015, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #14-1048; filed 12-19-14]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 1. ORGANIZATION AND METHOD OF OPERATIONS

[OAR Docket #14-1074]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

765:1-1-5 [AMENDED]

765:1-1-8 [AMENDED]

765:1-1-9 [AMENDED]

SUMMARY:

The changes proposed in Chapter 1 address general administration procedures for the agency, including creating flexibility in office hours, clarifying that financial statements submitted as part of licensing process are not public records, and amending the fee schedule for obtaining public records.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)

75 O.S. Section 250

75 O.S. Section 302

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and

Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1074; filed 12-23-14]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 2. INFORMAL AND FORMAL PROCEDURES

[OAR Docket #14-1075]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Informal Procedures - Consumer Complaints

765:2-1-4 [NEW]

Subchapter 3. Formal Procedures

765:2-3-1 [AMENDED]

765:2-3-3 [AMENDED]

765:2-3-4 [AMENDED]

765:2-3-6 [AMENDED]

765:2-3-11 [AMENDED]

765:2-3-13 [AMENDED]

765:2-3-14 [NEW]

Subchapter 5. Arbitration

765:2-5-7 [AMENDED]

765:2-5-8 [AMENDED]

765:2-5-12 [AMENDED]

SUMMARY:

The amendments proposed in the chapter relate to the statutes of pending applications by previously convicted felons

prior to review by the Commission en banc, who the proper parties are, or may be, in individual proceedings, eliminate the requirement of notifying bond holders in individual proceedings, expands and clarifies who may serve notices, clarifies language, and acknowledges that the recording made of individual proceedings is part of the official record, who may appeal Commission decision and where, provides for summary disposition of disciplinary matters, corrects a previous scrivener's error, clarifies that Commissioners may ask questions and provides that the recording of the proceeding is part of the record in arbitrations.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)
75 O.S. Section 250
75 O.S. Section 302

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1075; filed 12-23-14]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 10. USED MOTOR VEHICLE DEALERS**

[OAR Docket #14-1076]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Licensing Qualifications, Procedures and Fees
 - 765:10-1-3 [AMENDED]
 - 765:10-1-6 [AMENDED]
 - 765:10-1-6.1 [AMENDED]
 - 765:10-1-8 [AMENDED]
- Subchapter 3. Operation
 - 765:10-3-1 [AMENDED]
 - 765:10-3-2 [AMENDED]
 - 765:10-3-5 [AMENDED]

SUMMARY:

The amendments in this Chapter address issues which are common to the operation of various forms of used motor vehicle sales, such as classic car auctions and the temporary nature of their auctions, the change in legal forms of ownership of businesses, the ordinary and expected use of dealer plates, the use of deposits in sales transactions, consignments of vehicles by dealers and the public and making clear that violation of contract requirements and provisions are grounds for sanctions.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)
75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

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COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1076; filed 12-23-14]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 11. USED MOTOR VEHICLE REBUILDERS

[OAR Docket #14-1077]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:11-1-2 [AMENDED]

765:11-1-4 [AMENDED]

Subchapter 3. Authority

765:11-3-1 [AMENDED]

765:11-3-2 [REVOKED]

Subchapter 4. Operation [NEW]

765:11-4-1 [NEW]

Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of License

765:11-5-2 [REVOKED]

SUMMARY:

The amendments in this chapter eliminate references to Buyer's Identification Cards, which are no longer needed, expand the options for facilities for rebuilders, eliminates the need for authorization from the Department of Environmental Quality as the DEQ does not regulate rebuilding facilities and requires the disclosure of the status of air bags in the rebuilt vehicles.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)

75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1077; filed 12-23-14]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 12. SALVAGE POOLS AND SALVAGE DISPOSAL SALES

[OAR Docket #14-1078]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Payments to the Commission

765:12-9-1 [AMENDED]

SUMMARY:

The only amendment in this chapter eliminates the reference to a specific fee and refers to the fee set forth in statutes.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)

75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW

23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1078; filed 12-23-14]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 15. USED MOTOR VEHICLE SALESPERSON**

[OAR Docket #14-1079]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. Licensing Qualifications, Procedures and Fees
- 765:15-1-4 [REVOKED]
- 765:15-1-5 [AMENDED]
- 765:15-1-6 [AMENDED]

SUMMARY:

The amendments in this chapter eliminates the requirement for a salesperson's bond because that requirement was eliminated in the statutes, eliminates other references to the bond, eliminates references to hearings and clarifies that an application must be complete before temporary status is granted.

AUTHORITY:

- Oklahoma Used Motor Vehicle and Parts Commission
- 47 O.S. Section 582(E)
- 75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1079; filed 12-23-14]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 20. WHOLESALE USED MOTOR VEHICLE DEALERS**

[OAR Docket #14-1080]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. Licensing Qualifications, Procedures and Fees
- 765:20-1-7 [AMENDED]

Notices of Rulemaking Intent

Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of License
765-20-5-1 [AMENDED]

SUMMARY:

The lone amendment, other than the correction of a scrivener's error, is the elimination of the endorsement of changes without charge, which are now provided for in statute.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)
75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1080; filed 12-23-14]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 25. AUTOMOTIVE DISMANTLER AND PARTS RECYCLERS

[OAR Docket #14-1081]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:25-1-4 [AMENDED]

765:25-1-6 [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of License

765-25-5-1 [AMENDED]

SUMMARY:

The substantive changes in this chapter are two: 1) The requirement that the dismantlers include a National Motor Vehicle Title Information System numbers, which is a federal requirement, on the application and/or renewal form, and 2) including the grounds for disciplinary sanctions as provided by statute.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)
75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1081; filed 12-23-14]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 35. MANUFACTURED HOME DEALERS**

[OAR Docket #14-1082]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees

765:35-3-7 [AMENDED]

Subchapter 5. Operation

765-35-5-1 [AMENDED]

765-35-5-3 [AMENDED]

SUMMARY:

The amendments in this chapter include the elimination of changes on the license without charge, because change costs are provided in statute, the conditions for and accounting requirements regarding deposits, and form and record keeping requirements.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)

75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1082; filed 12-23-14]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 37. MANUFACTURED HOME INSTALLERS**

[OAR Docket #14-1083]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Installation Standards

765:37-7-3 [AMENDED]

Subchapter 8. Certified Inspection Program [NEW]

765-37-8-1 [NEW]

SUMMARY:

The amendments in the chapter, 1) corrects the size requirement for footing pads to reflect industry standards and 2) establishes a certified inspection program to conform to HUD requirements for installation inspections.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)

75 O.S. Section 250

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide

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the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1083; filed 12-23-14]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 40. CRUSHERS

[OAR Docket #14-1084]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees [NEW]

765:40-1-1 [NEW]

765:40-1-2 [NEW]

765:40-1-3 [NEW]

765:40-1-4 [NEW]

765:40-1-5 [NEW]

765:40-1-6 [NEW]

765:40-1-7 [NEW]

765:40-1-8 [NEW]

Subchapter 3. Operation [NEW]

765:40-3-1 [NEW]

765:40-3-2 [NEW]

Subchapter 5. Assesment of Fine or Denial, Suspension, or Revocation of License [NEW]

765:40-5-1 [NEW]

765:40-5-2 [NEW]

SUMMARY:

This chapter was initially enacted as emergency rules. The rules are submitted to be permanent rules without modification from the emergency rules.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)(1)

47 O.S. Section 592.9 A

47 O.S. Section 592.6 C

75 O.S. Section 302(A)(1)

75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 17th, 2015, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, 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 John W. Maile, at the above address, before the close of the comment period on February 15th, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available by January 30th, 2015, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #14-1084; filed 12-23-14]

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

[OAR Docket #14-1052]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

810:1-1-3. General description of the Oklahoma Workers' Compensation Commission [NEW]

SUMMARY:

The proposed new section sets forth a general description of the Workers' Compensation Commission, review the functions

performed by the Commission and briefly present an overview of the statutory role of the Commission, its organization and structure.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1052; filed 12-22-14]

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

[OAR Docket #14-1053]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. General Information [NEW]

SUMMARY:

The purpose of the proposed chapter is for compliance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250.1 et seq., and to describe the purposes, functions and processes of the Oklahoma Workers' Compensation

