

Volume 33  
Number 11  
February 16, 2016  
Pages 291 - 354

# The Oklahoma Register

---

Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**Chris Bengel,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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

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

**Ada** - East Central University, Linscheid Library

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

**Bartlesville** - Bartlesville Public Library

**Claremore** - Rogers State University, Stratton Taylor Library

**Clinton** - Clinton Public Library

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

**Edmond** - University of Central Oklahoma, Chambers Library

**Enid** - Public Library of Enid and Garfield County

**Goodwell** - Oklahoma Panhandle State University, Marvin E.  
McKee Library

**Lawton** - Lawton Public Library

**McAlester** - McAlester Public Library

**Norman** - University of Oklahoma, Bizzell Memorial  
Library

**Oklahoma City** - Metropolitan Library System

**Oklahoma City** - Oklahoma Department of Libraries

**Stillwater** - Oklahoma State University, Edmon Low  
Library

**Tahlequah** - Northeastern State University, John  
Vaughan Library

**Tulsa** - Tulsa City-County Library System

**Tulsa** - University of Tulsa, McFarlin Library

**Weatherford** - Southwestern Oklahoma State  
University, Al Harris Library

**CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER** by the volume and the beginning page number of the document in the *Register*. For example: 31 *Ok Reg* 256.

**SUBSCRIPTION RATES** for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103.

**INFORMATION ABOUT THIS PUBLICATION** may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 2300 North Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 42 copies have been prepared and distributed at a cost of \$171.08. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

# Table of Contents

<b>Agency/Action/Subject Index</b> .....	iii
<b>Rules Affected Index</b> .....	v
<b>Agency Index (Title numbers assigned)</b> .....	vi
<b>Notices of Rulemaking Intent</b>	
Abstractors Board, Oklahoma (Title 5) .....	291
Alcohol and Drug Counselors, Oklahoma Board of (Title 38) .....	291
Alcohol and Drug Influence, Board of Tests for (Title 40) .....	292, 293, 294
Attorney General (Title 75) .....	295, 296, 297, 298
State Board of Behavioral Health Licensure (Title 86) .....	299, 300, 301
Children and Youth, Commission on (Title 135) .....	302, 303
Commerce, Oklahoma Department of (Title 150) .....	304
Education, State Department of (Title 210) .....	305, 306, 307
Election Board, State (Title 230) .....	308, 309, 310, 311, 312
Management and Enterprise Services, Office of (Title 260) .....	313, 314
Firefighters Pension and Retirement System, Oklahoma (Title 270) .....	314, 315
Horse Racing Commission, Oklahoma (Title 325) .....	316
Human Services, Department of (Title 340) .....	317, 318, 319, 320, 321, 323, 324
Insurance Department (Title 365) .....	326, 327, 328, 329
Investigation, Oklahoma State Bureau of (Title 375) .....	329, 330
Juvenile Affairs, Office of (Title 377) .....	330, 331, 332
Labor, Department of (Title 380) .....	332
Liquefied Petroleum Gas Board, Oklahoma (Title 420) .....	333
Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475) .....	334, 335
Osteopathic Examiners, State Board of (Title 510) .....	336, 337
Police Pension and Retirement System, Oklahoma (Title 550) .....	337
Private Vocational Schools, Oklahoma Board of (Title 565) .....	338
Psychologists, State Board of Examiners of (Title 575) .....	340
Securities, Department of (Title 660) .....	341, 342
Treasurer, State (Title 735) .....	343, 344
Career and Technology Education, Oklahoma Department of (Title 780) .....	344, 345, 346, 347
<b>Submissions to Governor and Legislature</b>	
Construction Industries Board (Title 158) .....	349
Horse Racing Commission, Oklahoma (Title 325) .....	349, 350
<b>Emergency Adoptions</b>	
Children and Youth, Commission on (Title 135) .....	351
<b>Executive Orders (Title 1)</b> .....	353



# Agency/Action/Subject Index

<b>ABSTRACTORS Board, Oklahoma (Title 5)</b>	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 2) .....	291
<b>ALCOHOL and Drug Counselors, Oklahoma Board of (Title 38)</b>	
<i>Notices of Rulemaking Intent</i>	
Licensure and Certification of Alcohol and Drug Counselors (Chapter 10) .....	291
<b>ALCOHOL and Drug Influence, Board of Tests for (Title 40)</b>	
<i>Notices of Rulemaking Intent</i>	
Organization, Operations, Procedures, and Policies (Chapter 1) .....	292
Personnel (Chapter 10) .....	292
Apparatus, Devices, Equipment, and Materials (Chapter 25) .....	293
Analysis of Alcohol in Blood (Chapter 35) .....	294
Ignition Interlock Devices (Chapter 50) .....	294
<b>ATTORNEY General (Title 75)</b>	
<i>Notices of Rulemaking Intent</i>	
Administration (Chapter 1) .....	295
Standards and Criteria for Domestic Violence and Sexual Assault Programs (Chapter 15) .....	296
Address Confidentiality Program (Chapter 20) .....	296
Standards and Criteria for Batterers Intervention Programs (Chapter 25) .....	297
Standards and Criteria for Adult Victims of Human Sex Trafficking Programs (Chapter 30) .....	298
<u>Standards and Criteria for Family Justice Center</u> (Chapter 40) .....	298
<b>STATE Board of Behavioral Health Licensure (Title 86)</b>	
<i>Notices of Rulemaking Intent</i>	
Licensed Professional Counselors (Chapter 10) .....	299
Licensed Marital and Family Therapists (Chapter 15) .....	300
Licensed Behavioral Practitioners (Chapter 20) .....	301
<b>CHILDREN and Youth, Commission on (Title 135)</b>	
<i>Notices of Rulemaking Intent</i>	
Programs, Boards, and Councils: Operation and Administration (Chapter 10) .....	302, 303
<i>Emergency Adoptions</i>	
Programs, Boards, and Councils: Operation and Administration (Chapter 10) .....	351
<b>COMMERCE, Oklahoma Department of (Title 150)</b>	
<i>Notices of Rulemaking Intent</i>	
General Rules of Practice and Procedure (Chapter 1) .....	304
<b>CONSTRUCTION Industries Board (Title 158)</b>	
<i>Submissions to Governor and Legislature</i>	
Fine Schedule (Chapter 10) .....	349
Electrical Industry Regulations (Chapter 40) .....	349
Mechanical Industry Regulations (Chapter 50) .....	349
<b>EDUCATION, State Department of (Title 210)</b>	
<i>Notices of Rulemaking Intent</i>	
State Board of Education (Chapter 1) .....	305
School Administration and Instructional Services (Chapter 10) .....	305
Curriculum and Instruction (Chapter 15) .....	306
Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools (Chapter 35) .....	307
<b>ELECTION Board, State (Title 230)</b>	
<i>Notices of Rulemaking Intent</i>	
The County Election Board (Chapter 10) .....	308
Voter Registration (Chapter 15) .....	308
Candidate Filing (Chapter 20) .....	309
<b>ELECTION Board, State – continued</b>	
<i>Notices of Rulemaking Intent – continued</i>	
Ballot Printing (Chapter 25) .....	310
Absentee Voting (Chapter 30) .....	311
Election Conduct (Chapter 35) .....	311
Types of Elections (Chapter 40) .....	312
<b>MANAGEMENT and Enterprise Services, Office of (Title 260)</b>	
<i>Notices of Rulemaking Intent</i>	
Risk Management Program (Chapter 70) .....	313
Fleet Management Department (Chapter 75) .....	314
<b>FIREFIGHTERS Pension and Retirement System, Oklahoma (Title 270)</b>	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1) .....	314
Firefighters Pension and Retirement Plan (Chapter 10) .....	315
<b>GOVERNOR</b>	
<i>Executive Orders</i>	
Directing agencies to include certain contact info for members of their governing bodies on their websites (16-1) .....	353
<b>HORSE Racing Commission, Oklahoma (Title 325)</b>	
<i>Notices of Rulemaking Intent</i>	
Entries and Declarations (Chapter 25) .....	316
<i>Submissions to Governor and Legislature</i>	
Licensing (Chapter 15) .....	349
General Conduct (Chapter 35) .....	350
<b>HUMAN Services, Department of (Title 340)</b>	
<i>Notices of Rulemaking Intent</i>	
Function and Structure of the Oklahoma Department of Human Services (Chapter 1) .....	317
Administrative Components (Chapter 2) .....	318
Child Support Services (Chapter 25) .....	319
Supplemental Nutrition Assistance Program (Chapter 50) .....	320
Public Assistance Procedures (Chapter 65) .....	321
Child Welfare Services (Chapter 75) .....	321
Developmental Disabilities Services (Chapter 100) .....	323
Licensing Services (Chapter 110) .....	324
<b>INSURANCE Department (Title 365)</b>	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1) .....	326
Life, Accident and Health (Chapter 10) .....	326
Property and Casualty (Chapter 15) .....	327
Other Licensees (Chapter 25) .....	328
Health Maintenance Organizations (HMO) (Chapter 40) .....	329
<b>INVESTIGATION, Oklahoma State Bureau of (Title 375)</b>	
<i>Notices of Rulemaking Intent</i>	
Oklahoma Reward System (Chapter 15) .....	329
Investigative Services (Chapter 35) .....	330
<b>JUVENILE Affairs, Office of (Title 377)</b>	
<i>Notices of Rulemaking Intent</i>	
Function and Structure of the Office of Juvenile Affairs (Chapter 1) .....	330
Administrative Services (Chapter 3) .....	331
Juvenile Services Unit (Chapter 25) .....	332
<b>LABOR, Department of (Title 380)</b>	
<i>Notices of Rulemaking Intent</i>	
<u>Alternative Fuels Program</u> (Chapter 80) .....	332
<b>LIQUEFIED Petroleum Gas Board, Oklahoma (Title 420)</b>	
<i>Notices of Rulemaking Intent</i>	
Liquefied Petroleum Gas Administration (Chapter 10) .....	333

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

*Notices of Rulemaking Intent*

Requirements for Registration (Chapter 10) .....	334
Transfer and Disposal of Controlled Dangerous Drugs (Chapter 35) .....	335
Oklahoma Control Reporting Requirements (Chapter 45) .....	335

**OSTEOPATHIC Examiners, State Board of (Title 510)**

*Notices of Rulemaking Intent*

Administrative Operations (Chapter 1) .....	336
Professional Standards (Chapter 5) .....	336
Licensure of Osteopathic Physicians and Surgeons (Chapter 10) .....	337

**POLICE Pension and Retirement System, Oklahoma (Title 550)**

*Notices of Rulemaking Intent*

Purchase of Transferred Credited Service (Chapter 20) ...	337
---	-----

**PRIVATE Vocational Schools, Oklahoma Board of (Title 565)**

*Notices of Rulemaking Intent*

Administrative Operations (Chapter 1) .....	338
Licensure and Regulation of Private Vocational Schools and Representatives (Chapter 10) .....	338

**PSYCHOLOGISTS, State Board of Examiners of (Title 575)**

*Notices of Rulemaking Intent*

Organization of Board and Procedures for Handling Complaints (Chapter 1) .....	340
Licensure of Psychologists (Chapter 10) .....	340

**SECURITIES, Department of (Title 660)**

*Notices of Rulemaking Intent*

Organization and Procedures of Department of Securities (Chapter 2) .....	341
Forms (Chapter 6) .....	341
Oklahoma Uniform Securities Act of 2004 (Chapter 11) .....	342

**TREASURER, State (Title 735)**

*Notices of Rulemaking Intent*

Security for Public Deposits (Chapter 10) .....	343
Security for Local Public Entity Deposits (Chapter 20) ...	344

**CAREER and Technology Education, Oklahoma Department of (Title 780)**

*Notices of Rulemaking Intent*

Administration and Supervision (Chapter 10) .....	344
Technology Centers (Chapter 15) .....	345
Programs and Services (Chapter 20) .....	346
Business and Industry Services (Chapter 25) .....	346
Lifelong Learning (Chapter 35) .....	347

# Rules Affected Index

[(E) = *Emergency action*]

Rule	Register Page	Rule	Register Page
35:15-11-41. ....	[AMENDED] (E) ..... 197	230:15-5-129. ....	[AMENDED] (E) ..... 77
35:15-34-3. ....	[NEW] (E) ..... 51	230:15-5-130. ....	[AMENDED] (E) ..... 77
35:40-5-31. ....	[AMENDED] (E) ..... 198	230:15-5-131. ....	[AMENDED] (E) ..... 77
35:40-5-51. ....	[AMENDED] (E) ..... 199	230:15-5-132. ....	[AMENDED] (E) ..... 78
35:40-5-71. ....	[AMENDED] (E) ..... 199	317:30-5-696. ....	[AMENDED] (E) ..... 52
35:40-5-91. ....	[AMENDED] (E) ..... 199	317:35-5-41.8. ....	[AMENDED] (E) ..... 55
35:40-5-111. ....	[AMENDED] (E) ..... 200	340:110-3-146. ....	[AMENDED] (E) ..... 146
35:40-5-191. ....	[AMENDED] (E) ..... 201	340:110-3-152. ....	[AMENDED] (E) ..... 148
35:40-5-221. ....	[NEW] (E) ..... 201	340:110-3-153.1. ....	[AMENDED] (E) ..... 149
35:40-19-1. ....	[NEW] (E) ..... 202	340:110-3-154.1. ....	[AMENDED] (E) ..... 153
35:40-19-2. ....	[RESERVED] (E) ..... 202	340:110-5-3. ....	[AMENDED] (E) ..... 154
35:40-19-3. ....	[NEW] (E) ..... 202	340:110-5-6. ....	[AMENDED] (E) ..... 156
35:40-19-4. ....	[NEW] (E) ..... 202	340:110-5-57. ....	[AMENDED] (E) ..... 157
35:40-19-5. ....	[NEW] (E) ..... 202	340:110-5-58. ....	[AMENDED] (E) ..... 159
35:40-19-6. ....	[NEW] (E) ..... 202	340:110-5-61. ....	[AMENDED] (E) ..... 160
35:40-19-7. ....	[NEW] (E) ..... 202	485:10-6-2. ....	[AMENDED] (E) ..... 161
135:10-26-1. ....	[NEW] (E) ..... 351	485:10-12-1. ....	[NEW] (E) ..... 163
135:10-26-2. ....	[NEW] (E) ..... 351	485:10-12-2. ....	[NEW] (E) ..... 163
135:10-26-3. ....	[NEW] (E) ..... 352	485:10-12-3. ....	[NEW] (E) ..... 163
135:10-26-4. ....	[NEW] (E) ..... 352	485:10-12-4. ....	[NEW] (E) ..... 163
158:50-9-1. ....	[AMENDED] (E) ..... 127	575:10-1-3. ....	[AMENDED] (E) ..... 164
210:1-3-8.1. ....	[AMENDED] (E) ..... 61	590:40-1-3. ....	[AMENDED] (E) ..... 79
210:10-13-2. ....	[AMENDED] (E) ..... 29	590:40-5-1. ....	[AMENDED] (E) ..... 81
210:10-13-22. ....	[AMENDED] (E) ..... 31	590:40-5-5. ....	[AMENDED] (E) ..... 82
210:15-3-133. ....	[REVOKED] (E) ..... 129	590:40-5-6. ....	[AMENDED] (E) ..... 82
210:15-3-133.1. ....	[REVOKED] (E) ..... 131	590:40-5-7. ....	[AMENDED] (E) ..... 82
210:15-3-134. ....	[REVOKED] (E) ..... 132	590:40-5-15. ....	[AMENDED] (E) ..... 83
210:15-3-135. ....	[REVOKED] (E) ..... 132	590:40-5-16. ....	[AMENDED] (E) ..... 83
210:15-3-136. ....	[REVOKED] (E) ..... 136	590:40-7-1. ....	[AMENDED] (E) ..... 83
210:15-3-137. ....	[REVOKED] (E) ..... 140	590:40-7-21. ....	[AMENDED] (E) ..... 84
210:20-9-95. ....	[AMENDED] (E) ..... 64	590:40-7-22. ....	[AMENDED] (E) ..... 84
210:20-9-98. ....	[AMENDED] (E) ..... 64	590:40-7-25. ....	[AMENDED] (E) ..... 84
210:25-3-4. ....	[AMENDED] (E) ..... 145	590:40-7-30. ....	[AMENDED] (E) ..... 84
210:35-9-31. ....	[AMENDED] (E) ..... 67	590:40-7-53. ....	[AMENDED] (E) ..... 84
230:15-5-100. ....	[AMENDED] (E) ..... 72	590:40-9-1. ....	[AMENDED] (E) ..... 84
230:15-5-101. ....	[AMENDED] (E) ..... 72	590:40-9-20. ....	[AMENDED] (E) ..... 84
230:15-5-102. ....	[AMENDED] (E) ..... 72	590:40-9-23. ....	[AMENDED] (E) ..... 85
230:15-5-103. ....	[AMENDED] (E) ..... 73	590:40-9-25. ....	[AMENDED] (E) ..... 85
230:15-5-104. ....	[AMENDED] (E) ..... 74	590:40-9-32. ....	[AMENDED] (E) ..... 85
230:15-5-106. ....	[AMENDED] (E) ..... 74	590:40-9-38. ....	[AMENDED] (E) ..... 85
230:15-5-107. ....	[AMENDED] (E) ..... 74	765:4-1-1. ....	[NEW] (E) ..... 11
230:15-5-108. ....	[AMENDED] (E) ..... 74	765:4-1-2. ....	[NEW] (E) ..... 11
230:15-5-109. ....	[AMENDED] (E) ..... 75	765:4-1-3. ....	[NEW] (E) ..... 11
230:15-5-110. ....	[AMENDED] (E) ..... 75	765:10-1-7. ....	[AMENDED] (E) ..... 12
230:15-5-121. ....	[AMENDED] (E) ..... 75	765:15-1-6. ....	[AMENDED] (E) ..... 13
230:15-5-122. ....	[AMENDED] (E) ..... 75	765:25-1-6. ....	[AMENDED] (E) ..... 13
230:15-5-124. ....	[AMENDED] (E) ..... 76	765:35-3-6. ....	[AMENDED] (E) ..... 14
230:15-5-125. ....	[AMENDED] (E) ..... 76	765:36-3-6. ....	[AMENDED] (E) ..... 15
230:15-5-126. ....	[AMENDED] (E) ..... 77	765:37-3-6. ....	[AMENDED] (E) ..... 15
230:15-5-127. ....	[AMENDED] (E) ..... 77	765:38-1-5. ....	[AMENDED] (E) ..... 16
230:15-5-128. ....	[AMENDED] (E) ..... 77	800:25-7-86.1. ....	[AMENDED] (E) ..... 97

# Agency/Title Index

[Assigned as of 2-16-16]