Commission. This chapter sets forth a general description of the Workers' Compensation Commission, review the functions performed by the Commission and briefly present an overview of the statutory role of the Commission, its organization and structure.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1053; filed 12-22-14]

TITLE 810. WORKERS' COMPENSATION COMMISSION
CHAPTER 10. PRACTICE AND PROCEDURE

[OAR Docket #14-1054]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

Subchapter 3. Informal Dispute Resolution Processes [NEW]

Notices of Rulemaking Intent

Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners [NEW]

SUMMARY:

The Commission is proposing a permanent set of rules of practice and procedure, both formal and informal, to govern all workers' compensation proceedings coming before the Commission for disposition pursuant to the Administrative Workers' Compensation Act.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1054; filed 12-22-14]

TITLE 810. WORKERS' COMPENSATION **COMMISSION** **CHAPTER 10. PRACTICE AND** **PROCEDURE**

[OAR Docket #14-1055]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

810:10-1-3. Definitions [NEW]

810:10-1-7. Forms and other documents generally [NEW]

810:10-1-9. Who may appear before Commission [NEW]

810:10-1-11. Designation of agent for service of notice [NEW]

810:10-1-12. Prohibited communications [NEW]

Subchapter 3. Informal Dispute Resolution Processes [NEW]

810:10-3-3. Counselor program [NEW]

810:10-3-5. Preliminary conferences [NEW]

Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners [NEW]

Part 1. Commencement of Claims and Review of Qualified Employer Benefit Determinations [NEW]

810:10-5-2. Claim for compensation [NEW]

810:10-5-5. Review of adverse benefit determination by qualified employers [NEW]

810:10-5-6. Commission relief regarding agreements to arbitrate [NEW]

810:10-5-7. Claim for discrimination or retaliation [NEW]

Part 3. Subsequent Pleadings [NEW]

810:10-5-15. Response to initial pleading; notice of contested issues [NEW]

Part 5. Prehearing Proceedings [NEW]

810:10-5-30. Prehearing conference [NEW]

810:10-5-31. Discovery [NEW]

Part 7. Initial and Subsequent Proceedings [NEW]

810:10-5-45. Submission to medical examination; appointment of medical or vocational expert; travel expenses [NEW]

810:10-5-46. Evaluation of permanent impairment [NEW]

810:10-5-48. Sessions, hearings and venue, generally [NEW]

810:10-5-49. Rules of evidence [NEW]

810:10-5-50. Setting of matters [NEW]

810:10-5-53. Hearings [NEW]

Part 9. Post Order Relief [NEW]

810:10-5-66. Appeal of Commission Administrative Law Judge order [NEW]

810:10-5-67. [RESERVED]

Part 13. Dismissals [NEW]

810:10-5-85. Dismissals [NEW]

Part 15. Settlements [NEW]

810:10-5-95. Joint petition settlements [NEW]

Part 17. Fees [NEW]

810:10-5-105. Fees [NEW]

SUMMARY:

The Commission is proposing an emergency set of rules of practice and procedure, both formal and informal, to govern all workers' compensation proceedings coming before the Commission for disposition pursuant to the Administrative Workers' Compensation Act.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1055; filed 12-22-14]

**TITLE 810. WORKERS' COMPENSATION COMMISSION
CHAPTER 15. MEDICAL SERVICES**

[OAR Docket #14-1056]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- Subchapter 3. Workers' Compensation Fee Schedule [NEW]
- Subchapter 5. Pharmaceutical Benefits [NEW]
- Subchapter 7. Treatment Guidelines [NEW]
- Subchapter 9. Independent Medical Examiners [NEW]
- Subchapter 11. Medical Case Management [NEW]
- Subchapter 13. Change of Treating Physician [NEW]
- Subchapter 15. Medical Dispute Resolution [NEW]

SUMMARY:

The Commission is proposing a permanent set of rules establishing procedures and standards governing medical matters over which the Commission has responsibility under the Administrative Workers' Compensation Act, 85A O.S. §§ 1 et seq.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1056; filed 12-22-14]

**TITLE 810. WORKERS' COMPENSATION COMMISSION
CHAPTER 15. MEDICAL SERVICES**

[OAR Docket #14-1057]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 810:15-1-2. Definitions [NEW]
- Subchapter 5. Pharmaceutical Benefits [NEW]

Notices of Rulemaking Intent

- 810:15-5-3. Requirements for use of closed formulary [NEW]
- 810:15-5-4. Medical Interlocutory Order [NEW]
- Subchapter 9. Independent Medical Examiners [NEW]
- 810:15-9-1. Qualifications [NEW]
- 810:15-9-3. Revocation [NEW]
- 810:15-9-5. Fees and costs [NEW]
- Subchapter 11. Medical Case Management [NEW]
- 810:15-11-3. Revocation [NEW]
- 810:15-11-4. Requests for assignment [NEW]
- Subchapter 15. Medical Dispute Resolution [NEW]
- 810:15-15-3. Medical dispute resolution of fee disputes [NEW]
- 810:15-15-4. Other medical disputes [NEW]

SUMMARY:

The Commission is proposing an emergency set of rules establishing procedures for medical interlocutory orders, and standards governing medical matters over which the Commission has responsibility under the Administrative Workers' Compensation Act, 85A O.S. §§ 1 et seq.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1057; filed 12-22-14]

TITLE 810. WORKERS' COMPENSATION COMMISSION **CHAPTER 20. VOCATIONAL REHABILITATION SERVICES**

[OAR Docket #14-1058]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Vocational Rehabilitation Services [NEW]

SUMMARY:

The Commission is proposing a permanent set of rules to implement the provisions of the Administrative Workers' Compensation Act, 85A O.S., §§ 1 et seq., which relate to vocational rehabilitation services.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1058; filed 12-22-14]

**TITLE 810. WORKERS' COMPENSATION COMMISSION
CHAPTER 20. VOCATIONAL REHABILITATION SERVICES**

[OAR Docket #14-1059]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

810:20-1-3. Contested vocational rehabilitation cases [NEW]

SUMMARY:

The proposed new Section 810:20-1-3 provides procedures for contested vocational rehabilitation cases.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1059; filed 12-22-14]

**TITLE 810. WORKERS' COMPENSATION COMMISSION
CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF INSURANCE**

[OAR Docket #14-1060]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

Subchapter 3. Proof of Coverage [NEW]

Subchapter 7. Enforcement of Workers' Compensation Insurance Requirements [NEW]

Subchapter 9. Individual Own Risk Employer Permit [NEW]

Subchapter 11. Group Self-Insurance Association Permit [NEW]

Subchapter 13. Third-Party Administrator Permit for Workers' Compensation Purposes [NEW]

SUMMARY:

The Commission is proposing a permanent set of rules establishing procedures and standards for proof of coverage; regulation of individual own risk employers, group self-insurance associations and third-party administrators for workers' compensation purposes; and enforcement of workers' compensation insurance requirements, as authorized in the Administrative Workers' Compensation Act.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1060; filed 12-22-14]

**TITLE 810. WORKERS' COMPENSATION
COMMISSION
**CHAPTER 25. WORKERS'
COMPENSATION INSURANCE AND
SELF INSURANCE****

[OAR Docket #14-1061]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 810:25-1-3. Proceedings related to permit actions [NEW]
- Subchapter 3. Proof of Coverage [NEW]
- 810:25-3-1. Proof of coverage requirements [NEW]
- Subchapter 7. Enforcement of Workers' Compensation Insurance Requirements [NEW]
- 810:25-7-2. Hearing process and consent agreements [NEW]
- Subchapter 9. Individual Own Risk Employer Permit [NEW]
- 810:25-9-17. Designation of service agent [NEW]
- Subchapter 11. Group Self-Insurance Association Permit [NEW]
- 810:25-11-3. Approval of new members of the association [NEW]
- 810:25-11-17. Third-party administration [NEW]

SUMMARY:

The Commission is proposing rules establishing procedures and standards for proof of coverage; regulation of individual own risk employers, group self-insurance associations and third-party administrators for workers' compensation purposes; and enforcement of workers' compensation insurance requirements.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2015, to Kim Bailey at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Wednesday, February 18, 2015, in Room 104 of the State Capitol Building, Oklahoma City, OK. Interested parties must sign in at the door.

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 Kim Bailey at the above address on or before February 16, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 30, 2015.

CONTACT PERSON:

Kim Bailey, General Counsel, 405-522-4557, kim.bailey@wcc.ok.gov

[OAR Docket #14-1061; filed 12-22-14]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

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

[OAR Docket #14-1107]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 35. Rural Health Clinics

317:30-5-355.1 [AMENDED]

317:30-5-356 [AMENDED]

317:30-5-357 [AMENDED]

317:30-5-361 [AMENDED]

Part 75. Federally Qualified Health Centers

317:30-5-664.3 [AMENDED]

317:30-5-664.4 [REVOKED]

317:30-5-664.12 [AMENDED]

(Reference APA WF # 14-02)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1107; filed 12-23-14]

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

[OAR Docket #14-1108]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-56. [AMENDED]

(Reference APA WF # 14-04)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1108; filed 12-23-14]

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

[OAR Docket #14-1109]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-696 [AMENDED]

317:30-5-698 [AMENDED]

317:30-5-699 [AMENDED]

Cancelled Hearings/Comment Periods

(Reference APA WF # 14-11)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1109; filed 12-23-14]

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

[OAR Docket #14-1110]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241.2 [AMENDED]
317:30-5-241.3 [AMENDED]

(Reference APA WF # 14-13)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1110; filed 12-23-14]

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

[OAR Docket #14-1112]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241 [AMENDED]
Part 25. Psychologists
317:30-5-276 [AMENDED]
Part 26. Licensed Behavioral Health Providers
317:30-5-281 [AMENDED]

(Reference APA WF # 14-15)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1112; filed 12-23-14]

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

[OAR Docket #14-1113]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 22. Health Homes [NEW]
317:30-5-250 [NEW]
317:30-5-251 [NEW]
317:30-5-252 [NEW]
317:30-5-253 [NEW]
317:30-5-254 [NEW]

(Reference APA WF # 14-16)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1113; filed 12-23-14]

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

[OAR Docket #14-1115]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-95.4 [AMENDED]

317:30-5-95.14 [AMENDED]

317:30-5-95.33 [AMENDED]

(Reference APA WF # 14-38)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1115; filed 12-23-14]

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

[OAR Docket #14-1116]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-95.6 [AMENDED]

317:30-5-95.16 [AMENDED]

317:30-5-95.37 [AMENDED]

(Reference APA WF # 14-42)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1116; filed 12-23-14]

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

[OAR Docket #14-1114]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-41.2 [AMENDED]

317:35-5-41.3 [AMENDED]

317:35-5-42 [AMENDED]

(Reference APA WF #14-17)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

Cancelled Hearings/Comment Periods

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1114; filed 12-23-14]

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

[OAR Docket #14-1111]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. Medically Fragile Waiver Services

317:50-1-14 [AMENDED]

Subchapter 3. My Life, My Choice

317:50-3-14 [AMENDED]

Subchapter 5. Sooner Seniors

317:50-5-14 [AMENDED]

(Reference APA WF # 14-14)

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 32 Ok Reg 7.

CANCELLED COMMENT PERIOD:

December 16, 2014 to January 15, 2015

CANCELLED PUBLIC HEARING:

9:00 a.m., January 15, 2015, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105

ADDITIONAL INFORMATION:

Another comment period will be held January 16, 2015 to February 16, 2015. Another public hearing will be held February 18, 2015 1:00 p.m. at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. For additional information, contact Tywanda Cox, Director, Policy Development, (405)522-7153.

[OAR Docket #14-1111; filed 12-23-14]

Emergency Adoptions

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

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

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

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

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

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #14-1091]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 1. Office of the Executive Director

Part 3. Office of the Advocate General

377:3-1-34. Coordination with other monitoring entities [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary in order to avoid violation of state law and to protect the public health, safety, and welfare. Under new Oklahoma state law, as per House Bill 3496 (2014), effective November 1, 2014, every person, having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children, is required to make an immediate report to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBN). The proposed emergency rule is necessary to require the reporting by all OJA employees to OBN, as well as the Advocate General, and further requires the reporting by all OJA employees who have been informed by a youth, parents, guardians, or other persons of a child trafficking allegation.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to reporting of child trafficking.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 1. OFFICE OF THE EXECUTIVE DIRECTOR

PART 3. OFFICE OF THE ADVOCATE GENERAL

377:3-1-34. Coordination with other monitoring entities

(a) The Advocate General shall coordinate with the Department of Human Services' Office of Client Advocacy, the Oklahoma Commission on Children and Youth's Office of Juvenile System Oversight, or such other government entities which possesses overlapping or concurrent jurisdiction of OJA juveniles or placements, in conducting the Advocate General's activities. The Advocate General shall perform the following functions with these entities:

- (1) communicate and coordinate, whenever possible, the scheduling of on-site visits to programs and facilities to control disruptions of operations by monitoring entities;
- (2) compare and consolidate program information and data needed to minimize duplicate requests;
- (3) provide copies of Advocate General reports or grievances when requested;
- (4) meet with staff to discuss issues that are of common concern to all offices; and
- (5) receive reports from said agencies which raise issues of concern affecting OJA juveniles or policy.

(b) Title 21 O.S., § 870 requires every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children to make an immediate report to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. An employee who, in good faith and exercising due care, has reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children shall make an immediate report, as required by 21 O.S., § 870 and to the OJA Office of Advocate General when:

- (1) the employee has reason to believe that such crime has been committed, or

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(2) a child, parent, guardian, or other person makes an allegation of such crime.

[OAR Docket #14-1091; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #14-1092]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 13. Office of Public Integrity
Part 3. Requirements for Secure Juvenile Detention Centers
377:3-13-39. Admission procedure and criteria [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary as an emergency in order to avoid violation of state law and to protect the public health, safety, and welfare. Under new Oklahoma state law, as per Senate Bill 929 (2014), effective May 28, 2014, an OJA extended youth may be held in detention and continue to receive services. The proposed emergency rule is necessary in order to prevent the improper release of an extended OJA youth.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to OJA extended youth.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 13. OFFICE OF PUBLIC INTEGRITY

PART 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-39. Admission procedure and criteria

(a) Juveniles shall be admitted to the secure detention facility only as provided by 10A O.S., §§2-3-101 et seq. and § 2-7-504.

(b) The facility's written policy and procedure for admitting juveniles includes, but is not limited to, provisions which require the facility to:

- (1) verify legal authority to detain;
- (2) search the individual and the juvenile's possessions;
- (3) inventory the juvenile's clothing and personal possessions;
- (4) distribute personal hygiene items;
- (5) make provisions for shower and hair care;
- (6) issue clean, laundered clothing;
- (7) ensure that the juvenile's family, custodian or guardian is notified;
- (8) assist the juvenile in notifying his or her family, guardian, or custodian of the juvenile's admission;
- (9) supervise the juvenile while the juvenile makes two admission phone calls, if desired;
- (10) conduct an admission interview of the juvenile to answer questions and obtain information;
- (11) complete a medical history questionnaire;
- (12) provide an orientation which includes:
 - (A) juvenile rights;
 - (B) program description;
 - (C) program rules;
 - (D) grievance process; and
 - (E) discipline policy;
- (13) record basic personal data;
- (14) review procedures for mail and visiting; and
- (15) assign the juvenile to a sleeping unit.

[OAR Docket #14-1092; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #14-1093]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 13. Office of Public Integrity
Part 3. Requirements for Secure Juvenile Detention Centers
377:3-13-43. Staff requirements [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary in order to protect the public health, safety, and welfare and to avoid violation of state law. The proposed emergency rule is necessary in order to conform to the recommendations of the Oklahoma State Department of Health on Tuberculosis testing. Further, OJA is clarifying the requirements of

background records searches for juvenile detention centers due to the 2013 amendment to 10 O.S., § 404.1, as per Senate Bill 917 (2013). OJA believes this necessitates the promulgation of emergency rules.

ANALYSIS:

This emergency rule interprets testing recommendations from the Oklahoma State Department of Health and Oklahoma state laws pertaining to background records searches.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 13. OFFICE OF PUBLIC INTEGRITY

PART 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-43. Staff requirements

(a) General provisions. The requirements for facility staff are set forth in this Section.