Agency	Title	Agency	Title
Oklahoma <b>ABSTRACTORS</b> Board	5	Office of <b>DISABILITY</b> Concerns ( <i>Formerly:</i> Office of <b>HANDICAPPED</b> Concerns) - <i>See</i> Title 305	
Oklahoma <b>ACCOUNTANCY</b> Board	10	Board of Regents of <b>EASTERN</b> Oklahoma State College ( <i>exempted 11-1-98</i> )	205
State <b>ACCREDITING</b> Agency	15	<b>EDGE</b> Fund Policy Board	208
<b>AD</b> Valorem Task Force ( <i>abolished 7-1-93</i> )	20	State Department of <b>EDUCATION</b>	210
Oklahoma <b>AERONAUTICS</b> Commission	25	<b>EDUCATION</b> Oversight Board ( <i>merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218</i> )	215
Board of Regents for the Oklahoma <b>AGRICULTURAL</b> and Mechanical Colleges ( <i>exempted 11-1-98</i> )	30	Office of <b>EDUCATIONAL</b> Quality and Accountability	218
Oklahoma Department of <b>AGRICULTURE</b> , Food, and Forestry	35	Oklahoma <b>EDUCATIONAL</b> Television Authority	220
Oklahoma Board of Licensed <b>ALCOHOL</b> and Drug Counselors	38	[RESERVED]	225
Board of Tests for <b>ALCOHOL</b> and Drug Influence	40	State <b>ELECTION</b> Board	230
<b>ALCOHOLIC</b> Beverage Laws Enforcement Commission	45	Oklahoma <b>FUNERAL</b> Board ( <i>Formerly:</i> Oklahoma State Board of <b>EMBALMERS</b> and Funeral Directors)	235
<b>ANATOMICAL</b> Board of the State of Oklahoma	50	Oklahoma Department of <b>EMERGENCY</b> Management ( <i>Formerly:</i> Department of <b>CIVIL</b> Emergency Management) - <i>See</i> Title 145	
Board of Governors of the Licensed <b>ARCHITECTS</b> , Landscape Architects and Registered Interior Designers of Oklahoma ( <i>Formerly:</i> Board of Governors of the Licensed <b>ARCHITECTS</b> and Landscape Architects of Oklahoma; and Board of Governors of the Licensed <b>ARCHITECTS</b> , Landscape Architects and Interior Designers of Oklahoma)	55	Oklahoma <b>EMPLOYMENT</b> Security Commission	240
<b>ARCHIVES</b> and Records Commission	60	Oklahoma <b>ENERGY</b> Resources Board	243
Board of Trustees for the <b>ARDMORE</b> Higher Education Program ( <i>exempted 11-1-98</i> )	65	State Board of Licensure for Professional <b>ENGINEERS</b> and Land Surveyors ( <i>Formerly:</i> State Board of Registration for Professional <b>ENGINEERS</b> and Land Surveyors)	245
Oklahoma <b>ARTS</b> Council	70	Board of Trustees for the <b>ENID</b> Higher Education Program ( <i>exempted 11-1-98</i> )	250
Oklahoma State <b>ATHLETIC</b> Commission ( <i>Formerly:</i> Oklahoma Professional <b>BOXING</b> Commission) - <i>See</i> Title 92		Department of <b>ENVIRONMENTAL</b> Quality	252
<b>ATTORNEY</b> General	75	State Board of <b>EQUALIZATION</b>	255
State <b>AUDITOR</b> and Inspector	80	<b>ETHICS</b> Commission ( <i>Title revoked</i> )	257
State <b>BANKING</b> Department	85	<b>ETHICS</b> Commission	258
Oklahoma State Employees <b>BENEFITS</b> Council ( <i>consolidated under Office of Management and Enterprise Services 8-26-11 - See Title 260</i> )	86	Office of <b>MANAGEMENT</b> and Enterprise Services ( <i>Formerly:</i> Office of State <b>FINANCE</b> )	260
Oklahoma State Employees <b>BENEFITS</b> Council	87	State <b>FIRE</b> Marshal Commission	265
Council of <b>BOND</b> Oversight	90	Oklahoma Council on <b>FIREFIGHTER</b> Training	268
Oklahoma State <b>ATHLETIC</b> Commission ( <i>Formerly:</i> Oklahoma Professional <b>BOXING</b> Commission)	92	Oklahoma <b>FIREFIGHTERS</b> Pension and Retirement System	270
State <b>BURIAL</b> Board ( <i>abolished 7-1-92</i> )	95	[RESERVED]	275
[RESERVED]	100	<b>FORENSIC</b> Review Board	277
Oklahoma <b>CAPITAL</b> Investment Board	105	State Board of Registration for <b>FORESTERS</b>	280
Oklahoma <b>CAPITOL</b> Improvement Authority	110	<b>FOSTER</b> Care Review Advisory Board	285
State <b>CAPITOL</b> Preservation Commission	115	Oklahoma <b>FUNERAL</b> Board ( <i>Formerly:</i> Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
<b>CAPITOL-MEDICAL</b> Center Improvement and Zoning Commission	120	Oklahoma <b>FUTURES</b>	290
Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly:</i> Oklahoma Department of <b>VOCATIONAL</b> and Technical Education) - <i>See</i> Title 780		<b>GOVERNOR</b> ( <i>See also</i> Title 1, Executive Orders)	295
Board of Regents of <b>CARL</b> Albert State College ( <i>exempted 11-1-98</i> )	125	<b>GRAND</b> River Dam Authority	300
Department of <b>CENTRAL</b> Services ( <i>Formerly:</i> Office of <b>PUBLIC</b> Affairs) - <i>See</i> Title 580		Group Self-Insurance Association <b>GUARANTY</b> Fund Board	302
<b>CEREBRAL</b> Palsy Commission	130	Individual Self-Insured <b>GUARANTY</b> Fund Board	303
Commission on <b>CHILDREN</b> and Youth	135	<b>STATE</b> Use Committee ( <i>Formerly:</i> Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> ; <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	304
Board of <b>CHIROPRACTIC</b> Examiners	140	Office of <b>DISABILITY</b> Concerns ( <i>Formerly:</i> Office of <b>HANDICAPPED</b> Concerns)	305
Oklahoma Department of <b>EMERGENCY</b> Management ( <i>Formerly:</i> Department of <b>CIVIL</b> Emergency Management)	145	Oklahoma State Department of <b>HEALTH</b>	310
Oklahoma Department of <b>COMMERCE</b>	150	Oklahoma Basic <b>HEALTH</b> Benefits Board ( <i>abolished 11-1-97</i> )	315
<b>COMMUNITY</b> Hospitals Authority	152	Oklahoma <b>HEALTH</b> Care Authority	317
<b>COMPSOURCE</b> Oklahoma ( <i>Formerly:</i> State <b>INSURANCE</b> Fund) - <i>See</i> Title 370		<b>HIGHWAY</b> Construction Materials Technician Certification Board	318
Oklahoma <b>CONSERVATION</b> Commission	155	Oklahoma <b>HISTORICAL</b> Society	320
<b>CONSTRUCTION</b> Industries Board	158	Oklahoma <b>HORSE</b> Racing Commission	325
Department of <b>CONSUMER</b> Credit	160	Oklahoma <b>HOUSING</b> Finance Agency	330
<b>CORPORATION</b> Commission	165	Oklahoma <b>HUMAN</b> Rights Commission	335
Department of <b>CORRECTIONS</b>	170	Department of <b>HUMAN</b> Services	340
State Board of <b>COSMETOLOGY</b> and Barbering	175	Committee for <b>INCENTIVE</b> Awards for State Employees	345
Oklahoma State <b>CREDIT</b> Union Board	180	Oklahoma <b>INDIAN</b> Affairs Commission	350
<b>CRIME</b> Victims Compensation Board	185	Oklahoma <b>INDIGENT</b> Defense System	352
Joint <b>CRIMINAL</b> Justice System Task Force Committee	190	Oklahoma <b>INDUSTRIAL</b> Finance Authority	355
Board of <b>DENTISTRY</b>	195	<b>INJURY</b> Review Board	357
Oklahoma <b>DEVELOPMENT</b> Finance Authority	200	Oklahoma State and Education Employees Group <b>INSURANCE</b> Board ( <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	360
		<b>INSURANCE</b> Department	365

Agency	Title	Agency	Title
<b>COMPSOURCE</b> Oklahoma (Formerly: State <b>INSURANCE</b> Fund) . . . . .	370	<b>PUBLIC</b> Employees Relations Board . . . . .	585
Oklahoma State Bureau of <b>INVESTIGATION</b>	375	Oklahoma <b>PUBLIC</b> Employees Retirement System . . . . .	590
Council on <b>JUDICIAL</b> Complaints . . . . .	376	Department of <b>PUBLIC</b> Safety . . . . .	595
Office of <b>JUVENILE</b> Affairs . . . . .	377	<b>REAL</b> Estate Appraiser Board . . . . .	600
Department of <b>LABOR</b> . . . . .	380	Oklahoma <b>REAL</b> Estate Commission . . . . .	605
Department of the Commissioners of the <b>LAND</b> Office	385	Board of Regents of <b>REDLANDS</b> Community College ( <i>exempted</i>	
Council on <b>LAW</b> Enforcement Education and Training . . . . .	390	11-1-98) . . . . .	607
Oklahoma <b>LAW</b> Enforcement Retirement System . . . . .	395	State <b>REGENTS</b> for Higher Education . . . . .	610
Board on <b>LEGISLATIVE</b> Compensation . . . . .	400	State Department of <b>REHABILITATION</b> Services . . . . .	612
Oklahoma Department of <b>LIBRARIES</b> . . . . .	405	Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> ) . . . . .	615
<b>LIEUTENANT</b> Governor . . . . .	410	Board of Regents of <b>ROSE</b> State College ( <i>exempted 11-1-98</i> ) . . . . .	620
Oklahoma <b>LINKED</b> Deposit Review Board . . . . .	415	Oklahoma <b>SAVINGS</b> and Loan Board ( <i>abolished 7-1-93</i> ) . . . . .	625
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Board . . . . .	420	<b>SCENIC</b> Rivers Commission . . . . .	630
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Research, Marketing and Safety		Oklahoma Commission on <b>SCHOOL</b> and County Funds	
Commission . . . . .	422	Management . . . . .	635
<b>LITERACY</b> Initiatives Commission . . . . .	425	Advisory Task Force on the Sale of <b>SCHOOL</b> Lands ( <i>functions</i>	
<b>LONG-RANGE</b> Capital Planning Commission . . . . .	428	<i>concluded 2-92</i> ) . . . . .	640
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care		The Oklahoma School of <b>SCIENCE</b> and Mathematics . . . . .	645
Administrators (Formerly: Oklahoma State Board of Examiners		Oklahoma Center for the Advancement of <b>SCIENCE</b> and	
for <b>NURSING</b> Home Administrators) - See Title 490		Technology . . . . .	650
<b>LOTTERY</b> Commission, Oklahoma . . . . .	429	<b>SECRETARY</b> of State . . . . .	655
Board of Trustees for the <b>MCCURTAIN</b> County Higher Education		Department of <b>SECURITIES</b> . . . . .	660
Program ( <i>exempted 11-1-98</i> ) . . . . .	430	Board of Regents of <b>SEMINOLE</b> State College ( <i>exempted</i>	
Office of <b>MANAGEMENT</b> and Enterprise Services (Formerly: Office		11-1-98) . . . . .	665
of State <b>FINANCE</b> ) - See Title 260		<b>SHEEP</b> and Wool Commission . . . . .	670
Commission on <b>MARGINALLY</b> Producing Oil and Gas Wells . . . . .	432	State Board of Licensed <b>SOCIAL</b> Workers . . . . .	675
State Board of <b>MEDICAL</b> Licensure and Supervision . . . . .	435	<b>SOUTHERN</b> Growth Policies Board . . . . .	680
<b>MEDICAL</b> Technology and Research Authority of Oklahoma . . . . .	440	Oklahoma <b>SOYBEAN</b> Commission ( <i>abolished 7-1-97</i> ) . . . . .	685
Board of <b>MEDICOLEGAL</b> Investigations . . . . .	445	Board of Examiners for <b>SPEECH-LANGUAGE</b> Pathology and	
Department of <b>MENTAL</b> Health and Substance Abuse Services . . . . .	450	Audiology (Formerly: Board of Examiners for <b>SPEECH</b>	
<b>MERIT</b> Protection Commission . . . . .	455	Pathology and Audiology) . . . . .	690
<b>MILITARY</b> Planning Commission, Oklahoma Strategic . . . . .	457	<b>STATE</b> Employee Charitable Contributions, Oversight	
Department of <b>MINES</b> . . . . .	460	Committee for (Formerly: <b>STATE</b> Agency	
Oklahoma <b>MOTOR</b> Vehicle Commission . . . . .	465	Review Committee) . . . . .	695
Board of Regents of <b>MURRAY</b> State College ( <i>exempted 11-1-98</i> ) . . . . .	470	<b>STATE</b> Use Committee (Formerly: Committee on Purchases of Products	
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs		and Services of the Severely <b>HANDICAPPED</b> ) - See Title 304	
Control . . . . .	475	Oklahoma <b>STUDENT</b> Loan Authority . . . . .	700
Board of Regents of <b>NORTHERN</b> Oklahoma College ( <i>exempted</i>		<b>TASK</b> Force 2000 . . . . .	705
11-1-98) . . . . .	480	Oklahoma <b>TAX</b> Commission . . . . .	710
Oklahoma Board of <b>NURSING</b> . . . . .	485	Oklahoma Commission for <b>TEACHER</b> Preparation ( <i>merged under</i>	
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care		<i>Office of Educational Quality and Accountability 7-1-14 - See Title</i>	
Administrators (Formerly: Oklahoma State Board of Examiners		218) . . . . .	712
for <b>NURSING</b> Home Administrators) . . . . .	490	<b>TEACHERS'</b> Retirement System . . . . .	715
Board of Regents of <b>OKLAHOMA</b> City Community College ( <i>exempted</i>		State <b>TEXTBOOK</b> Committee . . . . .	720
11-1-98) . . . . .	495	<b>TOBACCO</b> Settlement Endowment Trust Fund . . . . .	723
Board of Regents of <b>OKLAHOMA</b> Colleges ( <i>exempted 11-1-98</i> ) . . . . .	500	Oklahoma <b>TOURISM</b> and Recreation Department . . . . .	725
Board of Examiners in <b>OPTOMETRY</b> . . . . .	505	Department of <b>TRANSPORTATION</b> . . . . .	730
State Board of <b>OSTEOPATHIC</b> Examiners . . . . .	510	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to</i>	
<b>PARDON</b> and Parole Board . . . . .	515	Oklahoma <b>TURNPIKE</b> Authority 11-1-05) - See Title 731	
Oklahoma <b>PEANUT</b> Commission . . . . .	520	Oklahoma <b>TURNPIKE</b> Authority (Formerly: Oklahoma	
Oklahoma State <b>PENSION</b> Commission . . . . .	525	<b>TRANSPORTATION</b> Authority AND Oklahoma <b>TURNPIKE</b>	
State Board of Examiners of <b>PERFUSIONISTS</b> . . . . .	527	Authority) - See also Title 745 . . . . .	731
Office of <b>PERSONNEL</b> Management ( <i>consolidated under</i> Office		State <b>TREASURER</b> . . . . .	735
of Management and Enterprise Services 8-26-11 - See Title		Board of Regents of <b>TULSA</b> Community College ( <i>exempted</i>	
260) . . . . .	530	11-1-98) . . . . .	740
Board of Commercial <b>PET</b> Breeders ( <i>abolished 7-1-12 - See Title</i>		Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma</i>	
35) . . . . .	532	<b>TRANSPORATION</b> Authority 11-1-99 - no rules enacted in this	
Oklahoma State Board of <b>PHARMACY</b> . . . . .	535	<i>Title - See Title 731</i> ) . . . . .	745
<b>PHYSICIAN</b> Manpower Training Commission . . . . .	540	Oklahoma <b>UNIFORM</b> Building Code Commission . . . . .	748
Board of <b>PODIATRIC</b> Medical Examiners . . . . .	545	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa ( <i>exempted</i>	
Oklahoma <b>POLICE</b> Pension and Retirement System . . . . .	550	11-1-98) . . . . .	750
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> ) . . . . .	555	<b>UNIVERSITY</b> Hospitals Authority . . . . .	752
<b>POLYGRAPH</b> Examiners Board . . . . .	560	<b>UNIVERSITY</b> Hospitals Trust . . . . .	753
Oklahoma Board of <b>PRIVATE</b> Vocational Schools . . . . .	565	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma ( <i>exempted</i>	
State Board for <b>PROPERTY</b> and Casualty Rates		11-1-98) . . . . .	755
( <i>abolished 7-1-06; see also Title 365</i> ) . . . . .	570	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts	
State Board of Examiners of <b>PSYCHOLOGISTS</b> . . . . .	575	of Oklahoma ( <i>exempted 11-1-98</i> ) . . . . .	760
Department of <b>CENTRAL</b> Services (Formerly: Office of <b>PUBLIC</b>		Oklahoma <b>USED</b> Motor Vehicle and Parts Commission . . . . .	765
Affairs; <i>consolidated under</i> Office of Management and Enterprise		Oklahoma Department of <b>VETERANS</b> Affairs . . . . .	770
Services 8-26-11 - See Title 260) . . . . .	580	Board of <b>VETERINARY</b> Medical Examiners . . . . .	775
		Statewide <b>VIRTUAL</b> Charter School Board . . . . .	777

**Agency/Title Index – *continued***

---

Agency	Title	Agency	Title
Oklahoma Department of <b>CAREER</b> and Technology Education (Formerly: Oklahoma Department of <b>VOCATIONAL</b> and Technical Education) .....	780	Oklahoma <b>WHEAT</b> Commission .....	795
Oklahoma <b>WATER</b> Resources Board .....	785	Department of <b>WILDLIFE</b> Conservation .....	800
Board of Regents of <b>WESTERN</b> Oklahoma State College ( <i>exempted</i> <i>11-1-98</i> ) .....	790	<b>WILL</b> Rogers and J.M. Davis Memorials Commission .....	805
		Oklahoma <b>WORKERS'</b> Compensation Commission .....	810

# 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 #16-84]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 2. Definitions [NEW]

### **SUMMARY:**

The proposed revisions to Subchapter 2 clarify the definition of an Abstract Plant.

### **AUTHORITY:**

Oklahoma Abstractors Board; 1 § 1-22 B. et. seq.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 17, 2016 at the following address: Katherine Smith, Oklahoma Abstractors Board, 421 NW 13<sup>th</sup> St., Suite 180, Oklahoma City, OK 73103, or Katherine.Smith@abstract.ok.gov.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on Friday, March 18, 2016 at the Oklahoma Development Finance Authority building conference room at 9220 N. Kelley Avenue, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 12:50 p.m.

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

The Oklahoma Abstractors Board requests that business entities affected by these proposed rules provide the Board, 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, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Katherine Smith, at the above addresses, before the close of the comment period on March 17, 2016.

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

Copies of the proposed rules may be obtained by visiting [www.abstract.ok.gov](http://www.abstract.ok.gov) or contacting the Oklahoma Abstractors Board, 421 NW 13<sup>th</sup> St., Suite 180, Oklahoma City, OK 73103, 405-522-5019, Fax 405-522-5503 or via electronic mail to Katherine.smith@abstract.ok.gov.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be viewed by visiting <http://www.abstract.ok.gov> beginning February 16, 2016.

### **CONTACT PERSON:**

Katherine Smith, State Administrator of Abstracting, (405) 522-5019, Katherine.Smith@abstract.ok.gov.

*[OAR Docket #16-84; filed 1-25-16]*

## **TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS**

*[OAR Docket #16-122]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Application [AMENDED]

Subchapter 9. Supervision [AMENDED]

Subchapter 11. Fees [AMENDED]

### **SUMMARY:**

The proposed amendments to subchapter 7 eliminate outdated language regarding examinations and clarify certain examination requirements and procedures. The proposed amendments to subchapter 7 also clarify certain requirements and procedures for the co-occurring disorder credential.

The proposed amendments to subchapter 9 amend certain procedures regarding the supervised work experience requirement. New subsections authorize the Board to conduct audits of compliance with supervision requirements and clarify the scope of practice of certain licensure candidates completing the supervised work experience requirements.

The proposed amendments to subchapter 11 eliminate outdated language regarding the examination fee and add fees for certified copies of records and record search.

### **AUTHORITY:**

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O. S., § 43B-1875-1.

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Richard D. Pierson at 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Ok. 73105, or P.O. Box 54388, Oklahoma City, Ok. 73154 from February 16, 2016 to March 17, 2016.

## Notices of Rulemaking Intent

---

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N. E. 51<sup>st</sup> Street, Oklahoma City, OK 73105 at 10:00 A.M. to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 10:05 A.M. on March 17, 2016.

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

n/a

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

Copies of the proposed rules may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, OK, 73105, or by going to our website at [www.okdrugcounselors.org](http://www.okdrugcounselors.org) under Laws and Regulations.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning February 16, 2016.

### **CONTACT PERSON:**

Richard D. Pierson, Executive Director, (405) 521-0779.

*[OAR Docket #16-122; filed 1-27-16]*

---

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

*[OAR Docket #16-51]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- 40:1-1-2. Organization, powers and duties [AMENDED]
- 40:1-1-3. General course and method of operation [AMENDED]
- 40:1-1-5. Rules of practice for individual proceedings [AMENDED]

### **SUMMARY:**

The proposed rule amendments update and clarify the roles and responsibilities of the members of the Board, and update the membership of the Board in accordance with amendments to 47 O.S. §759. The proposed rules eliminate language related to the Administrative Assistant to the Board, rendered superfluous by the amendments to 47 O.S. §759. The proposed rules update a renumbered statutory citation.

### **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 February 17, 2016 until March 21, 2016.

### **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 March 22, 2016, 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:**

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 through March 21, 2016, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

### **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](http://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 February 16, 2016 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, [kbehrens@dps.state.ok.us](mailto:kbehrens@dps.state.ok.us)

*[OAR Docket #16-51; filed 1-22-16]*

---

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

*[OAR Docket #16-52]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Breath-Alcohol Analysts  
40:10-3-3. Qualifications and requirements for  
breath-alcohol operators (renewal permits)  
[AMENDED]

**SUMMARY:**

The proposed rule amendments update and clarify the process and time periods for renewing breath alcohol operator permits.