(1) Personnel policy. Every facility shall have written personnel policy which includes the maintenance of personnel records. The facility director shall make available to employees personnel policy and written job descriptions. The policy and job descriptions specify the person to whom the employee is responsible and the duties the employee is expected to perform.

(2) Juveniles' tasks. A juvenile in detention shall not be used as an employee. A juvenile in detention is permitted to perform tasks, if the tasks teach the juvenile responsibility and the juvenile is supervised. A juvenile shall be allowed to perform tasks (chores) in any area (restricted to the facility) in which adequate security exists. The facility administrator shall approve all work assignments.

(3) Supervision. Sufficient staff shall be available to provide continuous day and night supervision of the residents and protection of the facility as well as to allow staff relief from duty.

(4) Auxiliary staff. There shall be sufficient auxiliary staff to maintain adequate support services. Auxiliary staff are all staff that are not direct-care staff.

(5) Health requirements. Staff health requirements are given in (A)-(C) of this paragraph.

(A) Each person employed shall have a physical examination by a licensed physician, within the first 90 days of employment. The physician shall verify in a written statement that the individual is physically able to perform his or her job-related functions.

(B) Upon employment each employee who has not had a documented skin test within the past 12 months shall have a Mantoux tuberculin skin test unless he/she has had a previous positive skin test.

(C) An employee with a positive skin test reaction must have or provide documentation of a chest x-ray.

(i) Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

(ii) Employees with a positive skin test reaction must submit annual documentation by medical personnel that signs or symptoms of tuberculosis are not present. Testing for tuberculosis is not required on a routine basis. Tuberculin skin testing shall be required when there is a local identified tuberculin exposure identified by the Oklahoma State Department of Health.

(i) When a tuberculin skin test is required, employees with a positive skin test reaction must submit documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(ii) An employee who has ever had a positive skin test reaction must have or provide documentation of a chest x-ray. Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

(6) Background history records searches.

(A) The facility shall conduct a records search for each applicant for employment, which shall include the following:

(i) a national criminal history records search based upon submission of fingerprints that shall be conducted by the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and National Child Protection Act, 42 U.S.C.A. § 5119a;

(ii) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);

(iii) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;

(iv) a search of the Department of Corrections (DOC) Sex Offender Registry;

(v) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(vi) a search of all applicable out-of-state child abuse and neglect registries if the applicant has not lived continuously in Oklahoma for the past five (5) years;

(I) The prospective applicant is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(II) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and

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(vii) a criminal history records search conducted by an authorized source, when an applicant has lived outside the United States within the last five (5) years.

(7) **Criminal history investigation.** ~~The facility shall comply with statutory requirements mandating a criminal history investigation for each applicant for employment [10 O.S. Section 404.1].~~ The facility shall not employ or retain any person for whom there is documented evidence that the employee would endanger the health, safety, and/or well-being of juveniles.

(A) A facility shall not employ or retain an individual who has been:

(i) convicted of or entered a plea of guilty or nolo contendere to any felony involving:

- (I) violence against a person;
- (II) child abuse or neglect;
- (III) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;
- (IV) sexual misconduct;
- (V) gross irresponsibility or disregard for the safety of others;
- (VI) any crime against a child; or

(ii) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(B) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.

(i) The facility shall consider, document, and submit to the Office of Public Integrity within 10 days of the employees first day of work the:

- (I) type of crime or offense for which the individual was convicted or a finding was made; and
- (II) reference letters concerning the individual in question.

(ii) The Office of Public Integrity ~~shall~~ may make a recommendation to the ~~Executive Director~~ facility administrator as to whether the applicant ~~for employment shall~~ should be approved or disapproved.

(C) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-43(a)(~~67~~)(A), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.

(D) If any person is formally charged with any of the offenses described in OAC 377:3-13-

43(a)(~~67~~)(A), he or she must be removed from contact with juveniles until the charges are resolved.

(E) No employee of the facility shall use or be under the influence of alcohol or illegal drugs during hours of work nor shall any employee use or possess illegal drugs at any time.

(78) **Personnel records.** The facility shall keep on file a written personnel record available for review for every staff person employed by the facility.

(A) The personnel record includes, but is not limited to:

- (i) an application, resume or staff information sheet that documents qualifications for the position, valid drivers license or other state ID, birth certificate, applicable educational diploma;
- (ii) health records as required by the facility;
- (iii) three written references and/or documentation of telephone interviews;
- (iv) any reports and notes relating to the individual's employment with the facility and an annual job performance evaluations;
- (v) dates of employment; and
- (vi) date and reason for leaving employment.

(B) When employment is involuntarily terminated, a statement regarding the reason for termination is to be included in the personnel file.

(C) Personnel records are maintained for at least three years following a staff member's separation.

(D) All employees' records are kept confidential subject to existing state and federal statutes.

(E) Staff members shall have access to their personnel files for reviewing purposes if a request is made to the facility administrator.

(89) **Staff training.** All staff shall be trained on facility policy and procedure and a training record be established for each staff member. A record of all annual training shall be maintained. At the end of the year, it shall become part of the personnel record.

(A) Each direct-care staff member shall be provided orientation before being allowed to work independently.

(B) Auxiliary staff shall receive orientation to the facility's policy and procedure and to their assigned duties.

(C) During orientation the trainer shall acquaint staff with the philosophy, organization, program practice, and goals of the secure juvenile detention facility.

(D) "Requirements for Secure Juvenile Detention Facilities" is reviewed as a part of the orientation process and is available to staff at all times.

(E) Within 90 days of employment, by a detention facility, all direct-care staff shall have successfully completed a specific course of instruction in first aid as established by the Red Cross, American Safety and Health Institute (ASHI), American Heart Association (AHA), and presented by a certified instructor, or by a certified instructor in an equivalent professionally recognized first aid training program. There shall be

a certificate or card issued to the employee and this card must be signed by the certified instructor attesting to the employee's successful completion of the professionally recognized first aid training program. The Red Cross, American Safety and Health Institute (ASHI), American Heart Association (AHA), or its equivalent, first aid course of instruction, presented by a certified instructor shall be updated within the employee's third year of employment and each succeeding three-year increment. The first aid training may count towards the employee's required annual training hours.

(F) Within 90 days of employment by a detention facility, all direct-care staff shall be certified in have successfully completed a specific course of instruction in cardiopulmonary resuscitation (CPR) as established by the Red Cross, American Safety and Health Institute (ASHI), American Heart Association (AHA), or its equivalent. This training must be presented by a certified instructor, or by a certified instructor in an equivalent professionally recognized CPR training program. There shall be a certificate or card issued to the employee and this card must be signed by the certified instructor attesting to the employee's successful completion of the professionally recognized CPR training program. The Red Cross, American Safety and Health Institute (ASHI), American Heart Association (AHA), or its equivalent CPR course of instruction shall be presented by a certified instructor, and shall be updated on an annual basis. The CPR training may count towards the employee's required annual training hours.

(G) Full-time direct-care staff and administrators shall obtain at least 24 clock hours of training per employment year. Hours are prorated at two hours per month for staff who have not been employed for a full year.

(H) Part-time direct-care staff shall have training hours prorated based on the average number of hours of work per month.

(I) On-call staff shall have a minimum of 6 hours of training per year.

(J) Support staff shall obtain a minimum of 12 hours of training per employment year.

(K) The content of staff development courses for direct-care staff is relative to their roles and responsibilities. Content may include:

- (i) crisis intervention;
- (ii) child development;
- (iii) behavior management;
- (iv) discipline;
- (v) stress management;
- (vi) therapeutic relationship and intervention;
- (vii) child abuse detection, reporting and prevention;
- (viii) suicide prevention;
- (ix) human sexuality;
- (x) client grievance procedures;

(xi) communicable diseases, including sexually transmitted diseases; and

(xii) any other training deemed necessary to meet individual or group training needs.

(L) Attendance at professional conferences, workshops, seminars, formal education classes, or in-service training is counted toward the training requirements provided the training is documented and meets the content requirements.

(b) **Facility Administrator.** The duties and qualifications of the facility administrator are described in (1) - (2) of this subsection.