**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 February 17, 2016 until March 21, 2016.

**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 March 22, 2016, 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:**

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 through March 21, 2016, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**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](http://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 February 16, 2016 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, [kbehrens@dps.state.ok.us](mailto:kbehrens@dps.state.ok.us)

*[OAR Docket #16-52; filed 1-22-16]*

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE  
CHAPTER 25. APPARATUS, DEVICES,  
EQUIPMENT, AND MATERIALS**

*[OAR Docket #16-53]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:25-1-4. Disposable materials, supplies, and paraphernalia [AMENDED]

**SUMMARY:**

The proposed rule amendments update and clarify the requirements related to the use of mouthpieces in breath test instrumentation. Outdated language is eliminated in the proposed rule. Existing misspellings in the rule are also corrected.

**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 February 17, 2016 until March 21, 2016.

**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 March 22, 2016, 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:**

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 through March 21, 2016, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

## Notices of Rulemaking Intent

---

### 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](http://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 February 16, 2016 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, [kbehrens@dps.state.ok.us](mailto:kbehrens@dps.state.ok.us)

*[OAR Docket #16-53; filed 1-22-16]*

---

### TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 35. ANALYSIS OF ALCOHOL IN BLOOD

*[OAR Docket #16-54]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

40:35-1-3. Analysis of blood specimens for alcohol  
[AMENDED]

### SUMMARY:

The proposed rule amendments update the requirements for reporting the results of the analysis of blood specimens for alcohol.

### 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 February 17, 2016 until March 21, 2016.

### 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 March 22, 2016, 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:

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 through March 21, 2016, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

### 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](http://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 February 16, 2016 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, [kbehrens@dps.state.ok.us](mailto:kbehrens@dps.state.ok.us)

*[OAR Docket #16-54; filed 1-22-16]*

---

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

*[OAR Docket #16-55]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

40:50-1-1.1. Definitions [AMENDED]  
40:50-1-3. Standards and specifications [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]

### SUMMARY:

The proposed rules add absconding to the list of reportable violations and provide a definition for absconding. The proposed rules make changes to the retest and confirmatory test requirements to address problems with reporting retest violations and confirmatory test results. The proposed

rules create time frames for the manufacturer to take certain required actions in the event of a service center inactivation or revocation. The proposed rules provide vendors an alternative to having a licensed ignition interlock technicians on site at all times. The proposed rules also eliminate some confusing references to the Board's website.

**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 February 17, 2016 until March 21, 2016.

**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 March 22, 2016, 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:**

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 through March 21, 2016, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**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 February 16, 2016 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, kbehrens@dps.state.ok.us

[OAR Docket #16-55; filed 1-22-16]

**TITLE 75. ATTORNEY GENERAL  
CHAPTER 1. ADMINISTRATION**

[OAR Docket #16-57]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Contracts for Domestic Violence and Sexual Assault Services [AMENDED]

**SUMMARY:**

These rules are promulgated pursuant to the requirements of the Administrative Procedures Act, 75 O.S. § 250, et seq. The purpose of these rules is to effectively implement and enforce the provisions of Title 74 § 18p-1 et seq. of the Oklahoma Statutes. These rules supplement existing state and federal laws, and being duly promulgated, have the force and effect of law. Amendments are necessary to correct a change in agency name.

**AUTHORITY:**

Attorney General; Title 74 O.S. § 18p-1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2016, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 23, 2016, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 23, 2016 at the Office of the Attorney General at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK.

## Notices of Rulemaking Intent

---

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 16, 2016.

### **CONTACT PERSON:**

Lesley March, Assistant Attorney General, 405-522-0042

*[OAR Docket #16-57; filed 1-22-16]*

### **TITLE 75. ATTORNEY GENERAL CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS**

*[OAR Docket #16-56]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 2. Domestic Violence and Sexual Assault Programs [AMENDED]
- Subchapter 5. Client Records and Confidentiality [AMENDED]
- Subchapter 7. Physical Environments [AMENDED]
- Subchapter 9. Program Management and Performance Improvement
- Subchapter 13. Personnel and Volunteers [AMENDED]
- Subchapter 15. Governing Authority [AMENDED]
- Subchapter 17. Clients Rights [AMENDED]

### **SUMMARY:**

The Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence and sexual assault programs in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. Amendments are necessary to screen for strangulation and head trauma. Amendments are also necessary to clarify the requirement for programs to provide victims with access to emergency transportation to SANE exams twenty-four (24) hours a day. Several sections in the standards did not include guidelines for determining compliance; amendments will correct this. Amendments are also necessary to correct grammatical errors and formatting.

### **AUTHORITY:**

Attorney General; Title 74 O.S. § 18p-1 et seq.

### **COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2016, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the

proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 23, 2016, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 23, 2016, at the Office of the Attorney General at the above address.

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

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 16, 2016.

### **CONTACT PERSON:**

Lesley March, Assistant Attorney General, 405-522-0042

*[OAR Docket #16-56; filed 1-22-16]*

### **TITLE 75. ATTORNEY GENERAL CHAPTER 20. ADDRESS CONFIDENTIALITY PROGRAM**

*[OAR Docket #16-58]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Chapter 20. Address Confidentiality Program [AMENDED]

### **SUMMARY:**

The Attorney General is required to adopt and promulgate rules for the management of the Address Confidentiality Program. These rules set forth the requirements which are necessary to meet the responsibilities of oversight, management, evaluation, improvement and participation in the program. Amendments are necessary to amend language that is obsolete or inaccurate due to the transfer of the administration of the Secretary of State to the Office of the Attorney General. Amendments are also necessary due to updated forms and changes to administrative process.

### **AUTHORITY:**

Protection from Domestic Abuse Act Title 22 O.S. § 60.1; Attorney General

**COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2016, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 23, 2016, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 23, 2016, at the Office of the Attorney General at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 16, 2016.

**CONTACT PERSON:**

Lesley March, Assistant Attorney General, 405-522-0042

*[OAR Docket #16-58; filed 1-22-16]*

---

**TITLE 75. ATTORNEY GENERAL  
CHAPTER 25. STANDARDS AND CRITERIA  
FOR BATTERERS INTERVENTION  
PROGRAMS**

*[OAR Docket #16-59]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Batterers Intervention [AMENDED]
- Subchapter 5. Personnel and Volunteers [AMENDED]

**SUMMARY:**

The Attorney General is required to adopt and promulgate rules and standards for certification of batterers intervention programs (BIPs) in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. Amendments are necessary to include referrals from DHS as well as the courts. Amendments are necessary to emphasize that batterers intervention programs are psychoeducational groups, rather than therapy and that certified programs must be fifty-two (52) weeks in length.

**AUTHORITY:**

Attorney General; Title 74 O.S. § 18p-1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2016, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 23, 2016, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 23, 2016, at the Office of the Attorney General at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 16, 2016.

**CONTACT PERSON:**

Lesley March, Assistant Attorney General, 405-522-0042

*[OAR Docket #16-59; filed 1-22-16]*

## Notices of Rulemaking Intent

---

### **TITLE 75. ATTORNEY GENERAL CHAPTER 30. STANDARDS AND CRITERIA FOR ADULT VICTIMS OF HUMAN SEX TRAFFICKING PROGRAMS**

*[OAR Docket #16-60]*

#### **RULEMAKING ACTION:**

Notice of Rulemaking Intent

#### **PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Sexual Assault Programs for Adult Victims/Survivors of Sexual Violence as a Result of Human Sex Trafficking [AMENDED]
- Subchapter 5. Client Records and Confidentiality [AMENDED]
- Subchapter 7. Physical Environments [AMENDED]
- Subchapter 9. Program Management and Performance Improvement [AMENDED]
- Subchapter 11. Personnel and Volunteers [AMENDED]
- Subchapter 13. Governing Authority [AMENDED]
- Subchapter 15. Client Rights, for Adult Victims of Human Sex Trafficking Programs [AMENDED]

#### **SUMMARY:**

This chapter sets forth the rules, including standards and criteria, used in certifying sexual assault programs and shelters for adult victims/survivors of sexual violence as a result of human sex trafficking pursuant to 74 O.S. § 18p-6. Although similarities exist between services provided to victims of domestic or sexual violence and victims of sex trafficking, there are also important differences between the two groups of victims. Victims of human sex trafficking are often eligible for special benefits including housing, legal assistance and refugee services that differ from the types of services that are available to domestic violence or sexual violence victims. Because certification of services for human sex trafficking is relatively new to Oklahoma, this chapter requires many amendments. When the chapter was originally codified in 2011, it was based largely on the standards for sexual assault services in 75 OAC 15. After careful review, the Domestic Violence & Sexual Assault Advisory Council recommended that the Attorney General amend the current chapter to more specifically meet the needs of victims of human sex trafficking and their children. These amendments include: stressing the importance of client safety and confidentiality, reflecting the clients' right to self-determination, incorporating definitions that were unintentionally omitted from the chapter, redefining core services and orientation training to more accurately meet the needs of human sex trafficking survivors and requiring programs to conduct an annual employee name search against the Sex Offenders Registration Act and the Mary Rippey Violence Crime Offenders Registration Act.

#### **AUTHORITY:**

Attorney General; Title 74 O.S. § 18p-1 et seq.

#### **COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2016, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

#### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 23, 2016, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 23, 2016, at the Office of the Attorney General at the above address.

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

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK.

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

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 16, 2016.

#### **CONTACT PERSON:**

Lesley Smith March, Assistant Attorney General, 405-522-0042

*[OAR Docket #16-60; filed 1-22-16]*

### **TITLE 75. ATTORNEY GENERAL CHAPTER 40. STANDARDS AND CRITERIA FOR FAMILY JUSTICE CENTER**

*[OAR Docket #16-61]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Chapter 40. Standards and Criteria for Family Justice Center [NEW]

#### **SUMMARY:**

This chapter sets forth the rules, including standards and criteria, used in certifying all domestic violence and sexual assault programs and shelters (74 O.S. § 18p-6). The rules regarding factors relating to the certification processes

including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.

**AUTHORITY:**

Attorney General; Title 74 O.S. § 18p-1 et seq.

**COMMENT PERIOD:**

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2016, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 23, 2016, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 23, 2016, at the Office of the Attorney General at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21<sup>st</sup> St., Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 16, 2016.

**CONTACT PERSON:**

Lesley March, Assistant Attorney General, 405-522-0042

*[OAR Docket #16-61; filed 1-22-16]*

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

*[OAR Docket #16-45]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

86:10-1-1. [AMENDED]

86:10-1-2. [AMENDED]

86:10-1-3. [AMENDED]

Subchapter 3. Rules of Professional Conduct

86:10-3-1. [AMENDED]

86:10-3-2. [AMENDED]

86:10-3-3. [AMENDED]

86:10-3-4. [AMENDED]

86:10-3-5. [AMENDED]

86:10-3-6. [AMENDED]

Subchapter 15. Licensure Examinations

86:10-15-5. [AMENDED]

Subchapter 29. Enforcement

86:10-29-1. [AMENDED]

86:10-29-2. [REVOKED]

86:10-29-3. [AMENDED]

86:10-29-4. [REVOKED]

86:10-29-5. [AMENDED]

86:10-29-6. [AMENDED]

86:10-29-7. [AMENDED]

86:10-29-8. [AMENDED]

86:10-29-9. [AMENDED]

86:10-29-10. [AMENDED]

86:10-29-11. [AMENDED]

86:10-29-12. [AMENDED]

86:10-29-13. [AMENDED]

86:10-29-14. [AMENDED]

86:10-29-15. [AMENDED]

86:10-29-16. [NEW]

Subchapter 33. Declaration of Emergency Licensure by Endorsement Rules [NEW]

86:10-33-1. [NEW]

86:10-33-2. [NEW]

86:10-33-3. [NEW]

**SUMMARY:**

The proposed amendments to 86:10-1-1. and 86:10-1-2. more clearly define the meaning of words and/or terms used throughout 86:10. The proposed amendments to words and/or terms to 86:10-1-1. and 86:10-1-2. require the terms Licensed Professional Counselor and LPC candidates to be amended or removed from 86:10-3-1, 86:10-3-2, 86:10-3-4, 86:10-3-5, and 86:10-3-6. The proposed amendments to 86:10-3-3 more clearly define what types of relationships shall be considered to qualify as a prior association. The proposed amendments to 86:10-3-4 more clearly defines what is considered unprofessional conduct in regards to violations of state and federal law and removes language in regards to sexual contact with current clients that conflicted with 86:10-3-3(d). The proposed amendments 86:10-15-5 defines the Boards ability to establish the passing scores on the National Counselor Examination and the Oklahoma Legal and Ethical Responsibilities Examination. The proposed amendments to 86:10-29-1, 86:10-29-2, 86:10-29-3, 86:10-29-4, 86:10-29-5, 86:10-29-6, 86:10-29-7, 86:10-29-8, 86:10-29-9, 86:10-29-10, 86:10-29-11, 86:10-29-12, 86:10-29-13, 86:10-29-14, and 86:10-29-15 increases the Board's ability to resolve enforcement matters in a more timely manner. The proposed new sections 86:10-33-1, 86:10-33-2, and 86:10-33-3 provides

## Notices of Rulemaking Intent

---

for provisions of counseling services following the declaration of emergency issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act as mandated by statute.

### **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 March 17, 2016 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 Wednesday, March 25, 2016 at the Oklahoma Office of the Attorney General 313 NE 21st Street, CR1018/1019, Oklahoma City, OK. 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 February 16, 2016 through March 17, 2016.

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

The proposed rules may be viewed on the agency's website at [www.ok.gov/behavioralhealth](http://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 February 4, 2016 at the above addresses.

### **CONTACT PERSON:**

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

*[OAR Docket #16-45; filed 1-21-16]*

---

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

*[OAR Docket #16-46]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

86:15-1-1. [AMENDED]

86:15-1-3. [AMENDED]

86:15-1-4. [AMENDED]

Subchapter 3. Rules of Professional Conduct

86:15-3-3. [AMENDED]

Subchapter 7. Licensure Examinations

86:15-7-7. [NEW]

Subchapter 15. Enforcement

86:15-15-1. [AMENDED]

86:15-15-2. [REVOKED]

86:15-15-3. [AMENDED]

86:15-15-4. [REVOKED]

86:15-15-5. [AMENDED]

86:15-15-6. [AMENDED]

86:15-15-7. [AMENDED]

86:15-15-8. [AMENDED]

86:15-15-9. [AMENDED]

86:15-15-10. [AMENDED]

86:15-15-11. [AMENDED]

86:15-15-12. [AMENDED]

86:15-15-13. [AMENDED]

86:15-15-14. [AMENDED]

86:15-15-15. [AMENDED]

Subchapter 17. Post-military Service Occupation, Education, and Credentialing Rules

86:15-17-3. [AMENDED]

Subchapter 19. Declaration of Emergency Licensure by Endorsement Rules [NEW]

86:15-19-1. [NEW]

86:15-19-2. [NEW]

86:15-19-3. [NEW]

### **SUMMARY:**

The proposed amendments to 86:15-1-1. and 86:15-1-3. more clearly define the meaning of words and/or terms used throughout 86:15. The proposed amendments to words and/or terms to 86:10-1-1. and 86:10-1-2. require the term licensed marital and family therapist candidate to be amended in 86:15-1-4. The proposed amendment to 86:15-3-3 defines what is considered unprofessional conduct in regards to violations of state and federal law. The proposed new section 86:15-7-7 defines the Boards ability to establish the passing scores on the National Marital and Family Therapy Examination and the Oklahoma Licensed Marital and Family Therapist Examination. The proposed amendments to 86:15-15-1, 86:15-15-2, 86:15-15-3, 86:15-15-4, 86:15-15-5,

86:15-15-6, 86:15-15-7, 86:15-15-8, 86:15-15-9, 86:15-15-10, 86:15-15-11, 86:15-15-12, 86:15-15-13, 86:15-15-14, 86:15-15-15, increases the Board's ability to resolve enforcement matters in a more timely manner. The proposed new sections 86:15-19-1, 86:15-19-2, and 86:15-19-3 provides for provisions of counseling services following the declaration of emergency issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act as mandated by statute.

**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 March 17, 2016 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 Wednesday, March 25, 2016 at the Oklahoma Office of the Attorney General 313 NE 21st Street, CR1018/1019, Oklahoma City, OK. 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 February 16, 2016 through March 17, 2016.

**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 February 4, 2016 at the above addresses.

**CONTACT PERSON:**

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

*[OAR Docket #16-46; filed 1-21-16]*

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

*[OAR Docket #16-47]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 86:20-1-1. [AMENDED]
  - 86:20-1-2. [AMENDED]
- Subchapter 3. Forms
  - 86:20-3-2. [AMENDED]
- Subchapter 5. Rules of Professional Conduct
  - 86:20-5-2. [AMENDED]
  - 86:20-5-6. [AMENDED]
- Subchapter 11. Academic Requirements
  - 86:20-11-2. [AMENDED]
- Subchapter 17. Licensure Examination
  - 86:20-17-4. [AMENDED]
- Subchapter 29. Enforcement
  - 86:20-29-1. [AMENDED]
  - 86:20-29-2. [REVOKED]
  - 86:20-29-3. [AMENDED]
  - 86:20-29-4. [REVOKED]
  - 86:20-29-5. [AMENDED]
  - 86:20-29-6. [AMENDED]
  - 86:20-29-7. [AMENDED]
  - 86:20-29-8. [AMENDED]
  - 86:20-29-9. [AMENDED]
  - 86:20-29-10. [AMENDED]
  - 86:20-29-11. [AMENDED]
  - 86:20-29-12. [AMENDED]
  - 86:20-29-13. [AMENDED]
  - 86:20-29-14. [AMENDED]
  - 86:20-29-15. [AMENDED]
- Subchapter 31. Post-military Service Occupation, Education and Credentialing Rules
  - 86:20-31-3. [AMENDED]
- Subchapter 33. Declaration of Emergency Licensure Endorsement Rules [NEW]
  - 86:20-33-1. [NEW]
  - 86:20-33-2. [NEW]
  - 86:20-33-3. [NEW]

**SUMMARY:**

The proposed amendments to 86:20-1-1. and 86:20-1-2. more clearly define the meaning of words and/or terms used throughout 86:20. The proposed amendments to words and/or terms to 86:20-1-1. and 86:20-1-2. require the term LBP and/or candidate and licensee be amended and/or removed from 86:20-3-2. The proposed amendments to 86:20-5-6 more clearly defines what is considered unprofessional conduct in regards to violations of state and federal law. The proposed amendments 86:20-11-2 replaces the word practica with the

## Notices of Rulemaking Intent

---

word practicums. The proposed amendments 86:20-17-4 defines the Boards ability to establish the passing scores on the Practitioner's Examination of Psychological Knowledge and the LBP State Standards Test. The proposed amendments to 86:20-29-1, 86:20-29-2, 86:20-29-3, 86:20-29-4, 86:20-29-5, 86:20-29-6, 86:20-29-7, 86:20-29-8, 86:20-29-9, 86:20-29-10, 86:20-29-11, 86:20-29-12, 86:20-29-13, 86:20-29-14, 86:20-29-15, increases the Board's ability to resolve enforcement matters in a more timely manner. The proposed new sections 86:10-33-1, 86:10-33-2, and 86:10-33-3 provides for provisions of counseling services following the declaration of emergency issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act as mandated by statute.

### **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 March 17, 2016 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 Wednesday, March 25, 2016 at the Oklahoma Office of the Attorney General 313 NE 21st Street, CR1018/1019, Oklahoma City, OK. 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 February 16, 2016 through March 17, 2016.

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

The proposed rules may be viewed on the agency's website at [www.ok.gov/behavioralhealth](http://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 February 4, 2016 at the above addresses.

### **CONTACT PERSON:**

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

*[OAR Docket #16-47; filed 1-21-16]*

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

*[OAR Docket #16-63]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 26. Juvenile Forensic Evaluator Credentialing

[NEW]

135:10-26-1 [NEW]

135:10-26-2 [NEW]

135:10-26-3 [NEW]

135:10-26-4 [NEW]

### **SUMMARY:**

The proposed new rules establish the procedure by which the Oklahoma Commission on Children and Youth shall credential juvenile competency evaluators pursuant to Oklahoma Session Laws 2015, ch. 398, § 4, codified at 10A O.S. § 2-2-401.4, which became effective Jan. 1, 2016.

### **AUTHORITY:**

10 O.S. § 601.4(9); 10A O.S. § 2-2-401.4; Commission on Children and Youth

### **COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on March 21, 2016. Comments may be submitted to Lisa Smith, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. The comment period is from February 16, 2016, to March 21, 2016.

### **PUBLIC HEARING:**

A public hearing has been scheduled for March 21, 2016, at 9:00 a.m., at the Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. Persons wishing to speak must sign in by 9:10 a.m.

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

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the end of the comment period to Lisa Smith, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. The Commission is unaware of any business entities affected by the proposed changes.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Michael Walsh, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, or by e-mail at Michael.Walsh@occy.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review on or after March 1, 2016. A copy of the rule impact statement may be obtained by written request mailed to the attention of Michael Walsh, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, or by e-mail at Michael.Walsh@occy.ok.gov.

**CONTACT PERSONS:**

Lisa Smith, Oklahoma Commission on Children and Youth, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

*[OAR Docket #16-63; filed 1-22-16]*

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

*[OAR Docket #16-64]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Office of Juvenile System Oversight  
135:10-3-2 [AMENDED]

**SUMMARY:**

The proposed rule changes provide the procedure by which the Commission Director or Director's designee may refer matters under review by the Office of Juvenile System Oversight to the Oklahoma State Bureau of Investigation pursuant to 10 O.S. § 601.4(11).

**AUTHORITY:**

10 O.S. § 601.4(9); 10 O.S. § 601.4(11); Commission on Children and Youth

**COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on March 21, 2016. Comments may be submitted to Jack Chapman, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. The comment period is from February 16, 2016, to March 21, 2016.

**PUBLIC HEARING:**

A public hearing has been scheduled for March 21, 2016, at the Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, at 9:00 a.m. Persons wishing to speak must sign in by 9:10 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the end of the comment period to Jack Chapman, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. The Commission is unaware of any business entities affected by the proposed changes.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Michael Walsh, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, or by e-mail at Michael.Walsh@occy.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review on or after March 1, 2016. A copy of the rule impact statement may be obtained by written request mailed to the attention of Michael Walsh, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, or by e-mail at Michael.Walsh@occy.ok.gov.

**CONTACT PERSONS:**

Jack Chapman, Oklahoma Commission on Children and Youth, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

*[OAR Docket #16-64; filed 1-22-16]*

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

*[OAR Docket #16-65]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams  
135:10-25-6 [AMENDED]  
135:10-25-8 [AMENDED]  
135:10-25-9 [NEW]  
135:10-25-10 [NEW]

**SUMMARY:**

The proposed new rules clarify the number of times a multidisciplinary child abuse team must meet to staff cases of alleged child abuse in order to meet minimum standards as a provisionally functioning team; provide a process for

## Notices of Rulemaking Intent

---

Commission staff to identify deficiencies in the functioning of a provisional team and require the team to draft and submit an improvement plan for correcting the deficiencies; reorganize provisions of 10-25-8 into new subsections without making substantive changes; and include clean-up language.

**AUTHORITY:**

10 O.S. § 601.4(9); 10A O.S. § 1-9-102; Commission on Children and Youth

**COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on March 21, 2016. Comments may be submitted to Anthony Kibble, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. The comment period is from February 16, 2016, to March 21, 2016.

**PUBLIC HEARING:**

A public hearing has been scheduled for March 21, 2016, at the Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, at 9:00 a.m. Persons wishing to speak must sign in by 9:10 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the end of the comment period to Anthony Kibble, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103. The Commission is unaware of any business entities affected by the proposed changes.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Michael Walsh, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, or by e-mail at Michael.Walsh@occy.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review on or after March 1, 2016. A copy of the rule impact statement may be obtained by written request mailed to the attention of Michael Walsh, Oklahoma Commission on Children and Youth, 111 N. Lee, Suite 500, Oklahoma City, OK 73103, or by e-mail at Michael.Walsh@occy.ok.gov.

**CONTACT PERSONS:**

Anthony Kibble, Oklahoma Commission on Children and Youth, at (405) 606-4931; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

*[OAR Docket #16-65; filed 1-22-16]*

## TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 1. GENERAL RULES OF PRACTICE AND PROCEDURE

*[OAR Docket #16-40]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 21. Audits

150:1-21-2. Definitions [AMENDED]

150:1-21-3. Applicability of various acts and rules; incorporation by reference [AMENDED]

150:1-21-4. Audit requirements [AMENDED]

150:1-21-5. Content of audit [AMENDED]

150:1-21-7. Review of audits; appeals [AMENDED]

150:1-21-8. Charges for audits [AMENDED]

**SUMMARY:**

This action is to clarify the existing rules for audits to update the legal references due to OMB Circulars being superseded by the Uniform Guidance for Federal Awards.

**AUTHORITY:**

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq.

**COMMENT PERIOD:**

Written and oral comments will be accepted from February 17, 2016 through March 18, 2016 during regular business hours by contacting Donald R. Hackler, Jr., Deputy Director/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104, (405) 815-5359, or Donald.Hackler@commerce.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Monday, March 21, 2016, at Gallery 1-4, 900 North Stiles Avenue, Oklahoma City, Oklahoma. 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:**

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 Donald R. Hackler, Jr., Deputy Director/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359, Donald.Hackler@commerce.ok.gov

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

**CONTACT PERSON:**

Donald R. Hackler, Jr., Deputy Director/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359 Donald.Hackler@commerce.ok.gov.

*[OAR Docket #16-40; filed 1-20-16]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 1. STATE BOARD OF EDUCATION**

*[OAR Docket #16-78]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Departmental Precepts  
210:1-3-2. Annexation, consolidation, dispensation, and severance determination [AMENDED]

**SUMMARY:**

The proposed amendments to the rule governing annexation and consolidation of school districts adds two scenarios under which the State Board of Education may consider mandatory annexation. One of situations in which mandatory annexation may be considered under the proposed amendments is when a school district does not have sufficient funds to maintain its schools through the completion of the current school year. The rule as currently in effect provides for consideration of mandatory annexation when a district does not have sufficient funds to commence the next school year, but does not address the scenario when a district cannot maintain school for the current academic year. The other situation added for consideration of mandatory annexation is when an audit conducted under the Oklahoma Public School Audit Law reveals evidence of financial mismanagement within the school district.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 7-101.1

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from February 16, 2016 until 4:30 p.m., Thursday, March 17, 2016.

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 2:00 p.m. on Thursday, March 17, 2016, 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 #16-78; filed 1-25-16]*

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

*[OAR Docket #16-79]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 13. Student Assessment

## Notices of Rulemaking Intent

---

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

### SUMMARY:

This is the permanent version of an emergency rule currently in effect. The definition of "Full Academic Year (FAY) student" in the rule governing the A-F school accountability system is being updated to reflect that most Oklahoma school districts begin the academic year in August rather than September. Under the current emergency version and the proposed permanent amendment, a student shall be considered a FAY student if they are enrolled within the first 20 instructional days of the school's academic year through and including the date of the exam, without an enrollment lapse of 10 or more days. The previous version of the rule classified a student as FAY based on an October 1 enrollment date, and did not account for districts' varying academic calendars.

### 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 February 16, 2016 until 4:30 p.m., Thursday, March 17, 2016.

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

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

### PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Thursday, March 17, 2016, 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 #16-79; filed 1-25-16]*

---

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

*[OAR Docket #16-80]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 37. Workplace Safety Training in Schools  
[NEW]

210:15-37-1. Workplace safety training in schools [NEW]

### SUMMARY:

A new rule encouraging school districts to incorporate workplace safety training for students in 7<sup>th</sup> through 12<sup>th</sup> grade is being established pursuant to statute. Senate Bill 262 (2015) directs the Oklahoma State Department of Education (OSDE) to make available to school districts workplace safety information that has been developed by the Department of Labor, and the rule announces that this curriculum is available on the OSDE website. This rule does not impose an obligation on school districts.

### AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 11-103.6j

### COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 16, 2016 until 4:30 p.m., Thursday, March 17, 2016.

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

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

**PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Thursday, March 17, 2016, 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 #16-80; filed 1-25-16]*

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

*[OAR Docket #16-81]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
- Part 23. Standard XII: Deregulation, Waivers, and the School District Empowerment Program—Rules and Procedures

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

**SUMMARY:**

The proposed amendment to the rule governing statutory waivers and rule deregulations changes the maximum duration of a waiver or deregulation granted by the State Board of Education from one (1) year to three (3) years. The new timeframe aligns with the duration available for School District Empowerment Program requests, and is intended to reduce the administrative burden on school districts which currently must apply annually for each deregulation requested.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-124 et seq.; 70 O.S. § 3-129.1 et seq.

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from February 16, 2016 until 4:30 p.m., Thursday, March 17, 2016.

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

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

**PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Thursday, March 17, 2016, 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

## Notices of Rulemaking Intent

---

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 #16-81; filed 1-25-16]*

---

### TITLE 230. STATE ELECTION BOARD CHAPTER 10. THE COUNTY ELECTION BOARD

*[OAR Docket #16-107]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Election Personnel [AMENDED]

Subchapter 7. General Administration of the County Election Board [AMENDED]

### SUMMARY:

The Secretary of the State Election Board proposes amendments in Subchapter 3 of Chapter 10 based on advice from the State Auditor and Inspector and from the Internal Revenue Service. FICA must be withheld from all compensation paid to County Election Board members and to part-time, election night help in the County Election Board office. For all elections not held in conjunction with a federal or state election, FICA must be paid through a County Election Board budget account by the County Clerk.

The amendments in Part 9 of Subchapter 7 are the result of a change in the procedure to process some fees, all of which are required by statute, that are paid by candidates for county offices.

### AUTHORITY:

Title 26 O.S. Supp. 2014, Section 2-107; Secretary of the State Election Board.

### COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

### PUBLIC HEARING:

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

### CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

*[OAR Docket #16-107; filed 1-25-16]*

---

### TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

*[OAR Docket #16-108]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Application for Voter Registration

Part 23. Voter Registration Application Services in Motor License Agencies [AMENDED]

Part 25. Voter Registration Application Services in Voter Registration Agencies [AMENDED]

Subchapter 11. Voter Registration List Maintenance

Part 1. Cancellation of Voter Registration [AMENDED]

Part 3. Voter Registration Address Confirmation [AMENDED]

### SUMMARY:

The Secretary of the State Election Board proposes amendments in Subchapter 5 of Chapter 15 to clarify the requirements set out in the Oklahoma Statutes for voter registration at motor vehicle licensing agencies, state agencies providing public assistance, and agencies providing state-funded programs primarily engaged in services to persons with disabilities.

Two of the most significant provisions of the NVRA are the "motor voter" and the "agency-based" services described in Section 5 and 7 of the Act. "Motor voter" (Section 5) refers to the simultaneous application for a driver license and voter registration. The law requires that any person applying for or renewing a driver license or appearing in person to change address on a driver license must be offered the opportunity to apply for voter registration. "Agency-based" refers to the requirement that state agencies providing public assistance and agencies providing state-funded programs primarily engaged in services to persons with disabilities must also offer the opportunity to apply for voter registration when applying for, renewing or re-certifying an application or when changing

an address on an existing application for services from such agency.

The amendments in Parts 23 and 25 are the result of a change in the language included on the Voter Registration Statement form. The Voter Registration Statement form is the formal offer of voter registration application services in all agencies required to provide voter registration application services. The change specifies that in the event a person leaves the Voter Registration Statement blank or refuses to sign the Statement, the agency employee must give the person an Oklahoma Voter Registration Application form to take home.

Other amendments are necessary to clarify the procedures for processing voter registration applications received in these agencies - for example, appropriately coding and dating the applications and preparing them to be sent by mail to the State Election Board at the close of business each week - and for the agencies to receive new supplies of the materials necessary to provide voter registration application services as required by law.

The amendments in Part 1 of Subchapter 11 are necessary to implement provisions from SB 114 that allow the State Election Board to utilize the National Change of Address and Social Security Administration death records. Other amendments reflect changes in the name of a form. As a cost-saving measure, three different forms for the cancellation of the registration of deceased voters have been combined.

Other amendments are necessary to update match criteria for true duplicate voter registrations, and to authorize State Election Board staff to restore voter records if a match was made in error and to exclude the voter from future deletions due to the same erroneous match.

Amendments and/or revocations to Part 3 of Subchapter 11 are necessary to incorporate new sources of data, as authorized by SB 114, that may be used for address confirmation notices, including the National Change of Address data and to authorize the State Election Board to receive data from the United States Postal Service by electronic means for forwarded and for undeliverable confirmation notice cards.

**AUTHORITY:**

Title 26 O.S. Supp. 2014, Section 2-107; Secretary of the State Election Board.

**COMMENT PERIOD:**

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

**CONTACT PERSON:**

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

*[OAR Docket #16-108; filed 1-25-16]*

**TITLE 230. STATE ELECTION BOARD  
CHAPTER 20. CANDIDATE FILING**

*[OAR Docket #16-109]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Filing for State and County Office  
[AMENDED]

**SUMMARY:**

The Secretary of the State Election Board proposes amendments in Subchapter 3 of Chapter 20 in order to incorporate statutory changes to the Declaration of Candidacy form that were enacted in 2013. (The form itself was revised according to the requirements of the statute and has been in used since late 2013.) Amendments concern the candidate's name as it appears on the ballot, clarify requirements regarding the candidate's name as it appears on the ballot, and the addition of a criminal history disclosure form to the Declaration of Candidacy form.

**AUTHORITY:**

Title 26 O.S. Supp. 2015, Section 2-107; Secretary of the State Election Board.

**COMMENT PERIOD:**

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

## Notices of Rulemaking Intent

---

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

### CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

*[OAR Docket #16-109; filed 1-25-16]*

## TITLE 230. STATE ELECTION BOARD CHAPTER 25. BALLOT PRINTING

*[OAR Docket #16-110]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 13. Placing Parties, Candidates, Propositions on Ballot [AMENDED]

### SUMMARY:

Since the purchase and implementation of the Hart Voting System (HVS) hardware and software in 2011 - 2012, there has been an ongoing problem with the length of the ballot titles or text for some propositions placed on the ballot by counties, school districts, and municipalities, including municipalities governed by charter. The text for some propositions submitted to a vote has been lengthy. One notable example was a series of charter changes submitted to a vote by a city early in 2012. There were eight individual propositions, and due to the length of the text of these propositions, one ballot for that election included 7 sheets printed front and back.

The HVS ballot generation software does not "wrap" text from column to column. Therefore, when an entire proposition cannot be placed in a single column on the ballot - including the header, text, and voting options - the text must be exported from the ballot generation software into another program to be sized and converted to images that can appear to wrap from column to column. The images then are imported into the ballot software again and placed on the ballot. In order to make the proposition fit even as an image, the text usually is set in a very small font and the image produced is often blurry and unfocused, making it difficult to read. Errors can occur at every stage of that process. It is sometimes impossible to include audio for lengthy propositions that are placed on the ballot as images. We provide an audio ballot for for physically and visually disabled voters for all elections.

There are other issues related to proposition text that affect the production of both printed and audio ballots regardless of the length of the text. The use of typographical or "special" characters within the text of a proposition affects the ability to import the text into the ballot generation software. Many entities were accustomed to placing their propositions text on the ballot in ALL CAPS prior to implementation of the Hart Voting System. While ALL CAPS is, technically, not a problem, text set in ALL CAPS generally takes more space than text set in standard upper and lower case. We learned quickly that setting propositions in ALL CAPS may bump a proposition into a second column, when it would fit in one column in upper/lower case. Quotation marks cannot be used in proposition text at all as they affect both the process of importing the text into the ballot generation software and exporting of text from that software for the creation of audio files.

The Secretary of the State Election Board therefore is proposing a new rule in Chapter 25 that sets a maximum length of 200 words for all propositions submitted by counties, school districts, technology center districts, and all municipalities, including charter cities. The Secretary has based this word limit on the statutory requirements for ballot titles for both state questions and county questions, as outlined in 34 O.S. § 9 and in 19 O.S. § 388. The new rule also includes requirements for verification by entity officials or representatives of the pre-press proofs of ballots containing propositions and provides that only typographic or scrivener's errors may be corrected as a result of such verification of proofs. Substantive additions or deletions of text may not be made during the proofreading process unless it can be shown that the text on the proof differs from the text provided in the resolution document submitted the County Election Board. The new rule allows the entity to provide separate document at each polling place that provides additional information about the proposition or that includes, in the case of an ordinance or of a charter amendment, the full text of said ordinance or amendment.

It must be noted that a survey of recent ballot titles for propositions considered in special elections shows that most propositions fall well with the 200-word limit. The text commonly used for school or municipal bond issues is usually fewer than 200 words.

### AUTHORITY:

Title 26 O.S. Supp. 2015, Section 2-107; Secretary of the State Election Board.

### COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

**CONTACT PERSON:**

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

*[OAR Docket #16-110; filed 1-25-16]*

**TITLE 230. STATE ELECTION BOARD  
CHAPTER 30. ABSENTEE VOTING**

*[OAR Docket #16-111]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Applications for Absentee Ballots  
[AMENDED]

**SUMMARY:**

The Secretary proposes an amendment to a rule originally promulgated in 2015 concerning an online absentee ballot application tool. As that online tool has been developed, features have been included that were not expected to be in the first iteration of the product. Specifically, when a voter completes the absentee ballot application using the online tool, the voter may click a button to submit the application directly to the County Election Board. The County Election Board then will execute a process in MESA to download and print the applications submitted through the online tool. While the County Election Board still must manually enter the application information into MESA, the structure developed will allow future upgrades that will permit information from an application submitted with this tool to be imported into MESA, eliminating the need for manual entry of such applications.

**AUTHORITY:**

Title 26 O.S. Supp. 2015, Section 2-107; Secretary of the State Election Board.

**COMMENT PERIOD:**

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the

hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

**CONTACT PERSON:**

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

*[OAR Docket #16-111; filed 1-25-16]*

**TITLE 230. STATE ELECTION BOARD  
CHAPTER 35. ELECTION CONDUCT**

*[OAR Docket #16-112]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. County Election Board Responsibilities  
[AMENDED]

Subchapter 5. Instructions for Precinct Election Officials  
[AMENDED]

**SUMMARY:**

The Secretary of the State Election Board proposes new and amended rules in Chapter 35, Subchapters 3 and 5 for the following purposes. Some proposed amendments in both Subchapters reflect a change in the composition and title of publications used by all Precinct Officials at polling places on election day. For more than thirty years, the State Election Board has produced the Manual for Precinct Election Officials and the Precinct Problem Solver. These two publications used in concert by precinct workers contained all the necessary rules and procedures for conducting elections at the precinct level. A set of pre-printed forms also were used to implement various procedures and services for voters during voting hours.

In an effort to streamline these reference, instructional, and procedural materials, the State Election Board staff has combined the contents of the Manual and the Problem Solver, along with specific instructions for preparing and using the

## Notices of Rulemaking Intent

---

voting device into a new publication entitled the Election Day Manual for Precinct Officials. Numerous references to the precursor publications have been changed to reflect the new title.

The State Election Board is implementing certain changes in rules used to determine which Absentee Voting Board members are eligible to receive mileage reimbursement for the performance of their duties. Several sections concerning the compensation of Precinct Officials and Absentee Voting Board members are amended to clarify the requirements and procedures for paying compensation and mileage to these officials from the County Election Board Special Depository Account.

The Secretary of the State Election Board has had the authority under state law - 26 O.S. § 7-136 - to receive the certified final election results for federal and state elections from the County Election Boards either by electronic means or in writing since 1992. The State Election Board produces certification reports from final election results received electronically through the MESA system, just as we did with its predecessor system OEMS from 1992 through 2011. We have, however, continued to require the County Election Board Secretary to mail a printed, signed, and sealed certification report to the State Election Board for all federal, state, and legislative elections. Such paper reports are collected and filed and very rarely, if ever, consulted for any reason.

By eliminating the requirement for County Election Boards to send to the State Election Board a paper certification report following every federal, state, or legislative election, the State Election Board will see significant reductions in the costs of paper supplied to the County Election Board Secretary and used for the production of these reports, for the time spent collecting and filing the reports, and the storage space required to retain these reports. We still will receive official returns from the County Election Boards, can produce copies of the final results as certified by the County Election Boards, and if a copy of a particular signed and sealed report ever is required, it can be obtained from the County Election Board. The County Election Board is required to retain permanently at least one paper copy with the minutes of the meeting at which the election was certified. This procedural change also will lessen postage costs for County Election Boards.