(1) **Responsibilities.** The facility administrator is responsible for implementing the policies adopted by the governing body, the ongoing operation of the facility, and compliance with the Requirements for Secure Juvenile Detention Facilities.

(A) In the facility administrator's absence a person shall be designated to act as administrator and shall be available to detention staff in person or by telephone.

(B) A designated person of responsibility shall be at the secure juvenile detention facility at all times. The designated person is directly responsible to the administrator who is to be notified of any irregularities in the general affairs of detention and follow through with directives given.

(C) The duties of the facility administrator include, but are not limited to:

- (i) preparing and presenting the budget for the appropriate authority to review and approve;
- (ii) administering the budget and maintaining accurate financial records;
- (iii) employing and discharging staff according to the established personnel rules;
- (iv) supervising the program overall;
- (v) holding staff meetings on a monthly basis to discuss plans and interpret policies to the staff;
- (vi) organizing a program for the continued training and development of staff;
- (vii) establishing and maintaining working relationships with other social services agencies within the community; and
- (viii) interpreting the program to professional and lay groups.

(2) **Qualifications.**

(A) The education, experience, and qualifications of the administrator of a large facility (20 beds or more) are specified in writing by the governing body of the facility and includes, at a minimum:

- (i) bachelor's degree from an accredited college/university in an appropriate discipline;
- (ii) two (2) years of experience working with juveniles; and
- (iii) five (5) years in staff supervision and administration.

(B) The education, experience, and qualifications of the administrator of a small facility (less than 20

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beds) are specified in writing by the governing body of the facility and includes, at a minimum:

- (i) associate's degree from an accredited junior college/college/university in an appropriate discipline (i.e. social work, sociology, psychology, criminal justice, etc.); OR
- (ii) 60 hours of credits from an accredited junior college/college/university of which 15 hours must be in the appropriate discipline as indicated in (i); and
- (iii) two (2) years in staff supervision; and
- (iv) one (1) year of experience working with juveniles.

(C) A facility administrator hired prior to January 1, 2000 shall be exempt from the rules set forth in (A) of this paragraph.

(3) **Location.** All facilities administrators must maintain their primary office at the detention facility.

(c) **Direct care staff.** The qualifications and hiring requirements for direct care staff are described in (1) - (2) of this subsection.

(1) **Qualifications.** All direct-care staff shall be at least 21 years of age and possess a high school diploma or its equivalent.

(2) **Hiring requirements.** A direct-care staff person can be hired when the person:

- (A) has his or her character and fitness attested to by three satisfactory written references and a criminal history background check is conducted as required and in conformance with 377:3-13-43(a)(6);
- (B) is qualified and capable of satisfactorily performing assigned job responsibilities; and
- (C) does not pose a known risk to juveniles.

(d) **Support staff.** Support staff shall be able to read and write; demonstrate knowledge and skills necessary to the job assignments; and meet the requirements for direct-care staff if responsible for direct care of juveniles for any part of the day.

[OAR Docket #14-1093; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #14-1094]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 13. Office of Public Integrity
Part 7. Requirements for Community Intervention Centers (CIC)
377:3-13-88. Personnel [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

November 17, 2014

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary in order to protect the public health, safety, and welfare and to avoid violation of state law. The proposed emergency rule is necessary in order to conform to the recommendations of the Oklahoma State Department of Health on Tuberculosis testing. Further, OJA is clarifying the requirements of background records searches for Community Intervention Centers due to the 2013 amendment to 10 O.S., § 404.1, as per Senate Bill 917 (2013). OJA believes this necessitates the promulgation of emergency rules.

ANALYSIS:

This emergency rule interprets testing recommendations from the Oklahoma State Department of Health and Oklahoma state laws pertaining to background records searches.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 13. OFFICE OF PUBLIC INTEGRITY

PART 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-88. Personnel

(a) **CIC program director.**

(1) **Qualifications.** The qualifications (including education and experience), authority, and responsibilities of the program director shall be specified in writing by the CIC's governing body, and include:

- (A) a bachelor's degree; and
- (B) one year of experience working with juveniles or working in the juvenile justice system.

(b) **Direct-care staff qualifications.** All direct care staff shall be at least 21 years of age and possess a high school diploma or its equivalent.

(c) **Background history records searches.** The facility shall conduct a records search for each applicant for employment, which shall include the following:

- (1) a national criminal history records search based upon submission of fingerprints that shall be conducted by the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and National Child Protection Act, 42 U.S.C.A. § 5119a;
- (2) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);

(3) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;

(4) a search of the Department of Corrections (DOC) Sex Offender Registry;

(5) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(6) a search of all applicable out-of-state child abuse and neglect registries if the applicant has not lived continuously in Oklahoma for the past five (5) years;

(A) The prospective applicant is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(B) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and

(7) a criminal history records search conducted by an authorized source, when an applicant has lived outside the United States within the last five (5) years.

~~(d) Criminal history investigation. The CIC shall comply with statutory requirements mandating a criminal history investigation for each applicant for employment [10 O.S., § 404.1, and 10A O.S., § 1-4-705]. An employee's criminal history investigation record must be kept in a secure location, separate from his or her personnel file.~~

(1) A facility shall not employ or retain an individual who has been convicted of or entered a plea of guilty or nolo contendere to any felony involving:

- (A) violence against a person;
- (B) child abuse or neglect;
- (C) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;
- (D) sexual misconduct; or
- (E) gross irresponsibility or disregard for the safety of others;
- (F) any crime against a child; or
- (G) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(2) No employee of the CIC shall use or be under the influence of alcohol or illegal drugs during the hours of work nor shall any employee use or possess illegal drugs at any time.

(3) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.

(A) The facility shall consider, document, and submit to the Office of Public Integrity within 10 days of the employees first day of work the;

- (i) type of crime or offense for which the individual was convicted or a finding was made; and
- (ii) reference letters concerning the individual in question.

~~(B) The Office of Public Integrity shall~~may make a recommendation to the ~~Executive Director~~facility administrator as to whether the applicant ~~for employment shall~~should be approved or disapproved.

(4) If any person is formally charged with any of the offenses described in OAC 377:3-13-88~~(e)~~(1), he or she must be removed from contact with juveniles until the charges are resolved.

(5) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-88(d)(1), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.

~~(de)~~ **Health requirements.** An employee's health record must be kept in a secure location, separate from his or her personnel file.

(1) Each employee must have a pre-employment physical conducted by a licensed physician.

~~(2) Upon employment, each employee who has not had a documented skin test within the past 12 months shall have a Mantoux tuberculin skin test unless he or she had a previous positive skin test.~~

~~(3) An employee with a positive skin test reaction must have or provide documentation of a chest x-ray.~~

~~(A) Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.~~

~~(B) Employees with a positive skin test reaction must submit annual documentation by medical personnel that signs or symptoms of tuberculosis are not present. Testing for tuberculosis is not required on a routine basis. Tuberculin skin testing shall be required when there is a local identified tuberculin exposure identified by the Oklahoma State Department of Health.~~

(A) When a tuberculin skin test is required, employees with a positive skin test reaction must submit documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(B) An employee who has ever had a positive skin test reaction must have or provide documentation of a chest x-ray. Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

~~(ef)~~ **Personnel records.** Every staff person employed by the CIC shall have a written personnel record, which complies with personnel policies of the municipality or service provider. The CIC shall have written personnel policies. The program director shall make personnel policies, which include written job descriptions, available to all employees. Either the policy or job description specifies the person to whom the employee is responsible and the duties the employee is expected to perform.

(1) Each personnel record must include:

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- (A) an application, resume, or staff information sheet that documents qualifications for the position;
- (B) three reference letters, or if the reference was interviewed by phone, documentation of telephone interview must contain the:
 - (i) content of the interview;
 - (ii) date and time of the interview; and
 - (iii) name of employee conducting the telephone interview;
- (C) documentation that the staff member was provided a copy of personnel policies, including his or her job description.
- (D) written disciplinary action forms and job performance evaluations;
- (E) dates of employment; and
- (F) date and reason for employment separation or termination.

(2) Personnel records shall be maintained for at least three (3) years following an employee's separation.

(3) All employee records shall be confidential subject to existing federal and state statutes.

(4) All employees shall have access to their personnel files for reviewing purposes upon request to the program director and according to agency policy.

(fg) Staff orientation.