Other proposed amendments concern the provisional voting procedure and the materials used to administer provisional voting both during early voting and at the precinct polling place on election day. The Oklahoma Provisional Ballot Affidavit form has been redesigned in an effort to make it easier for both Precinct Officials and voters to understand and use it. Instructions for Precinct Officials have been simplified to the extent possible. Certain clarifications concerning certain types of proof of identity documents also have been added and new information about acceptable proof of identity documents has been added as a result of statutory changes.

Finally, the State Election Board has created a new form to be used to request the cancellation of a deceased voter. Over the years, three separate forms have been developed for used by

different persons. One was intended only for use at a polling place or in the County Election Board office by the next of kin of a deceased voter and was intended to be witnessed by an election official. One was intended to be used by nursing home administrators or licensed funeral directors to notify the County Election Board of the death of a county resident who may have been registered to vote. And one was developed for distribution from the State Election Board's website for use by the next of kin of a deceased voter and intended either to be notarized or witnessed by two people. The new form can be completed by the next of kin, a nursing home administrator, or a funeral director, and may be witnessed by election officials, by a Notary Public, or by two persons who list their names and addresses on the form.

### **AUTHORITY:**

Title 26 O.S. Supp. 2015, Section 2-107; Secretary of the State Election Board.

### **COMMENT PERIOD:**

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

### **PUBLIC HEARING:**

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

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

n/a

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

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

### **CONTACT PERSON:**

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

*[OAR Docket #16-112; filed 1-25-16]*

---

## **TITLE 230. STATE ELECTION BOARD CHAPTER 40. TYPES OF ELECTIONS**

*[OAR Docket #16-113]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Municipal Elections [AMENDED]

**SUMMARY:**

The Secretary proposes a new rule in Subchapter 5 that defines the elections in any two-election cycle required by a charter city to elect municipal officers. The first such election shall be a "primary election" under this proposed rule if all candidates for an office appear on the ballot and either a candidate who receives a majority of the total votes is deemed elected or, if no one receives a majority, the two candidate who receive the highest number of voter advance to a second election at which one is elected to the office. The second election in such a cycle shall be a "general election." This rule shall apply to all such two-election cycles regardless of the name given the election in a charter.

This rule is necessary to implement an amendment to 26 O.S. § 13-101.1 was enacted in 2015 by SB 312. The amended statute clearly states that municipalities that hold by a primary and general election shall be required provide no fewer than 35 days between the primary and general elections. A similar amendment to 11 O.S. § 16-114 in Senate Bill 399 concerns special elections and requires 45 days between a special primary and a special general election. Officials of several cities governed by charter have claimed that these laws do not apply to their cities because their elections are not named "primary" and "general" in their charter.

**AUTHORITY:**

Title 26 O.S. Supp. 2015, Section 2-107; Secretary of the State Election Board.

**COMMENT PERIOD:**

Written comments will be accepted until the conclusion of the public hearing on March 18, 2016. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov) or [info@elections.ok.gov](mailto:info@elections.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held March 18, 2016, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, Oklahoma City.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2016.

**CONTACT PERSON:**

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. [suzanne.cox@elections.ok.gov](mailto:suzanne.cox@elections.ok.gov)

[OAR Docket #16-113; filed 1-25-16]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 70. RISK MANAGEMENT PROGRAM**

[OAR Docket #16-38]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Casualty or Liability Incident Management  
260:70-3-2. Functions of Program [AMENDED]
- Subchapter 5. Casualty or Liability Claims Management, Payment and Reports  
260:70-5-1. Claims management [AMENDED]  
260:70-5-2. ~~Limitations on payments in connection with other covered entities~~ Claims payment [AMENDED]
- Subchapter 9. Driver and Vehicle Safety Standards for Motor Vehicle Operations  
260:70-9-1. Driver and vehicle safety standards for motor vehicle operations [AMENDED]
- Subchapter 11. Coverage for State Owned Buildings, Contents and Other  
260:70-11-3. Claims payment [AMENDED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to correct scrivener's errors made in the revocation of Title 580 rules (Department of Central Services) and the adoption of the rules into Title 260 (Office of Management and Enterprise Services). Changes may also be made to provide clarification, streamline processes and to reduce administrative burdens on state agencies, political subdivisions and others using the Risk Management Program.

**AUTHORITY:**

62 O.S. §34.6 and 74 O.S. §85.58A; Director of the Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from February 16, 2016 through March 23, 2016.

**PUBLIC HEARING:**

A public hearing has been scheduled for 3:00 p.m. March 23, 2016 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building), Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

## Notices of Rulemaking Intent

---

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov. The proposed rules will also be available on the OMES website: www.omes.ok.gov.

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning February 26, 2016.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

*[OAR Docket #16-38; filed 1-15-16]*

### TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 75. FLEET MANAGEMENT DEPARTMENT

*[OAR Docket #16-39]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- 260:75-1-1. General Provisions [AMENDED]
- 260:75-1-2. Vehicle inventory control [AMENDED]
- 260:75-1-4. Use of state owned and leased vehicles [AMENDED]
- 260:75-1-5. Rates [AMENDED]
- 260:75-1-6. Daily rental reservations and monthly lease assignments [AMENDED]
- 260:75-1-7. Fuel purchases [AMENDED]
- 260:75-1-8. Wrecker service, on-the-road breakdown and repairs [AMENDED]
- 260:75-1-9. Other credit and cash purchases [AMENDED]
- 260:75-1-10. Care and maintenance of vehicles [AMENDED]

### SUMMARY:

The purpose of this proposed rulemaking action is to provide clarification, insert references to alternative fuels and utilization, and correct references to rules which were renumbered in 2014. Changes may also be made to streamline processes, to correct scrivener's errors, and to reduce administrative burdens on state agencies where possible.

### AUTHORITY:

74 O.S. §78; Director of the Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from February 16, 2016 through March 23, 2016.

### PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m. March 23, 2016 at the offices of the Division of Capital Assets

Management, 2401 N. Lincoln Blvd (Will Rogers Building), Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov. The proposed rules will also be available on the OMES website: www.omes.ok.gov.

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning February 26, 2016.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

*[OAR Docket #16-39; filed 1-15-16]*

### TITLE 270. OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #16-82]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- 270:1-1-2 [AMENDED]
- 270:1-1-3 [AMENDED]
- 270:1-1-5 [AMENDED]

### SUMMARY:

The proposed rule amendments to 270:1-1-2 of the Oklahoma Firefighters Pension and Retirement System (the "System") change the description of a title of a member of the State Board because the same change was made in the Statutes governing the System. In addition, an obsolete reference was deleted.

The proposed rule amendments to 270:1-1-3 and 270:1-1-5 of the System change the address and the office hours for the System due to an office move and hours change.

### AUTHORITY:

Oklahoma Firefighters Pension and Retirement Board; 11 O.S., § 49-100.7

### COMMENT PERIOD:

Persons may submit oral or written comments through March 17, 2016 to Chase Rankin, Controller, Oklahoma Firefighters Pension and Retirement System 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116, (405) 522-4600 or by email to Chase.Rankin@firepension.ok.gov.

### PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer oral input on the content of the proposed

rules: 10:30 a.m., Friday, March 18, 2016, 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the System 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 Chase Rankin at the above address during the period from February 16, 2016 to March 17, 2016.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the System's website at <https://www.ok.gov/fprs/> and copies may be obtained from the Oklahoma Firefighters Pension and Retirement System office located at 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116. Copies may also be obtained by written request mailed to the attention of Chase Rankin, 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116, or emailed to [Chase.Rankin@firepension.ok.gov](mailto:Chase.Rankin@firepension.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 25, 2016 at the above addresses.

**CONTACT PERSON:**

Chase Rankin, Controller, Oklahoma Firefighters Pension and Retirement System (405) 522-4600 or [Chase.Rankin@firepension.ok.gov](mailto:Chase.Rankin@firepension.ok.gov).

*[OAR Docket #16-82; filed 1-25-16]*

**TITLE 270. OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM  
CHAPTER 10. FIREFIGHTERS PENSION AND RETIREMENT PLAN**

*[OAR Docket #16-83]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 270:10-1-8 [AMENDED]
- 270:10-1-9 [AMENDED]
- 270:10-1-10 [REVOKED]

**SUMMARY:**

The proposed rule amendments to 270:10-1-8 set forth the requirement for a member of the Oklahoma Firefighters Pension and Retirement System ("System") whose first date of employment with a participating employer of the System occurs on or after November 1, 2013 to be eligible for a paid vested benefit and to identify the amount of service time that may be corrected. The rule is amended to be consistent with changes for the System's statutes. The proposed rule amendments also eliminate the rule regarding service credit for volunteer time for a volunteer firefighter who is appointed

as a paid firefighter because the corresponding statute was changed and this rule is no longer necessary. The proposed rule amendments also modify the requirements for a disability pension for a volunteer firefighter who has completed ten (10) or more years of credited service to clarify that such a volunteer firefighter is entitled to the presumptions of 11 O.S. Section 49-110.

The proposed amendments to 270:10-1-8 also modify the rules concerning payment options under the Deferred Option Plan and the Deferred Option Plan under the Back DROP Provision for members whose first period of employment with a participating employer of the System occurred before November 1, 2013. The rule is amended to reflect current practice.

The proposed amendments to 270:10-1-8 clarify the definition of surviving spouse to be consistent with the System's statutes. The rule amendments also clarify the payment options if a trust is a beneficiary.

The proposed rule amendments to 270:10-1-8 and 270:10-1-9 clarify that only non-Roth funds may be used to pay for reinstatement of prior service and the purchase of transferred credit service. The rule is amended to reflect current practice.

The proposed amendments to 270:10-1-10 delete the rule for direct rollovers because the statutes governing the System regarding the requirements for a direct rollover have been updated making this rule unnecessary.

**AUTHORITY:**

Oklahoma Firefighters Pension and Retirement Board; 11 O.S., § 49-100.7

**COMMENT PERIOD:**

Persons may submit oral or written comments through March 17, 2016 to Chase Rankin, Controller, Oklahoma Firefighters Pension and Retirement System 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116, (405) 522-4600 or by email to [Chase.Rankin@firepension.ok.gov](mailto:Chase.Rankin@firepension.ok.gov).

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer oral input on the content of the proposed rules: 10:30 a.m., Friday, March 18, 2016, 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the System 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 Chase Rankin at the above address during the period from February 16, 2016 to March 17, 2016.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the System's website at <https://www.ok.gov/fprs/> and copies may be obtained from the Oklahoma Firefighters Pension and Retirement System office located at 6601 Broadway Extension, Suite 100,

## Notices of Rulemaking Intent

---

Oklahoma City, OK 73116. Copies may also be obtained by written request mailed to the attention of Chase Rankin, 6601 Broadway Extension, Suite 100, Oklahoma City, OK 73116, or emailed to Chase.Rankin@firepension.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 25, 2016 at the above addresses.

### **CONTACT PERSON:**

Chase Rankin, Controller, Oklahoma Firefighters Pension and Retirement System (405) 522-4600 or Chase.Rankin@firepension.ok.gov.

[OAR Docket #16-83; filed 1-25-16]

## **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 25. ENTRIES AND DECLARATIONS**

[OAR Docket #16-85]

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULE:**

325:25-1-10. Horses ineligible to start in a race  
[AMENDED]

### **SUMMARY:**

The amendment of the Rule is necessary to ensure Oklahoma and the Horse Racing Commission are complying with Federal Anti-Trust Laws, in light of the recent United States Supreme Court's decision in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, (2015). At present, Commission Rule OAC 325:25-1-10 establishes various grounds that make a horse ineligible to start in a race conducted under the Commission's jurisdiction. Among those grounds is one contained in present subsection (A)(7) of the Rule, that makes a horse ineligible if, "such horse is owned in whole or in part or trained by any person who is suspended or ineligible for a license or ineligible to participate **under the rules of any Turf Governing Authority or Stud Book Registry.**" *Id.* (emphasis added).

Thus under this present provision in the Rule, the Commission is required to recognize suspensions on ineligibility based on decisions and policies of non-sovereign entities, Turf Governing Authorities and Stud Book Registries.

As the United States Supreme Court's decision in the *North Carolina* case recognized, non-sovereign entities controlled by market participants that do not receive active supervision by the state, are not entitled to *Parker* state-action immunity from federal anti-trust laws. In that case, a state regulatory board, the North Carolina Board of Dental Examiners, was considered a non-sovereign entity; the Horse Racing Commission, under the Court's analysis, might also be considered a non-sovereign entity, as under the present rule the Commission might be

viewed as merely acting as an enforcement arm of the private, non-sovereign breed registries. Without the rule change, the Commission would be totally acting on the basis of decisions and policies of private organizations, the Turf Governing Authority and Stud Book Registry.

At present, the rule would require the Commission to recognize and hold owners and trainers ineligible regardless of whether the grounds for such rulings by the Turf Governing Authority and Stud Book Registry were based on policies consistent with Oklahoma's public policy.

The intent of the rule amendment is to correct this situation by eliminating paragraph 7 and replacing it with a new subsection (B) that requires that decisions of Stud Book Registries be recognized only when the Commission determines:

- That the Stud Book Registry has adopted uniform criteria and procedures for use in excluding horses from participating in races for the Registry's breed and for suspending or finding an owner or trainer ineligible,
- That the Stud Book Registry has adopted procedures that afford affected owners and trainers with notice and meaningful opportunity to respond prior to suspension or finding the owner or trainer ineligible or excluding a horse, that comports with due process, and

• That the Stud Book Registry has provided the Commission's Director of Law Enforcement Division with:

(1) the Registry's Order of Suspension or Ineligibility **for an act or omission that violates the Oklahoma Horse Racing Act and/or Commission Rules, and**

(2) **the Due Process Notice provided to the owner or trainer prior to the proceeding leading to the Order of Suspension or Ineligibility.**

The amendment to the rule thus ensures that a horse would be ruled ineligible on the basis of clearly articulated and affirmatively expressed State policy—here, the Oklahoma Horse Racing Act or Commission Rule.

The amendment would also ensure that no ruling by such Registries would be recognized unless the Commission finds that the affected owner or trainer has been afforded due process by the Stud Book Registry.

In the *North Carolina State Board of Dental Examiners* case, the Court held that to be entitled to the protection of *Parker* immunity, the market restraint of an entity, such as the Board Dental Examiners, had to be one clearly articulated and affirmatively expressed public policy.

The change in the rule ensures that the Commission's recognition of any of the Registry's actions will only be afforded in those cases in which the owner or trainer's actions are contrary to clearly articulated and affirmatively expressed state policy, as expressed in the Oklahoma Horse Racing Commission Act or Commission Rules, bringing the rule into compliance with one of the major criteria for *Parker* immunity.

### **AUTHORITY:**

75 O.S., § 303; Title 3A O.S. § 204(A); Oklahoma Horse Racing Commission.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 21, 2016, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, March 21, 2016, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Horse Racing Commission requests that business entities affected by the proposed rule amendments 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 rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 21, 2016.

**COPIES OF PROPOSED RULE AMENDMENTS:**

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2016 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

**CONTACT PERSON:**

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

*[OAR Docket #16-85; filed 1-25-16]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 1. FUNCTION AND STRUCTURE OF THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES**

*[OAR Docket #16-68]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 11. Civil Rights and Nondiscrimination on ~~Basis of Race, Color, National Origin, Sex, Age, Religion, or Disability~~

- Part 1. Methods of Administration
- 340:1-11-1 through 340:1-11-1.1 [AMENDED]
- 340:1-11-2 [REVOKED]
- 340:1-11-3 through 340:1-11-7 [AMENDED]
- 340:1-11-9 through 340:1-11-14 [AMENDED]
- 340:1-11-15 [REVOKED]

Part 2. ~~Food~~ ~~Stamp~~ Supplemental Nutrition Assistance Program Discrimination Complaint and Non-compliance System

- 340:1-11-20 through 340:1-11-22 [AMENDED]
- 340:1-11-24 [AMENDED]
- 340:1-11-26 through 340:1-11-27 [AMENDED]

Part 3. The Americans with Disabilities Act Request and Complaint System

- 340:1-11-40 through 340:1-11-41 [AMENDED]
- 340:1-11-42 [REVOKED]
- 340:1-11-43 through 340:1-11-45 [AMENDED]
- 340:1-11-46 through 340:1-11-49 [REVOKED]
- 340:1-11-50 [AMENDED]
- 340:1-11-51 through 340:1-11-52 [REVOKED]
- 340:1-11-52 [REVOKED]
- 340:1-11-53 through 340:1-11-54 [AMENDED]
- 340:1-11-55 [REVOKED]

Appendix B. Response to Request for Reasonable Accommodation for a Disability [REVOKED]

**(Reference WF 15-07)**

**SUMMARY:**

The proposed revisions to Chapter 1, Subchapter 11, Part 1 amend the rules regarding the non-discriminatory procedures to align with current practice, incorporate plain language standards, and comply with federal anti-discrimination statutes and United States (U.S.) Supreme Court decisions.

The proposed revisions to Chapter 1, Subchapter 11, Part 2 amend the rules regarding the non-discriminatory procedures required in the Supplemental Nutrition Assistance Program to align with current practice, incorporate plain language standards, and comply with federal regulations.

The proposed revisions to Chapter 11, Subchapter 11, Part 3 amend the rules regarding the administration of the Americans with Disabilities Act especially requests for reasonable accommodation under said Act, to align with current practice, incorporate plain language standards, and comply with the Americans with Disabilities Amendments Act (ADAAA).

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (O.S. 56 § 162).

**COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Roger Scott, Oklahoma Department of Human Services, Office for Civil Rights, PO Box 25352, Oklahoma City, OK 73125, 405-522-1614.

**PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

## Notices of Rulemaking Intent

---

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-68; filed 1-22-16]*

---

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

*[OAR Docket #16-69]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Fair Hearings  
Part 11. Child Care Facility Licensing  
340:2-5-110 through 340:2-5-112 [AMENDED]  
340:2-5-114 through 340:2-5-120 [AMENDED]  
340:2-5-122 [AMENDED]  
340:2-5-124 [AMENDED]  
Subchapter 28. Office of Administrative Hearings: Child Support  
340:2-28-4.2 [AMENDED]

**(Reference WF 15-06)**

### SUMMARY:

The proposed revisions to Chapter 2 Subchapter 5 amend the rules to comply with Section 405.3(A)(2) of Title 10 of the Oklahoma Statutes by adding the recording of an individual on the Child Care Restricted Registry, also known as Joshua's List, or Registry to those who are entitled to an administrative hearing.

### AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 10 O.S. § 405.3(A)(2).

### COMMENT PERIOD:

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Travis Smith, Oklahoma Department of Human Services, Legal Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-3638.

### PUBLIC HEARING:

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln

Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-69; filed 1-22-16]*

---

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

*[OAR Docket #16-70]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Office of Client Advocacy  
Part 5. Grievances  
340:2-3-46 [AMENDED]  
340:2-3-50 [AMENDED]  
340:2-3-56 [NEW]  
Part 7. Grievance and Abuse Review Committee  
340:2-3-64 [AMENDED]  
Part 9. Advocacy Programs  
340:2-3-71 [AMENDED]  
340:2-3-73 through 340:2-3-74 [AMENDED]

**(Reference WF 15-05)**

### SUMMARY:

The proposed revisions to Chapter 2, Subchapter 3 amend the rules to: (1) reflect current terminology and acronym changes; (2) make grammatical changes; (3) update the foster care parent grievance policy; (4) update grievance system protocols; (5) update advocacy policy; and (6) add policy regarding the Foster Care Ombudsman (FCO) services.

### AUTHORITY:

Director of Human Services; O.S. 56 § 162; 10A O.S. § 162; 10A O.S. § 1-1-101 et seq.; 43A § 10-102 et seq.; and Section 5101 et seq. of Title 42 of the United States Code.

### COMMENT PERIOD:

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours

by contacting Angela Burleigh, Oklahoma Department of Human Services, Office of Client Advocacy, PO Box 25352, Oklahoma City, OK 73125, 405-521-6829.

**PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #16-70; filed 1-22-16]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 25. CHILD SUPPORT SERVICES**

*[OAR Docket #16-71]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Operational Policies
- Part 7. The Case Record - Computer File Records and Case Folders  
340:25-5-55 [AMENDED]
- Part 9. Disclosure of Information  
340:25-5-67 [AMENDED]
- Part 15. Case Initiation, Case Management, and Case Closure  
340:25-5-124.2 [AMENDED AND RENUMBERED TO 340:25-5-286]  
340:25-5-124.3 [AMENDED]  
340:25-5-124.4 [NEW]
- Part 20. Medical Support  
340:25-5-168 [AMENDED]
- Part 21. Establishment  
340:25-5-176.1 [AMENDED]  
340:25-5-178 [AMENDED]
- Part 22. Review and Modification

- 340:25-5-198.1 [AMENDED]
  - Part 23. Enforcement  
340:25-5-200 [AMENDED]  
340:25-5-200.1 [AMENDED]  
340:25-5-200.3 [NEW]  
340:25-5-211.1 [AMENDED]  
340:25-5-213 [AMENDED]
  - Part 33. ~~Interstate and International~~ Intergovernmental Cases  
340:25-5-270 [AMENDED]  
340:25-5-285 [AMENDED]  
340:25-5-286 [NEW]
  - Part 39. Accounting and Distribution  
340:25-5-345.1 [AMENDED]
- (Reference WF 15-08)**

**SUMMARY:**

The proposed amendments to Chapter 25 Subchapter 5 amend the rules to: (1) implement policy changes recommended during the annual Child Support Services (CSS) policy review process; (2) comply with statutory changes following the passage of Senate Bill (SB) 486; and (3) make non-substantive housekeeping changes to improve the rule clarity.

**AUTHORITY:**

Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Section 1681b of Title 15 of the United State Code (15 U.S.C. § 1681b); 18 U.S.C. § 228; 28 U.S.C. § 1738B; 31 U.S.C. § 3716; 42 U.S.C., Chapter 7, Subchapter IV, Part D; 50A U.S.C. §§ 501 through 596; Sections 285.1 and 285.3 of Title 31 of the Code of Federal Regulations (31 C.F.R. §§ 285.1 and 285.3); 45 C.F.R., Subtitle B, Chapter III; 3A O.S. § 724.1; 10 O.S. § 83; 10A O.S. §§ 1-4-702, 7700-307, 7700-308, and 7700-312; 12 O.S. §§ 719 through 726, 842, 1171.2, and 2005; 21 O.S. §§ 566, 566.1, 567, and 852; 24 O.S. §§ 112 through 123; 36 O.S. §§ 6058A and 6059A; 43 O.S. §§ 112, 112A, 112.1A, 118 through 118I, 118.2, 119, 120, 135, 137, 139, 139.1, 140, 413, 601-100 through 601-901; 47 O.S. §§ 1-153, 6-201, 6-201.1, 6-211, and 6-212; 56 O.S. §§ 183, 230.50, and 231 through 240.23; Title 58; Title 62; 63 O.S. §§ 1-311 and 1-311.3; 68 O.S. §§ 205.2 and 205.3; 70 O.S. § 11-103; Internal Revenue Service Publication 1075; Executive Order 13019; and Section 6305 of the Internal Revenue Code of 1954.

**COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Tammy Hall, Oklahoma Department of Human Services, Child Support Services, PO Box 25352, Oklahoma City, OK 73125, 405-522-0022.

**PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

# Notices of Rulemaking Intent

---

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

## RULE IMPACT STATEMENT:

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

## CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-71; filed 1-22-16]*

## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

*[OAR Docket #16-72]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

340:50-5-6 through 340:50-5-7 [AMENDED]

340:50-10.1 [AMENDED]

Part 3. Special Households

340:50-5-28 through 340:5-29 [AMENDED]

Part 7. Related Provisions

340:50-5-64 [AMENDED]

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

340:50-7-29 [AMENDED]

340:50-7-31 [AMENDED]

Subchapter 9. Eligibility and Benefit Determination

Procedures

340:50-9-5 [AMENDED]

Subchapter 11. Special Procedures

Part 1. Households Entitled to Expedited Service

340:50-11-1 [AMENDED]

Subchapter 15. Overpayments and Fraud

Part 1. Overpayments

340:50-15-1 [AMENDED]

340:50-15-3 through 340:50-15-6 [AMENDED]

Part 3. Fraud

340:50-15-25 through 340:50-15-26 [AMENDED]

**(Reference WF 15-02)**

## SUMMARY:

The proposed revisions to Chapter 50 Subchapter 5 amend the rules to: (1) correct how utility expenses are considered when the household includes non-household or disqualified household members; (2) add clarifying information regarding food distribution programs operated by tribal organizations and income and expense calculation for disqualified household members; (3) update terminology to make language gender neutral regarding victims of domestic violence per guidance received from the United States Department of Agriculture (USDA) Food and Nutrition Services (FNS); (4) add policy cite references; (5) remove incorrect information regarding groups considered institutional residents; (6) correct terminology regarding disqualification reasons; (7) add clarifying language and reorder information for enhanced understanding; (8) remove outdated language regarding an estimated homeless shelter deduction; (9) correct able-bodied adult without dependents (ABAWD) exemption criteria; and (10) add state statute information prohibiting the Oklahoma Department of Human Services (DHS) from requesting an ABAWD work requirement waiver from the USDA.

The proposed revisions to Chapter 50 Subchapter 7 amend the rules to: (1) correct how utility expenses are considered when the household includes a disqualified or non-household household member; (2) remove outdated language regarding an the estimated homeless shelter deduction; (3) add clarifying language and reorder information regarding allowable deductions for enhanced understanding; (4) add deduction calculation information for disqualified and non-household members; (5) correct legal citation; (6) add clarifying information regarding income; and (7) update terminology.

The proposed revisions to Chapter 50 Subchapter 9 amend the rules to: (1) add clarifying language and reorder information regarding change reporting during the certification period for enhanced understanding; (2) add information regarding when changes are considered verified upon receipt; (3) correct language regarding when food benefits may be reopened following closure; and (4) remove non-applicable reasons an advanced notice is not required.

The proposed revisions to Chapter 50 Subchapter 11 amend the rules to correct the wording regarding the type of application meeting expedited service criteria.

The proposed revisions to Chapter 50 Subchapter 15 amend the rules to: (1) add an overview of overpayment claims process rules and policy cite references for additional information; (2) update SNAP overpayment claims procedures and terminology; (3) add clarifying language and taglines and reorder overpayment claim information for enhanced understanding; (4) add information regarding when Form 19MP002E, Disqualification Consent Agreement, is completed; (5) update information regarding Treasury Offset Program (TOP) referral and client notification procedures; (6) remove use of stale benefits as an overpayment claim payment option; (7) add other involuntary collection methods DHS may use in addition to a TOP referral to collect a delinquent overpayment claim; (8) add case retention requirements for

cases containing an unpaid overpayment claim; (9) update trafficking definition; (10) add state statute information regarding a deferred sentence and a disqualification consent agreement; and (11) remove duplicative information included in other policy sections.

**AUTHORITY:**

Director of Human Services; Section 162, 241.3, and 243 of Title 56 of the Oklahoma Statutes; Sections 271.2, 273.1, 273.2, 273.7, 273.9, 273.11, 273.12, 273.13, 273.15, 273.16, 273.18, and 273.24 of Title 7 of the Code of Federal Regulations (C.F.R.).

**COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-4396.

**PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #16-72; filed 1-22-16]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES**

*[OAR Docket #16-73]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Eligibility for Benefits
- 340:65-3-1 through 340:65-3-2 [AMENDED]
- 340:65-3-4 [AMENDED]

**(Reference WF 15-02)**

**SUMMARY:**

The proposed revisions to Chapter 65 Subchapter 3 amend the rules to: (1) update and clarify information regarding the eligibility determination process, application processing, collateral contacts, and data exchange; (2) add and update policy cite references; (3) remove outdated language regarding near real time benefit processing; (4) remove unnecessary language regarding the application process and food benefit payee; (5) remove information regarding Adult Protective Services (APS) home visits; and (6) update terminology.

**AUTHORITY:**

Director of Human Services; and Sections 162, 167, 167.1, and 168 of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, Adult and Family Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-4396.

**PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #16-73; filed 1-22-16]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 75. CHILD WELFARE SERVICES**

*[OAR Docket #16-74]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions of Child Welfare Services

## Notices of Rulemaking Intent

---

Part 10. Oklahoma Children's Services (OCS)  
340:75-1-150 [AMENDED]  
340:75-1-151.1 [AMENDED]  
340:75-1-151.2 [AMENDED]  
340:75-1-152 [AMENDED]  
340:75-1-152.3 [AMENDED]  
340:75-1-152.5 [AMENDED]  
340:75-1-152.6 [AMENDED]  
340:75-1-152.7 [AMENDED]  
340:75-1-152.9 [AMENDED]  
340:75-1-154 [AMENDED]  
340:75-1-155 [AMENDED]  
Subchapter 6. Permanency Planning  
Part 5. Permanency Planning Services  
340:75-6-30 [AMENDED]  
340:75-6-31.4 [AMENDED]  
Part 7. Family and Child Individualized Service Planning Components  
340:75-6-40.3 [AMENDED]  
Part 8. Child Welfare Specialist Role  
340:75-6-48 [AMENDED]  
Part 11. Permanency Planning and Placement Services  
340:75-6-88 [AMENDED]  
Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services  
Part 3. ~~DDS~~ Services for Children in Custody  
340:75-8-35 [REVOKED]  
340:75-8-36 [AMENDED]  
340:75-8-37 [AMENDED]  
340:75-8-38 [AMENDED]  
340:75-8-39 [AMENDED]  
340:75-8-40 [AMENDED]  
Subchapter 11. Child Welfare Community-Based Residential Care  
Part 17. Contracted Community-Based Residential Care Providers  
340:75-11-233 [AMENDED]  
340:75-11-234 [AMENDED]  
340:75-11-236 [AMENDED]  
340:75-11-238 [AMENDED]  
Part 19. Residential Diagnostic and Evaluation Services [REVOKED]  
340:75-11-250 [REVOKED]  
Part 21. Residential Intensive Treatment Services  
340:75-11-265 [AMENDED]  
Part 22. Substance Abuse Treatment Services  
340:75-11-275 [AMENDED]  
Part 23. Specialized Community Homes  
340:75-11-286 [AMENDED]  
340:75-11-287 [AMENDED]  
340:75-11-289 [AMENDED]  
Part 25. Non-Funded and Funded Contracted Level B Placements  
340:75-11-300 [AMENDED]  
340:75-11-301 [AMENDED]  
Part 27. Residential Maternity Services

340:75-11-321 [AMENDED]  
340:75-11-322 [AMENDED]  
Part 29. ~~Non-funded and Funded~~ Contracted Level C Placements  
340:75-11-330 [AMENDED]  
Part 31. Contracted Level D Placements  
340:75-11-350 [AMENDED]  
Subchapter 15. Adoptions  
Part 14. Post Adoption Services  
340:75-15-128.4 [AMENDED]  
Subchapter 16. ~~Mental~~ Behavioral Health Treatment Services  
Part 1. Inpatient ~~Mental~~ Behavioral Health Treatment  
340:75-16-28 [AMENDED]  
340:75-16-30 [AMENDED]  
340:75-16-32 [AMENDED]  
340:75-16-33 [AMENDED]  
340:75-16-36 [AMENDED]  
340:75-16-37 [AMENDED]  
340:75-16-38 [AMENDED]  
Part 3. Outpatient Behavioral Health Care Services  
340:75-16-45 [AMENDED]  
340:75-16-46 [AMENDED]  
Subchapter 19. Working with Indian Children  
340:75-19-3 [AMENDED]  
340:75-19-5 [AMENDED]  
340:75-19-6 [AMENDED]  
340:75-19-7 [AMENDED]  
340:75-19-8 [AMENDED]  
340:75-19-11 [AMENDED]  
340:75-19-12 [AMENDED]  
340:75-19-13 [AMENDED]  
340:75-19-14 [AMENDED]  
340:75-19-19 [AMENDED]  
340:75-19-20 [AMENDED]  
340:75-19-23 [AMENDED]  
340:75-19-26 [AMENDED]  
340:75-19-26.1 [AMENDED]  
340:75-19-28 [AMENDED]  
340:75-19-29 [AMENDED]  
340:75-19-30 [AMENDED]  
340:75-19-32 [AMENDED]  
340:75-19-33 [AMENDED]  
**(Reference WF 15-10)**

### SUMMARY:

The proposed revisions to Chapter 75 Subchapter 1 amend rules of Oklahoma Children's Services (OCS) to cite the statute that guides OCS, streamline the referral process, and clarify OCS case protocols.

The proposed revisions to Chapter 75 Subchapter 6 amend child permanency planning rules to update: (1) requirements for child visitation with parents, siblings, and community connections and Title IV-E kinship guardianship assistance to comply with federal law per House Resolution 4980 (2014); (2) references to assessment of child safety and preliminary

inquiry; and (3) definitions regarding medical services for custody children.

The proposed revisions to Chapter 75 Subchapter 8 amend rules to update policy governing the delivery of Developmental Disabilities Services (DDS) to children in the custody of the Oklahoma Department of Human Services (DHS) custody.

The proposed revisions to Chapter 75 Subchapter 11 amend community-based residential care (CBRC) rules to: (1) align with other Child Welfare Services (CWS) policy; and (2) outline roles and responsibilities that changed due to Pinnacle Plan implementation.

The proposed revisions to Chapter 75 Subchapter 15 amend post-adoption special needs policy to update definitions to align with federal reporting requirements, Adoption and Foster Care Analysis and Reporting System (AFCARS).

The proposed revisions to Chapter 75 Subchapter 16 amend mental health treatment services rules to: (1) reflect changes in OHCA policy regarding psychiatric services; and (2) outline roles and responsibilities that changed due to Pinnacle Plan implementation.

The proposed revisions to Chapter 75 Subchapter 19 amend working with Indian children rules to include changes developed in consultation with the tribes and DHS reorganization of the tribal program unit.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Chapter 75 Subchapter 1: 10A O.S. § 1-9-110; Chapter 75 Subchapter 6: 10A O.S. §§ 1-3-102, 1-4-203 and 1-4-204, 1-4-704, 1-4-707, 1-4-709 through 1-4-711, 1-4-807, 1-4-811, 1-7-103 through 1-7-106, 1-7-113; 30 O.S. §§ 1-101 et seq.; 43A O.S. §§ 118 and 119; 20 U.S.C. §§ 1400 through 1461; 42 U.S.C. §§ 671 and 673; Chapter 75 Subchapter 11: 10A O.S. §§ 1-1-102, 1-2-101, 1-3-102, 1-6-107, 1-7-103, 1-7-105, and 1-9-119; 70 O.S. § 1-113; Chapter 75 Subchapter 16: 10A O.S. § 1-7-103; 43A O.S. §§ 5-501 through 5-513 and 5-521; Chapter 75 Subchapter 19: 10 O.S. §§ 40 through 40.9; 10A O.S. §§ 1-4-503, 1-6-101 through 1-6-103, and 1-7-112; 19 U.S.C. § 1151; 25 U.S.C. §§ 1911 through 1915; 43 U.S.C. §§ 1602 and 1606.

**COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Shirley Russell, Oklahoma Department of Human Services, Child Welfare Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-2881.

**PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-74; filed 1-22-16]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES**

*[OAR Docket #16-75]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Administration
    - Part 1. General Administration
      - 340:100-3-14 [AMENDED]
      - 340:100-3-15 [REVOKED]
    - Part 3. Administration
      - 340:100-3-29 [REVOKED]
  - Subchapter 5. Client Services
    - Part 5. Individual Planning
      - 340:100-5-50 through 340:100-5-52 [AMENDED]
      - 340:100-5-56 through 340:100-5-57 [AMENDED]
- (Reference WF 15-04)**

**SUMMARY:**

The proposed revisions to Chapter 100 Subchapters 3 and 5 amend and revoke rules to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and Sections, 441.301, 441.302, 441.715, 441.720, and 441.725 of Title 42 of the Code of Federal Regulations.

**COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Ray Hester, Oklahoma Department of Human Services, Developmental Disabilities Services, PO Box 25352, Oklahoma City, OK 73125, 405-522-8094.

## Notices of Rulemaking Intent

---

### **PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

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

n/a

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

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-75; filed 1-22-16]*

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

*[OAR Docket #16-76]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-8 [AMENDED]

340:110-1-8.3 through 340:110-1-9 [AMENDED]

340:110-1-17 [AMENDED]

340:110-1-21 [AMENDED]

Part 3. Licensing Services - Residential Care and Agencies

340:110-1-46 through 340:110-1-47 [AMENDED]

340:110-1-47.2 [AMENDED]

(Reference WF 15-09)

### **SUMMARY:**

The proposed revisions to Chapter 110 Subchapter 1 Part 1 amend and clarify division policy, align differential quality rating and improvement processes and criteria with revisions to minimum licensing requirements affecting child care centers, day-camps, drop-in, part-day and out-of-school time programs, and programs for sick children.

The proposed revisions to Chapter 110 Subchapter 1 Part 3 amend and clarify division policy.

### **AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (O.S. 56 § 162) and O.S. 10 § 404.

### **COMMENT PERIOD:**

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services, Child Care Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-2556.

### **PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

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

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mitzi Lee, at the above address, before the close of the comment period on March 17, 2016.

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

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-76; filed 1-22-16]*

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

*[OAR Docket #16-77]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

Part 1. Licensing Services-Child Care

340:110-1-4.1 [REVOKED]

340:110-1-8.1 [AMENDED]  
340:110-1-9.1 [AMENDED]  
340:110-1-15 [AMENDED]  
Part 3. Licensing Services-Residential Care and Agencies  
340:110-1-43.1 [REVOKED]  
340:110-1-47.1 [AMENDED]  
340:110-1-54 [AMENDED]  
Subchapter 3. Licensing Standards for Child Care Facilities  
Part 1. Requirements for Child Care Centers  
340:110-3-1 [REVOKED]  
340:110-3-2 [AMENDED AND RENUMBERED TO  
340:110-3-275]  
340:110-3-3 [AMENDED AND RENUMBERED TO  
340:110-3-276]  
340:110-3-5 [REVOKED]  
340:110-3-5.1 [AMENDED AND RENUMBERED TO  
340:110-3-278]  
340:110-3-6 [AMENDED AND RENUMBERED TO  
340:110-3-281.2]  
340:110-3-7.1 [AMENDED AND RENUMBERED TO  
340:110-3-284]  
340:110-3-9.1 [AMENDED AND RENUMBERED TO  
340:110-3-287]  
340:110-3-10 [AMENDED AND RENUMBERED TO  
340:110-3-293]  
340:110-3-11 [AMENDED AND RENUMBERED TO  
340:110-3-300]  
340:110-3-14 [AMENDED AND RENUMBERED TO  
340:110-3-302]  
340:110-3-22 [AMENDED AND RENUMBERED TO  
340:110-3-301]  
340:110-3-25 [REVOKED]  
340:110-3-25.1 [AMENDED AND RENUMBERED TO  
340:110-3-289]  
340:110-3-25.2 [AMENDED AND RENUMBERED TO  
340:110-3-290]  
340:110-3-25.3 [AMENDED AND RENUMBERED TO  
340:110-3-281.4]  
340:110-3-25.4 [AMENDED AND RENUMBERED TO  
340:110-3-291]  
340:110-3-25.5 [AMENDED AND RENUMBERED TO  
340:110-3-296]  
340:110-3-25.6 [AMENDED AND RENUMBERED TO  
340:110-3-286]  
340:110-3-26 [AMENDED AND RENUMBERED TO  
340:110-3-288]  
340:110-3-27 [AMENDED AND RENUMBERED TO  
340:110-3-294]  
340:110-3-28 [AMENDED AND RENUMBERED TO  
340:110-3-298]  
340:110-3-29 [AMENDED AND RENUMBERED TO  
340:110-3-305]  
340:110-3-31 [AMENDED AND RENUMBERED TO  
340:110-3-299]  
340:110-3-33 [AMENDED AND RENUMBERED TO  
340:110-3-279]

340:110-3-33.1 [AMENDED AND RENUMBERED TO  
340:110-3-308]  
340:110-3-33.2 [AMENDED AND RENUMBERED TO  
340:110-3-311]  
340:110-3-33.3 [REVOKED]  
Part 2. Requirements for Part-Day Children's Programs  
340:110-3-35 through 340:110-3-49.7 [REVOKED]  
Part 9. Requirements for Residential Child Care Facilities  
340:110-3-146 [AMENDED]  
340:110-3-152 [AMENDED]  
340:110-3-153.1 [AMENDED]  
340:110-3-154.1 [AMENDED]  
Part 14. Requirements for School-Age Programs  
340:110-3-220 through 340:110-3-242 [REVOKED]  
Part 15. Requirements for Child Care Centers, Day Camps,  
Drop-In Programs, Out-of-School Time Programs,  
Part-Day Programs and Programs for Sick Children  
[NEW]  
340:110-3-275 through 340:110-3-311 [NEW]  
Subchapter 5. Requirements for Child-Placing Agencies  
Part 1. Requirements for Child-Placing Agencies  
340:110-5-3 [AMENDED]  
340:110-5-6 [AMENDED]  
Part 5. Requirements for Foster Home Agencies  
340:110-5-57 [AMENDED]  
340:110-5-58 [AMENDED]  
340:110-5-61 [AMENDED]  
Appendix EE through NN [NEW]  
**(Reference APA WF 14-07 and 15-11)**

**SUMMARY:**

The proposed amendments Chapter 110 Subchapters 1 and 3 are to: (1) clarify division practice and procedure; and (2) amend licensing requirements for child care centers, day camps, drop-in programs, school-age programs, part-day programs, and programs caring for sick children. Rule Sections revoked are issued as new Sections. Revisions to licensing requirements include the areas of professional development of child care personnel, areas impacting children's health and safety, emergency preparedness, learning program principles, health, hygiene, and nutrition.