(1) Each direct-care staff shall be provided orientation before being allowed to work independently. In addition to a review of the certification standards and on-the-job training with an experienced staff member, the orientation must include a review of the CIC's:

- (A) policies and procedures;
- (B) philosophy and goals;
- (C) organization;
- (D) behavior management/crisis intervention training; and
- (E) job expectations for the individual employee.

(2) Within 90 days of employment, each direct-care staff shall successfully complete first aid training. The training must be conducted by a certified instructor from the American Red Cross or its equivalent. The employee must be recertified in first aid every three years. First aid training may be counted as training hours. At least one staff person trained and certified in first aid shall be present in the CIC at all times.

(3) Within 90 days of employment, each direct-care staff shall be certified in cardiopulmonary resuscitation (CPR). The employee shall be recertified annually. CPR certification and recertification may be counted as training hours. At least one staff person trained and certified in CPR shall be present at all times.

(4) Within six (6) months of employment, each direct-care staff shall complete a certified class on behavior management; e.g., MAB, MANDT, CLEET, etc.

(5) The CIC must maintain written documentation of each area in which the employee received orientation.

(gh) Staff training.

(1) All direct-care staff and program administrators shall obtain at least 24 clock hours of training per employment year. Hours are prorated for staff who have not been employed for a full year or are part-time employees.

(2) Professional conferences, workshops, seminars, formal education classes, or in-service training are considered training.

(3) Documentation of the employee's training shall be maintained in the employee's file.

[OAR Docket #14-1094; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #14-1095]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 17. Federal Funds Development Unit
Part 5. Federal-State Coordination and Technical Assistance Services
377:3-17-29. Federal/state liaison [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary as an emergency in order to avoid violation of state law and to protect the public health and welfare. Under new Oklahoma state law, as per Senate Bill 1781 (2014), effective November 1, 2014, OJA shall have access to all adult jails, lockups, and facilities, including all data, in order for OJA to accurately provide for federal reporting requirements relating to the health, safety, and welfare of youth who could be held in such facilities.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to OJA access to all adult jails, lockups, and facilities, including all data.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 17. FEDERAL FUNDS DEVELOPMENT UNIT

PART 5. FEDERAL-STATE COORDINATION AND TECHNICAL ASSISTANCE SERVICES

377:3-17-29. Federal/state liaison

- (a) FFDU staff shall maintain a depository of federal legislation and regulations, interpret federal requirements, and conduct policy analysis of the impact of mandates upon state juvenile justice programs and delinquency prevention initiatives.
- (b) FFDU staff shall keep up with changes in mandates that accompany the:
 - (1) Department of Human Service's State Plans for:
 - (A) Titles IV-B, IV-E, and XX of the federal Social Security Act; and
 - (B) the Oklahoma State Plan for Temporary Assistance for Needy Families (TANF) block grant; and
 - (2) the Oklahoma Health Care's State Plan for Title XIX for the purpose of participation in the programs.
- (c) OJA is included in State Plans for participation in every program mentioned in paragraph (b) of this section.
- (d) A "Random Moment Time Study" methodology, Cost Allocation Plan, and eligible population rates are used to determine federal financial participation for administration, training, and program operations costs and expenditures.
- (e) Whenever a juvenile is placed in any jail, adult lockup, or other detention facility, the Office of Juvenile Affairs shall have access to all facilities which detain such juveniles and shall have access to any data regarding such juveniles. The Office of Juvenile Affairs shall have access to all jails, adult lockups, or other adult facilities in this state, including all data maintained by such facilities, to assure compliance with this section.

[OAR Docket #14-1095; filed 12-23-14]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 10. OFFICE OF JUVENILE AFFAIRS**

[OAR Docket #14-1096]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of Juvenile Affairs
377:10-1-8. Agency records [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

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EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary as an emergency in order avoid violation of state law. Under new Oklahoma state law, as per Senate Bill 929 and 1235 (2014), effective May 28 and November 1, 2014, OJA may disclose records only when provided for in 10A O.S., § 2-6-106(A). That statute has been expanded to include records may be given to the child upon attaining eighteen years of age or upon the termination of court jurisdiction of the case, whichever occurs later. The statute was further expanded to include records may be given to the Department of Mental Health and Substance Abuse Services in the course of their official duties.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to the disclosure of OJA records without a court order.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 1. GENERAL PROVISIONS

377:10-1-8. Agency records

(a) "Agency record" means records prepared, obtained, or maintained by a public or private agency with regard to a child who is or has been under its care, custody, or supervision or with regard to a family member or other person living in the home of such child and includes, but is not limited to:

- (1) any study, plan, recommendation, assessment, or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care, or treatment of such child; or
- (2) any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is a delinquent child or a child in need of supervision.

(b) The Office of Juvenile Affairs "agency records" are confidential and may not be inspected nor their contents disclosed without a court order, unless otherwise provided by state or federal law, except to the following persons [10A O.S., § 2-6-106(A)]:

- (1) the judge having the child currently before the court in any proceeding pursuant to Title 10A O.S. and any judge of the district court or tribal court to which any proceedings may be transferred;
- (2) employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem, appointed by the court, and members of review boards established pursuant to the Oklahoma Children's Code;
- (3) a district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to ~~10 and~~ 10A O.S. or the prosecution of crimes against children;
- (4) the attorney representing a child who is the subject of a juvenile proceeding pursuant to the provisions of Title

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- 10A O.S. The attorney representing a child or an attorney considering representing a child in a juvenile proceeding may access other confidential records listed in 10A O.S., § 2-6-102 (A) for use in the legal representation of the child;
- (5) employees of juvenile bureaus in the course of their official duties;
- (6) employees of a law enforcement agency of this or another state and employees of a child protective service of another state or any federally recognized Indian tribe member in the course of their official duties pertaining to investigations of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;
- (7) employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under 18 years of age. Records or information disclosed pursuant to this subparagraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation;
- (8) the Oklahoma Commission of Children and Youth;
- (9) the Department of Human Services;
- (10) any public or private agency or person authorized by the Office of Juvenile Affairs to diagnose or provide care, treatment, supervision, or other services to a child who is the subject of a report or record of delinquency, child abuse or neglect, or other adjudicatory category, provided the OJA may limit the disclosure to summaries or to information directly necessary for the purpose of the disclosure;
- (11) any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision, or other services provided such child;
- (12) the parents of the child who is the subject of any records;
- (13) the child upon attaining eighteen (18) years of age or upon the termination of court jurisdiction of the case, whichever occurs later;
- (14) any person or agency for research purposes, if any of the following conditions are met:
- (A) The person or agency conducting the research is employed by the State of Oklahoma or is under contract with the state and is authorized by the ~~Department of Human Services~~Office of Juvenile Affairs to conduct the research; and
- (B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to any documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;
- (~~14~~15) the Governor or to any person the Governor designates, in writing;

(~~15~~16) any federal official of the United States Department of Health and Human Services ~~or, the United States Social Security Administration,~~ the United States Department of Justice, the United States Department of Homeland Security, or any employee of the United States Probation Office;

(~~16~~17) any member of the Legislature, upon the written approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate; ~~and~~

(~~17~~18) employees of the Department of Corrections in the course of their official duties (~~10A O.S., § 2-6-106(A)(17)); and~~

(19) employees of the Department of Mental Health and Substance Abuse Services in the course of their official duties.

- (c) Any person to whom the information is released shall show proper identifying credentials prior to release of the confidential information. The information disclosed remains confidential and must be used for the purposes for which the disclosure is authorized. It is unlawful for any person to furnish or disclose confidential records or information for commercial, political, or unauthorized purposes. Any unlawful disclosure or unlawful use of disclosed information is subject to criminal sanctions.

[OAR Docket #14-1096; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #14-1097]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 7. Contract Programs and Services

Part 1. General Provisions and Foster Care

377:10-7-3.2. Criminal history records searches and disqualifying crimes
[AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(D)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary as an emergency in order to avoid violation of state law and to protect the public health and welfare. Under new Oklahoma state law, as per Senate Bill 1791 (2014), effective November 1, 2014, OJA may have access to Department of Human Services Child Welfare confidential records for OJA Foster Care applicant background records searches. OJA believes this necessitates the promulgation of emergency rules.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to OJA Foster Care applicant background records searches to include DHS Child Welfare records.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 7. CONTRACT PROGRAMS AND SERVICES

PART 1. GENERAL PROVISIONS AND FOSTER CARE

377:10-7-3.2. Criminal history records searches and disqualifying crimes

(a) Background history records search. OJA shall conduct a records search for every person living in the household who is or becomes 18 years of age or older, which shall include all of the following:

- (1) a national criminal history records search based upon submission of fingerprints that shall be conducted by the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes;
(2) a search of the Oklahoma State Courts Network (OSCN) which may include Oklahoma District Court Records (ODCR);
(3) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;
(4) a search of the Department of Corrections (DOC) Sex Offender Registry;
(5) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;
(6) a Motor Vehicle Report obtained from the Department of Public Safety (DPS);
(7) a search of all applicable out-of-state child abuse and neglect registries for the foster parent and any adult household member who has not lived continuously in Oklahoma for the past five (5) years as required by 10A O.S., § 1-7-111;

(A) The prospective foster home is not approved without the results for the foster parent and adult household members of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;

(B) When no child abuse and neglect registry is maintained in the applicable state, OJA shall request any information that can be provided;

(8) a criminal history records search conducted by an authorized source, when any adult household member has lived outside the United States within the last five (5) years; and

(9) a request for a background check from Family Advocacy for the active or retired military applicant or adult household member; and

(10) a search of all Department of Human Services (DHS) Child Welfare records for history of child maltreatment for any adult household member.

(b) Disqualifying crimes. A prospective foster parent is not an approved placement for a juvenile if the prospective foster parent or any other person residing within the home has been convicted of any of the following felony offenses:

- (1) any physical assault, battery, or a drug-related offense within a five-year period preceding the application date;
(2) child abuse or neglect;
(3) domestic abuse;
(4) a crime against a child, including, but not limited to, child pornography; or
(5) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in paragraph (1) if such crime occurred outside of the five year period.

(c) Placement restriction. OJA shall not place a juvenile with an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.

(d) JOLTS record search. A search of JOLTS shall be conducted by OJA on each minor over the age of thirteen (13) years residing in the home.

(e) Early placement. OJA may place a child pending completion of the national criminal history records search if the prospective foster parent and every adult residing in the foster family home has resided in this state for at least five years immediately preceding such placement and a preliminary name-based check of each person over the age of eighteen (18) years residing in the prospective foster family home has been conducted to determine whether any adult member of the household has been arrested for or convicted of any crime.

[OAR Docket #14-1097; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #14-1098]

RULEMAKING ACTION: EMERGENCY adoption

PROPOSED RULES: Subchapter 7. Contract Programs and Services
Part 5. Detention
377:10-7-30. Legal base [AMENDED]

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AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

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EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary in order avoid violation of state law and to protect the public health, safety, and welfare. Under new Oklahoma state law, as per Senate Bill 929 (2014), effective May 28, 2014, an OJA extended youth may be held in detention and receive services. The proposed emergency rule is necessary in order to prevent the improper release of an extended OJA youth.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to OJA extended youth.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 7. CONTRACT PROGRAMS AND SERVICES

PART 5. DETENTION

377:10-7-30. Legal base

Title 10A O.S., §§ 2-3-101 et seq. and § 2-7-504, provides for the detention of juveniles. Title 10A O.S., § 2-5-204(D) provides for the detention of youthful offenders. Title 10A O.S. § 2-3-103(D) authorizes the Board of Juvenile Affairs to establish a plan for secure ~~and non-secure~~ juvenile detention services and alternatives to secure detention.

[OAR Docket #14-1098; filed 12-23-14]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 15. COMMUNITY-BASED YOUTH SERVICES

[OAR Docket #14-1099]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 11. Certification of Children's Shelters Operated by the Oklahoma Department of Human Services
377:15-11-3. Certification process [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rule is necessary as an emergency in order avoid violation of state law. Under new Oklahoma state law, as per Senate Bill 1449 (2014), effective November 1, 2014, the Department of Human Services is authorized to contract with designated youth services agencies or designated child-placing agencies for the management and operation of the two DHS-operated children's shelters, now certified by the Office of Juvenile Affairs. OJA is interrupting Oklahoma state law for the purpose of certification to clarify that DHS would certify contracted shelters.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to DHS shelter certification.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 11. CERTIFICATION OF CHILDREN'S SHELTERS OPERATED BY THE DEPARTMENT OF HUMAN SERVICES

377:15-11-3. Certification process

(a) **Definitions.**

- (1) **"Board"** means the Board of Juvenile Affairs.
- (2) **"Emergency"** means a situation that poses a direct and serious threat to the health, safety or welfare of any child cared for by the shelter.
- (3) **"Operator or facility operator"** means the representative of the Department of Human Services who has been given authority to act on behalf of the state-operated children's shelter.
- (4) **"State-operated children's shelter or facility"** means the Laura Dester Children's Shelter or the Pauline E. Mayer Children's Shelter or any other shelter that may be authorized by 10A O.S., § 1-9-111. If the Department of Human Services contracts with designated youth services agencies or designated child-placing agencies for the management and operation of such shelters, then OJA shall not provide for the certification of such shelters.

(b) **Types of issuances.**

- (1) **Temporary certification.** State-operated children's shelters may be granted up to a six-month temporary

certification if documentation does not show compliance with all certification requirements.

(2) **Certification.** State-operated children's shelters may be granted an operating certification that is valid for twelve months from the date of its issuance. OJA certification staff determines that the shelter is operating in compliance with current Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities and any additional Board requirements.

(c) **Case Management.**

(1) **Periodic visits.**

(A) The OJA certification staff shall annually conduct at a minimum one unannounced visit to each state-operated children's shelter to document compliance with all certification requirements and at a minimum two announced visits to monitor compliance with certification requirements.

(B) During each unannounced compliance visit, OJA certification staff shall:

- (i) Observe the entire facility, including outdoor play space and vehicles used for transportation, if available, and
- (ii) Check resident files and staff files, insurance verifications, and fire and health inspections within the preceding twelve months for compliance with certification requirements.

(C) During each announced monitoring visit, OJA certification staff shall:

- (i) Provide technical assistance to facility personnel to meet and maintain certification requirements;
- (ii) Consult with facility personnel to meet and maintain certification requirements and improve the quality of care at the facility.

(2) **Forms.** The OJA certification staff shall use standardized certification forms available for public inspection and copying at <http://www.ok.gov/oja/>.

(3) **Reports.** The OJA certification staff annually shall issue at a minimum two monitoring reports and at a minimum one compliance report to the operator within 30 days of a monitoring or compliance visit.

(4) **Oklahoma Department of Human Services, Office of Client Advocacy Reports (OCA).** The OJA certification staff shall review all referrals to OCA that concern the state-operated children's shelters and all investigation reports issued by the OCA to ensure compliance by the state-operated children's shelters with certification requirements.

(d) **Complaint procedure.** All complaints received by OJA concerning the state-operated children's shelters shall be referred to the OCCY Office of Juvenile System Oversight and DHS where appropriate.

(e) **Non-compliance with requirements.**

(1) **Documentation of non-compliance.** The OJA certification staff shall document on the monitoring reports and the compliance report areas of non-compliance and any discussion with the operator.

(A) The OJA certification staff shall request that the operator sign the monitoring reports and the compliance report, explaining that the operator's signature indicates acknowledgment of information recorded.

(B) If the person in charge refuses to sign, the refusal shall be documented on the report.

(C) The operator shall be given a copy of the completed report.

(D) The operator shall prepare a plan of correction addressing each area of non-compliance no later than 30 days from receipt of the monitoring or compliance report, unless an extension is authorized by OJA certification staff. The plan of correction shall be reviewed and approved by OJA certification staff.

(E) Immediate correction shall be required when the non-compliance has a direct impact on the health, safety, or well-being of a child or children in care. Failure to take immediate corrective action may result in a response to non-compliance as authorized by 10A O.S., § 2-7-202(D)(5) or any other provision of law.

(2) **Referrals to fire and health officials.** If non-compliance regarding fire or health requirements places children at risk of harm or remains uncorrected, OJA shall request an inspection by a fire, health, or Oklahoma Department of Environmental Quality (ODEQ) official.