The proposed revisions to Chapter 110, Subchapter 3 Part 9 and Subchapter 5 Parts 1 and 5 amend rules for requirements for residential programs and child-placing and foster home agencies to comply with statutory changes following passage of House Bill (HB) 1078 during the 2015 legislative session with a November 1, 2015, effective date. This parallels Public Law (P.L. 113-183) revisions effective 9-29-14 allowing for a 9-29-15 implementation date. Language amendments include definition of age and developmentally appropriate activities and the application of reasonable and prudent parenting standards.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (O.S. 56 § 162); 21 O.S. § 870, 10 O.S. § 404, Oklahoma Child Care Facilities Licensing Act, 10A O.S. § 1-1-105, and P.L. 113-183.

## Notices of Rulemaking Intent

---

### COMMENT PERIOD:

Written and oral comments are accepted February 16, 2016, through March 17, 2016, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services, Child Care Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-2556.

### PUBLIC HEARING:

A public hearing is scheduled for 9:00 a.m. on March 25, 2016 at the Oklahoma Department of Human Services, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room C-48. Anyone who wants to speak must sign in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Mitzi Lee, at the above address, before the close of the comment period on March 17, 2016.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #16-77; filed 1-22-16]*

---

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

*[OAR Docket #16-94]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 9. Description of Forms and Instructions  
365:1-9-18. Bail bond forms [AMENDED]

### SUMMARY:

365:1-9-18 is amended to include multicounty agent bondsmen, which is a license created by new law in 2014.

### AUTHORITY:

Insurance Commissioner; 59 O.S. § 1302

### COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 17, 2016. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 22, 2016, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rule. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 17, 2016.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule amendment may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

### RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 16, 2016, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

### CONTACT PERSON:

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #16-94; filed 1-25-16]*

---

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

*[OAR Docket #16-95]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions  
Part 1. General Provisions  
365:10-1-8. Proof of loss [REVOKED]  
365:10-1-17. Life, accident, and health form filings [NEW]  
Subchapter 31. Navigators and Navigator Entities

365:10-31-6. Individual navigator requirements [AMENDED]

365:10-31-7. Navigator entity requirements [AMENDED]

**SUMMARY:**

365:10-1-8 is revoked because it is based on statutory language which is no longer in effect.

365:10-1-17 is a new proposed rule that would specify the procedures for submitting life, accident, and health form filings to the Oklahoma Insurance Department. The rule requires form filings to be made through the System for Electronic Rate and Form Filing (SERFF) pursuant to the SERFF General Instructions. These rules are based on the requirements for property and casualty form filings.

365:10-31-6 and 7 are amended to align with new law passed in 2015, which prohibits the transmittal of reports from navigators and navigator entities which contain personally identifiable information.

**AUTHORITY:**

Insurance Commissioner; 36 O.S. §§ 122, 307.1, 1415.5, and 4405(I)

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 17, 2016. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held March 22, 2016, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 17, 2016.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 16, 2016, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #16-95; filed 1-25-16]*

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 15. PROPERTY AND CASUALTY**

*[OAR Docket #16-96]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

365:15-1-3.1. Workers' compensation optional deductible form [AMENDED]

365:15-1-3.2. Financial requirements - mega deductible workers' compensation policies [NEW]

365:15-1-25. Loss runs and claims history [NEW]

Appendix B. Oklahoma Workers' Compensation Optional Deductible Acceptance/Rejection Form [REVOKED]

Appendix B. Oklahoma Workers' Compensation Optional Deductible Acceptance/Rejection Form [NEW]

**SUMMARY:**

365:15-1-3.1 is amended to provide greater clarity to the form required by Title 85A, Section 95.

365:15-1-3.2 is a proposed new rule setting out the requirements for insurance companies issuing certain mega deductible workers' compensation policies. The requirements include full collateralization of the aggregate outstanding deductible reimbursement obligations of the policyholder. The rule outlines what "collateral" can be used, and sets forth the financial requirements for insurers issuing these policies. The rule exempts an insurer that has an A.M. Best Company rating of A or above and has at least \$300,000,000.00 in policyholder surplus.

365:15-1-25 is a new rule that clarifies the information that must be included on loss runs provided by insurers.

Appendix B is revoked and re-passed to reflect a change to the authorizing statute.

**AUTHORITY:**

Insurance Commissioner; 36 O.S. § 307.1; 85A O.S. § 95

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 17, 2016. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held March 22, 2016, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

## Notices of Rulemaking Intent

---

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 17, 2016.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

### RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 16, 2016, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

### CONTACT PERSON:

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #16-96; filed 1-25-16]*

## TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. OTHER LICENSEES

*[OAR Docket #16-97]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors
- 365:25-3-1. Insurance producers continuing education [AMENDED]
- 365:25-3-14. Insurance adjusters continuing education [AMENDED]
- 365:25-3-20.2. Cancellation language for vehicle protection product contract forms [AMENDED]
- Subchapter 5. Bail Bondsmen
- Part 5. General Provisions Pertaining to Bail Bondsmen
- 365:25-5-34. Professional and multicounty agent bondsman deposits [AMENDED]
- 365:25-5-36. Monthly reports [AMENDED]
- 365:25-5-37. Usual and customary records [AMENDED]
- 365:25-5-40. Computation of time in 59 O.S. §1332 [AMENDED]
- 365:25-5-42. Professional/multicounty agent bondsman net worth [AMENDED]
- 365:25-5-47. Financial statement required [AMENDED]
- 365:25-5-48. Acts of a bail bondsman [AMENDED]

Subchapter 7. Companies

Part 5. Oklahoma Insurance Holding Company System Regulatory Act

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

365:25-7-24. Forms: incorporation by reference, summaries and omissions [AMENDED]

365:25-7-26. Forms: additional information and exhibits [AMENDED]

365:25-7-29.2. Enterprise Risk Report [NEW]

Appendix AA. Form F [NEW]

### SUMMARY:

The amendment to 365:25-3-1 sets out the types of courses that can be offered for continuing education to licensed producers. The amendment to 365:25-3-14 sets out the types of courses that can be offered for continuing education to licensed adjusters.

The amendment to 365:3-20.2 conforms the rule more closely to its authorizing statute.

The amendment to 365:25-5-34 includes multicounty agent bondsmen, which is a new license type created by statute in 2014. 365:25-5-36 is amended to clarify when a bondsman must continue to submit reports after their appointing authority is no longer conducting business or the bondsman no longer has an appointment from that surety. The amendment to 365:25-5-37 clarifies how long a bondsman must keep records, specifically setting forth the trigger for the retention. The amendments to 365:25-5-40, 42, and 47 include multicounty agent bondsmen, which is a new license type created by statute in 2014. 365:25-5-48 is amended to include a section symbol in paragraph 11 that was erroneously omitted in the rule's initial publication in 2015.

The amendments to 365:25-7-23, 24, 26, and the new rule 365:25-7-29.2, include the required Form F filing, the contents of which are set forth in the new Appendix AA.

### AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1435.19, 1435.29, 6217, 6660; 59 O.S. § 1302

### COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 17, 2016. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 22, 2016, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General

Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 17, 2016.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 16, 2016, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will be available on the Insurance Department's website at www.ok.gov/oid.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #16-97; filed 1-25-16]*

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

*[OAR Docket #16-98]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Life, Accident & Health Division and Consumer Assistance and Claims Division Rules  
Part 9. HMO Requirements and Prohibitions  
365:40-5-42. Individual conversion contracts  
[AMENDED]

**SUMMARY:**

365:40-5-42 is amended to eliminate the requirement that an HMO offer individual conversion contracts to its subscribers. This requirement is rendered unnecessary because of federal law related to the "guaranteed issue" of health insurance.

**AUTHORITY:**

Insurance Commissioner; 36 O.S. § 307.1

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 17, 2016. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held March 22, 2016, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 17, 2016.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 16, 2016, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at www.ok.gov/oid.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #16-98; filed 1-25-16]*

**TITLE 375. OKLAHOMA STATE BUREAU  
OF INVESTIGATION  
CHAPTER 15. OKLAHOMA REWARD  
SYSTEM**

*[OAR Docket #16-66]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

375:15-1-4 [AMENDED]

**SUMMARY:**

The proposed amendments to Section 375:15-1-4 address changes to 74 Oklahoma Statutes §150.18 which now allows the offering and awarding of rewards for "materially assisting in the investigation of the commission or attempted commission of a crime as determined by the Oklahoma State Bureau of Investigation" in addition to "giving valuable information resulting in the arrest and conviction of an accused person".

**AUTHORITY:**

State Bureau of Investigation; 74 O.S. §150.18(B)

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 18, 2016 at the following address: Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

## Notices of Rulemaking Intent

---

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on March 21, 2016 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 9:50 a.m. and will be provided five (5) minutes to express their views.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be available on and after February 1, 2016, and may be obtained from the OSBI at the above address.

### **CONTACT PERSON:**

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

*[OAR Docket #16-66; filed 1-22-16]*

---

## **TITLE 375. OKLAHOMA STATE BUREAU OF INVESTIGATION CHAPTER 35. INVESTIGATIVE SERVICES**

*[OAR Docket #16-67]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

375:35-1-2 [AMENDED]

375:35-1-3 [NEW]

### **SUMMARY:**

The proposed amendments to Section 375:35-1-1 add definitions related to background investigations for the Judicial Nominating Commission by the Oklahoma State Bureau of Investigation. The proposed new Section 375:35-1 establishes that the OSBI will do an unlimited number of "Level One Background Investigations" of applicants for judicial vacancies with the Judicial Nominating Commission. It further establishes that the OSBI will do up to three "Level Two Background Investigations" per vacancy being considered by the Judicial Nominating Commission.

### **AUTHORITY:**

State Bureau of Investigation; 74 O.S. §150.34

Administrative Procedures Act; 74 O.S. §250.2

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 18, 2016 at the following address:

Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on March 21, 2016 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 8:50 a.m. and will be provided five (5) minutes to express their views.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be available on and after February 1, 2016, and may be obtained from the OSBI at the above address.

### **CONTACT PERSON:**

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

*[OAR Docket #16-67; filed 1-22-16]*

---

## **TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS**

*[OAR Docket #16-91]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

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

377:1-1-5. Board of Juvenile Affairs [AMENDED]

### **SUMMARY:**

The proposed rule revisions are necessary to be compliant with current statutory amendments regarding the Board of Juvenile Affairs responsibilities relating to Foster Care as found in Title 10A O.S., Section 2-7-614, charter school as found in Section 2-7-616, and minor formatting changes. The proposed rules are necessary in order to be accurately referenced in rule.

### **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:**

The comment period will begin on Tuesday, February 16, 2016, and end on Thursday, March 17, 2016. Written

comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or by email at JLynn.Hartman@oja.ok.gov.

**PUBLIC HEARING:**

A Public Hearing will be held at 8:00 a.m. on Friday, March 18, 2016, at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Persons wishing to make oral comments must sign-in at the door by 8:05 a.m. on that day, must be present when called to make oral comments, and will be given an opportunity to make oral comments for a maximum of five (5) minutes.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other 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 Thursday, March 17, 2016.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118, or by email at JLynn.Hartman@oja.ok.gov. The proposed rules are available on the OJA website at <https://www.ok.gov/oja/>.

**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 Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118 beginning on or before March 1, 2016, as well as on the OJA website at <https://www.ok.gov/oja/>.

**CONTACT PERSON:**

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

*[OAR Docket #16-91; filed 1-25-16]*

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

*[OAR Docket #16-92]*

**RULEMAKING ACTION:**

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

- Subchapter 1. Office of the Executive Director
- Part 3. Office of the Advocate General
- 377:3-1-21. Definitions [AMENDED]

377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA [AMENDED]

Subchapter 7. Finance Department

377:3-7-4. OJA financial system [AMENDED]

Subchapter 11. Risk Management

Part 1. Drug Policy

377:3-11-5. Substance screening [AMENDED]

Subchapter 13. Office of Public Integrity

Part 1. General Provisions

377:3-13-6. Certification of Secure Juvenile Detention Facilities, Municipal Juvenile Facilities, and Community Intervention Centers [AMENDED]

Part 7. Requirements for Community Intervention Centers (CIC)

377:3-13-81. Structure [AMENDED]

377:3-13-82. General provisions [AMENDED]

377:3-13-83. Information gathering/report data [AMENDED]

377:3-13-86. Organization, administration, and finance [AMENDED]

377:3-13-89. Juvenile records [AMENDED]

Part 11. Requirements for Certification of Secure Juvenile Facilities

377:3-13-129. General emergency procedures [AMENDED]

**SUMMARY:**

Proposed rule changes are the results of statute changes that consist within the definition of abuse, clarify referenced and statute citations, update the Juvenile Security Officer job family and add charter school personnel for drug and alcohol testing, clarify statutory entities who may establish a CIC, implement statutory changes regarding alleged youth and CIC function, comply with State Department of Education requirements, and minor formatting changes. The proposed rules are necessary in order to provide clarity and correctly reference provisions of law.

**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:**

The comment period will begin on Tuesday, February 16, 2016, and end on Thursday, March 17, 2016. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or by email at JLynn.Hartman@oja.ok.gov.

**PUBLIC HEARING:**

A Public Hearing will be held at 8:00 a.m. on Friday, March 18, 2016, at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Persons wishing to make oral comments must sign-in at the door by 8:05 a.m. on that day, must be present when called to make oral comments,

## Notices of Rulemaking Intent

---

and will be given an opportunity to make oral comments for a maximum of five (5) minutes.

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

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other 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 Thursday, March 17, 2016.

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

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118, or by email at JLYnn.Hartman@oja.ok.gov. The proposed rules are available on the OJA website at <https://www.ok.gov/oja/>.

### **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 Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118 beginning on or before March 1, 2016, as well as on the OJA website at <https://www.ok.gov/oja/>.

### **CONTACT PERSON:**

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

*[OAR Docket #16-92; filed 1-25-16]*

---

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

*[OAR Docket #16-93]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Pre-Court

Part 1. Juvenile Detention

377:25-3-2. Detention recommendations [AMENDED]

### **SUMMARY:**

The proposed rule revision is to correct a minor grammatical error and is necessary in order to be accurately referenced in rule.

### **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:**

The comment period will begin on Tuesday, February 16, 2016, and end on Thursday, March 17, 2016. Written

comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or by email at JLYnn.Hartman@oja.ok.gov.

### **PUBLIC HEARING:**

A Public Hearing will be held at 8:00 a.m. on Friday, March 18, 2016, at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Persons wishing to make oral comments must sign-in at the door by 8:05 a.m. on that day, must be present when called to make oral comments, and will be given an opportunity to make oral comments for a maximum of five (5) minutes.

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

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other 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 Thursday, March 17, 2016.

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

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118, or by email at JLYnn.Hartman@oja.ok.gov. The proposed rules are available on the OJA website at <https://www.ok.gov/oja/>.

### **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 Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118 beginning on or before March 1, 2016, as well as on the OJA website at <https://www.ok.gov/oja/>.

### **CONTACT PERSON:**

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

*[OAR Docket #16-93; filed 1-25-16]*

---

## **TITLE 380. DEPARTMENT OF LABOR CHAPTER 80. ALTERNATIVE FUELS PROGRAM**

*[OAR Docket #16-43]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 80. Alternative Fuels Program [NEW]

**SUMMARY:**

The Oklahoma Department of Labor is proposing permanent rules to supersede emergency rules previously adopted governing the licensing of alternative fuels conversion technicians, alternative fuels compression technicians, alternative fuels conversion companies, and alternative fuels compression companies and the enforcement of standards. The rules previously in effect in OAC 580:55, later adopted as emergency rules at OAC 380:80, served as the foundation for these proposed permanent rules. The rules also govern inspection of compressed natural gas compression, storage, and dispensing systems. The rules permanently codify the existing statutory fee schedule. The circumstances which created the need for the rules are that the Alternative Fuels program was transferred to the Oklahoma Department of Labor in 2014 making the Department of Labor responsible for licensing alternative fuels technicians and companies. Emergency rules were adopted which are effective through September 14, 2016. Additionally, the Department of Labor has been tasked with inspecting compressed natural gas fill stations. These rules are authorized by 40 O.S. § 142.1 and 40 O.S. §142.2. The intended effect of the rules is to provide a uniform program for testing, licensing, and enforcement related to alternative fuels technicians and companies and to provide clear standards for the inspection of compressed natural gas fill stations.

**AUTHORITY:**

Department of Labor; 40 O.S. § 142.1, Alternative Fuels Technician Certification Act

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 18, 2016, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 18, 2016, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 18, 2016, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2016 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or [daniel.mares@labor.ok.gov](mailto:daniel.mares@labor.ok.gov) or James Buck, Safety Standards Director, (405) 521-6111 or [james.buck@labor.ok.gov](mailto:james.buck@labor.ok.gov).

*[OAR Docket #16-43; filed 1-21-16]*

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

*[OAR Docket #16-106]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 420:10-1-5. Permits [AMENDED]
- 420:10-1-18. Insurance requirements [AMENDED]
- 420:10-1-20. Suspension or revocation of registration permits and fines; appeals [AMENDED]

**SUMMARY:**

The proposed amendments to 420:10-1-5 increases the initial permit fee for a Class I Dealer permit from \$500.00 to \$1,000.00 and increases the annual permit fee from \$200.00 to \$400.00. The general liability insurance coverage requirement for a Class I Dealer has been increased from \$500,000.00 to \$1,000,000.00. The initial permit fee for a Class II Truck Transporter permit is being increased from \$300.00 to \$1,000.00 and the annual permit fee is increased from \$200.00 to \$400.00. The annual permit fee for a Class IV Installer permit with one endorsement is being increased from \$50.00 to \$70.00. The Class VIII Appliance Dealer permit is being stricken from the rules pursuant to the passage of HB1751 during the last session of the Legislature. HB1751 deleted the Class VIII permit class.

The proposed amendments to 420:10-1-18 increases the general liability insurance coverage requirements from \$500,000.00 to \$1,000,000.00 for the Class I Dealer permit, Class II Truck Transporter permit and Class III DOT Cylinder Transporter permit. The general liability insurance coverage requirement for the Class IV Installer permit is being increased from \$25,000.00 to \$50,000.00. The general liability insurance coverage requirement for the Class VI DOT Cylinder and/or LP Motor Fuel Station Operation permit is being increased from \$50,000.00 to \$100,000.00. The Class VIII Appliance Dealer permit language is being stricken from the rules in this section pursuant to the passage of HB1751. Again, HB1751 deleted the Class VIII permit class.

## Notices of Rulemaking Intent

---

The proposed amendments to 420:10-1-20 increases the maximum fine to \$500.00 for several offenses or violations in order to make the rules consistent with existing language for other offenses or violations. The maximum fine currently in place for these specific offenses or violations has not been sufficient to deter repeated or aggravated offenders. The amendment also changes the description of one violation from "Selling gas without proper permit" to "Failing to obtain a proper permit to operate in LP Gas industry" which is more encompassing.

### **AUTHORITY:**

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

### **COMMENT PERIOD:**

Persons may present their views, in written form, to the Oklahoma Liquefied Petroleum Gas Administration, 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118. Comments will be accepted during the period from February 16, 2016 to March 18, 2016.

### **PUBLIC HEARING:**

A Public Hearing is scheduled for 10:00 a.m., Monday, March 21, 2016, at 3815 N. Santa Fe, Suite 117, Oklahoma City, Oklahoma 73118. Interested persons may orally present their views at this time.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollars 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 Cheryl Kelso at the above address during the period from February 16, 2016 to March 18, 2016.

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

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at 405-521-2458. A \$5.00 charge will be assessed to offset copying charges and the cost of postage.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review beginning February 16, 2016, at the above address for the Oklahoma Liquefied Petroleum Gas Administration.