(3) **Case management responses to non-compliant facilities.** When there is non-compliance with certification requirements, the OJA responses may include, but are not limited to:

(A) **Technical assistance.** Technical assistance is offered along with referrals to consultants or training resources, if necessary, to assist the operator in meeting and maintaining certification requirements.

(B) **Follow-up phone call.** Phone calls are documented on OJA standardized forms.

(C) **Non-compliance letter.** A non-compliance letter may be written to the operator. The OJA certification staff shall send a copy of the report and the non-compliance letter to the operator's supervising authority.

(D) **Return monitoring visit.** A return monitoring visit may be made for non-compliance with certification requirements or when non-compliance places children at imminent risk of harm. If the non-compliance is associated with a specific time of day, such as understaffing after school or a lack of early morning supervision, the return visit may be made at that approximate time or any other time deemed appropriate by the OJA certification staff.

(E) **Additional persons.** The OJA certification staff may be accompanied by additional persons during monitoring visits if the facility has areas of non-compliance or if denial or revocation of the license is being considered.

(F) **Increased monitoring visits.** The OJA certification staff may increase the frequency of monitoring when there have been areas of non-compliance or

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when the need for additional technical assistance is indicated.

(G) **Notice to comply when plan of correction is not approved.** The OJA certification staff may issue a notice to comply specifically addressing those areas where the plan of correction is insufficient or otherwise fails to address the areas of non-compliance or is unacceptable and not approved. The notice to comply shall state the time frame within which compliance by the operator must be accomplished. If compliance is not obtained within the time frames set forth within the notice to comply, then OJA may initiate the denial or revocation process. The operator may be required to take immediate action if the area of non-compliance places the health, safety, or well-being of a child or children in care at risk.

(H) **Office conference.** The OJA certification staff may schedule an office conference with the operator of the facility. Areas of non-compliance and progress toward meeting the plan(s) of correction shall be reviewed and technical assistance shall be offered. The conference and any plan of correction shall be documented.

(I) **Consent agreement.** OJA and the facility operator may enter into a consent agreement whereby the facility agrees to specific conditions in lieu of certification denial or revocation.

(J) **Certification Denial or Revocation.** The OJA certification staff may recommend that the certification be denied or revoked when non-compliance with requirements has been observed and documented or the facility has failed to adequately protect children.

(4) **Case management responses when children are at risk.** If the OJA certification staff documents a situation where children may be at imminent risk of harm, or if the Office of Juvenile System Oversight is investigating a complaint that children may be at imminent risk of harm, the OJA certification staff may consider the following options:

(A) The operator shall be asked to immediately correct the situation where children may be at risk of harm.

(B) The operator may agree to enter into a consent agreement whereby the facility shall agree to specific conditions.

(C) The OJA certification staff may recommend that the certification be denied or revoked when the operator fails to take necessary steps to eliminate the situation giving rise to the imminent risk of harm.

(f) **Revocation or denial of certification.** The Office of Juvenile Affairs may revoke or deny the certification of any state-operated children's shelter found to be in violation of any of the rules of the Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities, as set forth in 340:110-3-167, and any additional Board requirements.

(1) No certification shall be revoked or denied until such time as the facility operator or applicant shall have

been given at least thirty (30) days notice in writing for the grounds of the proposed revocation or denial.

(2) Within one (1) business day of the facility's receipt of the notice of the proposed revocation or denial, the facility operator shall notify the parent, guardian, or legal custodian of any child residing in the facility. The notification to the parent, guardian, or legal custodian shall be given verbally, electronically, or in written form, as well as by the posting of an announcement in the facility.

(g) **Formal Protest.** When served with a notice of proposed revocation or denial, the facility operator may, within fifteen (15) days of receipt of notice, file a formal protest in writing addressed to the Executive Director of the Office of Juvenile Affairs. Upon the filing of the protest, the Executive Director shall set the matter for a hearing within thirty (30) days. Notice of the hearing shall be given to the facility operator by personal service or by delivery to the proper address by certified mail, return receipt requested, at least ten (10) days prior to the date of the hearing. If the facility operator does not file a protest, certification shall be revoked or denied effective upon the expiration of the thirty (30) day notice period set forth in (f)(1). The hearing will not be a full evidentiary proceeding and formal rules of evidence shall not apply. The purpose of the hearing is to provide the Executive Director with information from which a determination may be made as to whether or not reasonable grounds exist to support the revocation or denial. The hearing shall be recorded in its entirety, and a copy provided upon request to the facility operator.

(h) **Emergency action.**

(1) Whenever the Office of Juvenile Affairs finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility, the Office of Juvenile Affairs may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken by the facility operator as OJA deems necessary to meet the emergency, including when necessary, removing children from the shelter and prohibiting the facility from providing services to children.

(2) The emergency order shall remain in effect until the Executive Director determines that it is no longer necessary. The operator shall be provided with a written Notice of Emergency Action, which will include notice of a hearing before the Executive Director within fifteen (15) days of service of the notice. The Executive Director will make a determination at that time as to whether the emergency situation has been resolved, and may extend, modify, or rescind the order. The hearing will not be a full evidentiary proceeding and formal rules of evidence shall not apply. The hearing shall be recorded in its entirety, and a copy provided upon request to the facility operator.

(i) **Review of decision by the Board of Juvenile Affairs.** Any operator aggrieved by a decision of the Executive Director may file a written request for review of the decision with the Board of Juvenile Affairs within fifteen (15) days of the Executive Director's decision. The Board shall have access to all documents submitted to the Executive Director, as well as an audio recording or transcript of the hearing, and the decision of

the Director. The matter shall be placed on the next available Board meeting agenda after the filing date. Upon consideration, the Board shall enter a decision affirming, modifying, or reversing the decision of the Executive Director. The decision shall be in writing and copies of the decision shall be promptly mailed to all parties of record in the case. The decision of the Board shall be final and binding.

[OAR Docket #14-1099; filed 12-23-14]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 25. JUVENILE SERVICES UNIT**

[OAR Docket #14-1100]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 3. Pre-Court

Part 1. Juvenile Detention

377:25-3-1. Legal base [AMENDED]

377:25-3-2. Detention recommendations [AMENDED]

AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

ADOPTION:

October 10, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rules are necessary in order to avoid violation of state law and to protect the public health, safety, and welfare. Under new Oklahoma state law, as per Senate Bill 929 (2014), effective May 28, 2014, an OJA extended youth may be held in detention and continue to receive services. The proposed emergency rules are necessary in order to prevent the improper release of an extended OJA youth.

ANALYSIS:

This emergency rule interprets Oklahoma state laws pertaining to OJA extended youth.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

SUBCHAPTER 3. PRE-COURT

PART 1. JUVENILE DETENTION

377:25-3-1. Legal base

Title 10A O.S., §§ 2-3-101 et seq. and § 2-7-504, provides for the detention of juveniles. Title 10A O.S., § 2-5-204(E) provides for the detention of youthful offenders. OJA derives its authority to establish plans for detention services from 10A O.S., § 2-3-103.

377:25-3-2. Detention recommendations

In counties in which JSU, pursuant to judicial directive, is responsible for detention screening, the JSU worker shall recommend to the judge that one of the actions listed in (1)-(3) of this Section occur when a juvenile is picked up for an alleged offense.

(1) **Release.** Release may be appropriate in the following circumstances:

- (A) The parent, guardian, or responsible person can be located and is willing and able to accept responsibility for the juvenile;
- (B) The juvenile is willing to go home and is likely to appear as requested for preliminary inquiry/court intake; and
- (C) There is reasonable belief that the juvenile is not a threat or a danger to the public.

(2) **Non-secure detention.** A juvenile is eligible for non-secure detention services based on the criteria in (A)-(C) of this subsection:

- (A) There is no record or history of seriously assaultive or destructive behavior by the juvenile to others; and
- (B) The use of non-secure detention services is not likely to place the juvenile or community at risk; or
- (C) The juvenile is being held as a runaway.

(3) **Secure detention services.** A juvenile is eligible for secure detention services based on the criteria found in 10A O.S., § 2-3-101(B) et seq. and § 2-7-504.

[OAR Docket #14-1100; filed 12-23-14]