### **CONTACT PERSON:**

For information regarding the proposed rulemaking contact Cheryl Kelso, Interim Deputy Administrator, at 405-521-2458.

*[OAR Docket #16-106; filed 1-25-16]*

---

## **TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 10. REQUIREMENTS FOR REGISTRATION**

*[OAR Docket #16-32]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

475:10-1-17. Applications for scientific research in Schedule I substances [AMENDED]

### **SUMMARY:**

The proposed rule amendment allows the Director discretion regarding scientific research applications and forwarding to an expert within seven days.

### **AUTHORITY:**

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5 pm on March 17, 2016 at the following address: Marie Schuble, Legal Division, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105, or mschuble@obn.state.ok.us.

### **PUBLIC HEARING:**

A public hearing will be held at 3:00 pm on Friday, March 18, 2016, at the Oklahoma Bureau of Narcotics, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 3:05 pm.

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

n/a

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

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 or on the OBN website at [http://www.ok.gov/obn/dd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obn/dd/Rules_and_Regulations/index.html) beginning on February 16, 2016.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics at the above address beginning on February 20, 2016.

### **CONTACT PERSON:**

Marie Schuble, Staff Attorney, 405-521-2885 or mschuble@obn.state.ok.us.

*[OAR Docket #16-32; filed 1-12-16]*

---

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL  
CHAPTER 35. TRANSFER AND DISPOSAL OF CONTROLLED DANGEROUS DRUGS**

[OAR Docket #16-33]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

475:35-1-3. Distribution upon discontinuance or transfer of business [AMENDED]

475:35-1-4. Procedure for disposing of controlled dangerous substances [AMENDED]

**SUMMARY:**

The proposed rule amendment updates the reference to the Code of Federal Regulations.

**AUTHORITY:**

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5 pm on March 17, 2016 at the following address: Marie Schuble, Legal Division, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105, or mschuble@obn.state.ok.us.

**PUBLIC HEARING:**

A public hearing will be held at 3:00 pm on Friday, March 18, 2016, at the Oklahoma Bureau of Narcotics, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 3:05 pm.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 or on the OBN website at [http://www.ok.gov/obn/dd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obn/dd/Rules_and_Regulations/index.html) beginning on February 16, 2016.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics at the above address beginning on February 20, 2016.

**CONTACT PERSON:**

Marie Schuble, Staff Attorney, 405-521-2885 or mschuble@obn.state.ok.us.

[OAR Docket #16-33; filed 1-12-16]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL  
CHAPTER 45. OKLAHOMA CONTROL REPORTING REQUIREMENTS**

[OAR Docket #16-34]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

475:45-1-2. Required reporting of certain information [AMENDED]

**SUMMARY:**

The proposed rule amendment adds the recipient's phone number to the list of reported information to the central repository.

**AUTHORITY:**

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5 pm on March 17, 2016 at the following address: Marie Schuble, Legal Division, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105, or mschuble@obn.state.ok.us.

**PUBLIC HEARING:**

A public hearing will be held at 3:00 pm on Friday, March 18, 2016, at the Oklahoma Bureau of Narcotics, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 3:05 pm.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OBN requests that business entities affected by these proposed rule amendments provide the OBN, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 or on the OBN website at [http://www.ok.gov/obn/dd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obn/dd/Rules_and_Regulations/index.html) beginning on February 16, 2016.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics at the above address beginning on February 20, 2016.

## Notices of Rulemaking Intent

---

**CONTACT PERSON:**

Marie Schuble, Staff Attorney, 405-521-2885 or  
mschuble@obn.state.ok.us.

*[OAR Docket #16-34; filed 1-12-16]*

**TITLE 510. STATE BOARD OF  
OSTEOPATHIC EXAMINERS  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

*[OAR Docket #16-88]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Course and Method of Operations  
510:1-3-7 [AMENDED]  
510:1-3-9 [NEW]

**SUMMARY:**

The proposed amended rule for Chapter 1 lowers the cost of providing Board compensation. The proposed new rule for Chapter 1 promotes greater efficiency by allowing the Board to designate duties.

**AUTHORITY:**

Oklahoma Osteopathic Medicine Act; 59 O. S. § 620 et seq.;  
State Board of Osteopathic Examiners

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on March 17, 2016, at the following address: Deborah J. Bruce, Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, Oklahoma City, OK 73105 or at [dbruce@osboe.ok.gov](mailto:dbruce@osboe.ok.gov)

**PUBLIC HEARING:**

A public hearing will be held at 4:30 p.m. on Thursday, March 17, 2016, before the Oklahoma Osteopathic Board at 4848 N. Lincoln, Oklahoma City, OK. Anyone who wishes to speak must signed in at the door by 3:30 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, and Oklahoma City, OK 73105. The proposed rules are also available on the OSBOE website at [www.osboe.ok.gov](http://www.osboe.ok.gov)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Osteopathic Board at the above address beginning March 1, 2016.

**CONTACT PERSON:**

Deborah J. Bruce, Executive Director, (405) 528-8625,  
[dbruce@osboe.ok.gov](mailto:dbruce@osboe.ok.gov)

*[OAR Docket #16-88; filed 1-25-16]*

**TITLE 510. STATE BOARD OF  
OSTEOPATHIC EXAMINERS  
CHAPTER 5. PROFESSIONAL STANDARDS**

*[OAR Docket #16-89]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Dispensing Dangerous Drugs  
510:5-3-3 [AMENDED]  
510:5-3-4 [AMENDED]  
510:5-3-5 [AMENDED]  
Subchapter 9. Prescribing for ~~Intractable~~ Chronic Pain  
[AMENDED]  
510:5-9-1 [AMENDED]

**SUMMARY:**

The proposed amended rules for Chapter 5 toughen the requirements for administering, dispensing and prescribing controlled substances and define chronic pain.

**AUTHORITY:**

Oklahoma Osteopathic Medicine Act; 59 O. S. § 620 et seq.;  
State Board of Osteopathic Examiners

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on March 17, 2016, at the following address: Deborah J. Bruce, Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, Oklahoma City, OK 73105 or at [dbruce@osboe.ok.gov](mailto:dbruce@osboe.ok.gov)

**PUBLIC HEARING:**

A public hearing will be held at 4:30 p.m. on Thursday, March 17, 2016, before the Oklahoma Osteopathic Board at 4848 N. Lincoln, Oklahoma City, OK. Anyone who wishes to speak must signed in at the door by 3:30 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, and Oklahoma City, OK 73105. The proposed rules are also available on the OSBOE website at [www.osboe.ok.gov](http://www.osboe.ok.gov)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Osteopathic Board at the above address beginning March 1, 2016.

**CONTACT PERSON:**

Deborah J. Bruce, Executive Director, (405) 528-8625,  
[dbruce@osboe.ok.gov](mailto:dbruce@osboe.ok.gov)

*[OAR Docket #16-89; filed 1-25-16]*

**TITLE 510. STATE BOARD OF  
OSTEOPATHIC EXAMINERS  
CHAPTER 10. LICENSURE OF  
OSTEOPATHIC PHYSICIANS AND  
SURGEONS**

*[OAR Docket #16-90]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Licensure requirements

510:10-3-1 [AMENDED]

510:10-3-3 [AMENDED]

510:10-3-4 [AMENDED]

510:10-3-8 [AMENDED]

510:10-3-10 [NEW]

Subchapter 4. Osteopathic Supervision of ~~Advanced~~  
~~Nurse~~Mid-Level Practitioners

510:10-4-1 [AMENDED]

510:10-4-2 [AMENDED]

510:10-4-3 [AMENDED]

Subchapter 7. Fee Schedule

510:10-7-1 [AMENDED]

**SUMMARY:**

The proposed Rules for Chapter 10 amend licensure requirements, add a change of address requirement, amend the rules of supervision to include all mid-level medical practitioners and amend the fee schedule to include fees for the new types of licenses outlined in the Osteopathic Medicine Act, 59 O.S. § 633.

**AUTHORITY:**

Oklahoma Osteopathic Medicine Act; 59 O. S. § 620 et seq.; State Board of Osteopathic Examiners

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on March 17, 2016, at the following address: Deborah J. Bruce, Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, Oklahoma City, OK 73105 or at dbruce@osboe.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 4:30 p.m. on Thursday, March 17, 2016, before the Oklahoma Osteopathic Board at 4848 N. Lincoln, Oklahoma City, OK. Anyone who wishes to speak must signed in at the door by 3:30 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Osteopathic Board, 4848 N. Lincoln, Suite 100, and Oklahoma City, OK 73105. The proposed rules are also available on the OSBOE website at www.osboe.ok.gov

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Osteopathic Board at the above address beginning March 1, 2016.

**CONTACT PERSON:**

Deborah J. Bruce, Executive Director, (405) 528-8625, dbruce@osboe.ok.gov

*[OAR Docket #16-90; filed 1-25-16]*

**TITLE 550. OKLAHOMA POLICE PENSION  
AND RETIREMENT SYSTEM  
CHAPTER 20. PURCHASE OF  
TRANSFERRED CREDITED SERVICE**

*[OAR Docket #16-119]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

550:20-1-2. Computation [AMENDED]

**SUMMARY:**

The proposed amendment to OAC 550:20-1-2 includes technical IRS qualification language to maintain the tax exempt status of the Oklahoma Police Pension and Retirement System.

**AUTHORITY:**

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

**COMMENT PERIOD:**

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 18th, 2016, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., on Wednesday, March 23<sup>rd</sup>, 2016, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

## Notices of Rulemaking Intent

---

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on February 17th, 2016.

### **CONTACT PERSON:**

Darcie Gordon, Administrative Officer (405) 840-3555 Ext. 227.

*[OAR Docket #16-119; filed 1-26-16]*

### **TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #16-104]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Formal and Informal Procedures  
565:1-3-2. Complaints [AMENDED]

### **SUMMARY:**

The proposed amendments to Subchapter 3 add detail to the process by which a student may submit a complaint to the OBPVS. Details include requiring a school's internal process to be completed prior to the OBPVS submission, allowing the OBPVS to follow-up on a school response and setting a deadline for the school's response, and establishing a deadline for the initial submission of the complaint to the OBPVS. That deadline is one-year after the conclusion of the school's process, unless there are extenuating circumstances. The one year deadline attempts to ensure that the records or witnesses necessary for the OBPVS to investigate the complaint may reasonably be made available to the Agency.

### **AUTHORITY:**

70 O.S., 2014, §102.1, (2); the Oklahoma Board of Private Vocational Schools.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so from February 16, 2016 through March 17, 2016 at 4:30 p.m., to the attention of Nora House, Director. Written comments may be mailed to the Oklahoma Board of Private Vocational Schools, 3700 N. Classen Blvd, Suite 250, Oklahoma City, OK 73118, hand-delivered to the Oklahoma Board of Private Vocational Schools, 3700 N. Classen Blvd, Suite 250, Oklahoma City, OK, transmitted by facsimile, to (405) 528-3366 or by email to [nhouse@obpvs.ok.gov](mailto:nhouse@obpvs.ok.gov)

### **PUBLIC HEARING:**

The Oklahoma Board of Private Vocational Schools will conduct a public hearing on March 18, 2016 at 9:00 a.m. in Conference Room 265 on the second floor at the address given above.

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

The OBPVS asks business entities affected by the proposed rules to provide written information to the Agency, 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 Nora House, at the above address, before the close of the comment period on March 17, 2016.

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

Copies of the proposed rules may be obtained from Nora House, Director, at the above address or through [nhouse@obpvs.ok.gov](mailto:nhouse@obpvs.ok.gov), via facsimile (405) 528-3366, or by telephoning the OBPVS office at (405)528-3370.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

For additional information contact any OBPVS staff member (Helen Myers, Cory Lawson, Angela Moore, or Nora House) at (405) 528-3370.

*[OAR Docket #16-104; filed 1-25-16]*

### **TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS CHAPTER 10. LICENSURE AND REGULATION OF PRIVATE VOCATIONAL SCHOOLS AND REPRESENTATIVES**

*[OAR Docket #16-105]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions  
565:10-1-2. Definitions [AMENDED]  
565:10-1-4. Due date and duration of license [AMENDED]  
Subchapter 3. Requirements for Licensure as Private Vocational School  
565:10-3-1. Requirements for licensure as Private Vocational School [AMENDED]  
565:10-3-2. Relicensing application completion [NEW]  
Subchapter 7. Facilities and Equipment  
565:10-7-1. Facilities [AMENDED]  
565:10-7-2. Equipment [AMENDED]  
Subchapter 9. Surety Bonds  
565:10-9-1. Bond requirement and amount [AMENDED]  
Subchapter 11. School Operation  
565:10-11-1. School personnel [AMENDED]  
565:10-11-4. Student records [AMENDED]  
565:10-11-7. Admission requirements [AMENDED]  
565:10-11-9. Recruitment [AMENDED]  
Subchapter 13. Solicitor License

- 565:10-13-1. Solicitor license [AMENDED]
- Subchapter 15. Denial and Appeal
- 565:10-15-1. Grounds for denial of school license [AMENDED]
- Subchapter 23. Seminars or Workshops
- 565:10-23-1. Items required for licensure of seminars; length of programs [AMENDED]
- Subchapter 27. Financial ~~Statement~~Statements and Financial Stability
- 565:10-27-1. Financial statements [AMENDED]
- 565:10-27-2. Financial stability [AMENDED]
- Subchapter 29. Data Collection [NEW]
- 565:10-29-1. Data collection [NEW]

**SUMMARY:**

Throughout all Subchapters typographical or scrivener errors from the last rulemaking effort (or before then) are corrected and two additional "must" terms are revised to "shall" in accordance with last year's housekeeping efforts that were made for consistency and readability.

The deletion of two antiquated provisions in Subchapters 3 and 11 is proposed. The first deletion was suggested by the Agency's Assigned Assistant Attorney General to eliminate the requirement for a school to label a hard-copy of a catalog as, "true and correct." The deletion recognizes that the majority of catalog revisions are now submitted electronically as enabled last year to expedite the Agency's receipt and its approval process that allows a school to act on its business decisions more rapidly. The second deletion eliminates special enrollment exceptions that OBPVS Board members recognize, contrary to the Rule's original intention, may subject school to a discrimination lawsuit.

Following revisions to the Enabling Statute that became effective on August 22, 2014 at Title 70 O.S. 21-106, D. and 21-12.1 (13), proposed revisions in Subchapter 3 and 27 provide detail for relicensing completion and data collection due to a statutory late fee and the agency's authority to collect data, especially for its workforce development efforts.

Additionally, in Subchapter 3, the non-profit form of creating a school is addressed, because a non-profit does not actually have an, "Owner." A pre-licensing inspection of a new Applicant's facility is also developed as a significant safeguard for prospective students. Currently there is no fee for on-site inspections. At a future date, the OBPVS may ask the Legislature to consider enabling a fee similar to that of almost every State surrounding Oklahoma to offset the travel costs incurred by the Agency.

In subchapter 7, the importance of reporting a new location for a school in advance of a move is addressed along with requiring two additional documents to be provided to the OBPVS as a part of the Agency's approval process that seeks to ensure student safety. The extra documents are proof of adequate liability insurance coverage at the new location and a copy of a lease, if applicable.

In Subchapter 11, a means is established for a school to secure the training that would otherwise be missed when the mandatory annual workshop is not attended.

In Subchapter 15, a school is held accountable for using an unlicensed Solicitor where the school is the entity already required to submit a Solicitor application to the OBPVS.

In subchapter 27, based on reviews of recent school failures in Oklahoma, the financial stability requirements for a new Applicant are increased immediately upon the rule becoming effective. Financial stability requirements for an existing school would be comparably strengthened by the second relicensing after the rule's effective date. This provides nearly a three (03) warning for already-licensed schools. Neither provision would absolutely require the Board to deny a license. Instead, the provisions allow the Board to require a larger surety bond or another safeguard(s) to be placed with the OBPVS to protect the tuition that a school collects from its students.

**AUTHORITY:**

70 O.S., 2014, §102.1, (2); the Oklahoma Board of Private Vocational Schools.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from February 16, 2016 through March 17, 2016 at 4:30 p.m., to the attention of Nora House, Director. Written comments may be mailed to the Oklahoma Board of Private Vocational Schools, 3700 N. Classen Blvd, Suite 250, Oklahoma City, OK 73118, hand-delivered to the Oklahoma Board of Private Vocational Schools, 3700 N. Classen Blvd, Suite 250, Oklahoma City, OK, transmitted by facsimile, to (405) 528-3366 or by email to [nhouse@obpvs.ok.gov](mailto:nhouse@obpvs.ok.gov)

**PUBLIC HEARING:**

The Oklahoma Board of Private Vocational Schools will conduct a public hearing on March 18, 2016 at 9:00 a.m. in Conference Room 265 on the second floor at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OBPVS asks business entities affected by the proposed rules to provide written information to the Agency, 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 Nora House, at the above address, before the close of the comment period on March 17, 2016.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Nora House, Director, at the above address or through [nhouse@obpvs.ok.gov](mailto:nhouse@obpvs.ok.gov), via facsimile (405) 528-3366, or by telephoning the OBPVS office at (405)528-3370.

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

---

### CONTACT PERSON:

For additional information contact any OBPV staff member (Helen Myers, Cory Lawson, Angela Moore, or Nora House) at (405) 528-3370.

*[OAR Docket #16-105; filed 1-25-16]*

### **TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS CHAPTER 1. ORGANIZATION OF BOARD AND PROCEDURES FOR HANDLING COMPLAINTS**

*[OAR Docket #16-117]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

575:1-1-3. Investigation of requests for inquiry  
[AMENDED]

#### **SUMMARY:**

The proposed revision on 575:1-1-3 (3) allows the executive officer to select an investigator as well as the chair or vice-chair.

#### **AUTHORITY:**

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 1981, Section 1352.1(8).

#### **COMMENT PERIOD:**

Written comments will be accepted February 17, 2016 through March 18, 2016 at: 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, OK 73103, Attn: Teanne Rose.

#### **PUBLIC HEARING:**

A public hearing is scheduled on Friday, March 25, 2016, 11:00 am, at the Office of the Attorney General 313 Northeast 21<sup>st</sup> Street, Oklahoma City, OK 73105.

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

n/a

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

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405)522-1333.

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

The rule impact statement may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, Oklahoma, 73103. Telephone (405)522-1333.

#### **CONTACT PERSON:**

Teanne Rose, Executive Officer, (405) 522-1333

*[OAR Docket #16-117; filed 1-25-16]*

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

*[OAR Docket #16-118]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

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

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

575:10-1-7. Hiring of psychological technicians by psychologists [AMENDED]

575:10-1-8. Continuing professional education for psychologists [AMENDED]

#### **SUMMARY:**

The proposed revisions to 575:10-1-2 Requirements to become licensed as a psychologist will provide foreign applicants an avenue to become licensed in Oklahoma since the Designation Committee of the National Register of Health Service Providers in Psychology and the Association of State and Provincial Psychology Board no longer approves programs. Other changes to this section include clarification of the statute and also adds rules for post-military applicants. Revisions to the Private Practice Under Supervision is to initiate permanent rule changes to strike rule 575:10-1-3(i) which prohibits board members to serve as supervisors. This change was approved by the Governor as an Emergency Rule Change and became effective October 26, 2015. The proposed rule changes to 575:10-1-7 Hiring of psychological technicians will change the limitation on activities of psychological technicians. The revisions allow a psychologist to supervise physically onsite or through telemedicine or direct telecommunications; will change the requirements from requiring a certification as a Board Certified Behavior Analyst (BCBA) to also allow those that have completed the DDS Certification program the ability to provide services to individuals served by the Department of Human Services, Developmental Disabilities Services (DDS). Another change in this section will allow a psychologist to hire up to four psychological technicians. Last, given that the oral examination is no longer required for licensure, a revision to update the language for kinds of educational activities for which credit may be received will strike oral examination committee member as a way for which continuing education may be received.

#### **AUTHORITY:**

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 1981, Section 1352.1(8).

**COMMENT PERIOD:**

Written comments will be accepted February 17, 2016 through March 18, 2016 at: 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, OK 73103, Attn: Teanne Rose.

**PUBLIC HEARING:**

A public hearing is scheduled on Friday, March 25, 2016, 11:00 am, at the Office of the Attorney General 313 Northeast 21<sup>st</sup> Street, Oklahoma City, OK 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405)522-1333.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13<sup>th</sup> Street, Suite 180, Oklahoma City, Oklahoma, 73103. Telephone (405)522-1333.

**CONTACT PERSON:**

Teanne Rose, Executive Officer, (405) 522-1333

*[OAR Docket #16-118; filed 1-25-16]*

**TITLE 660. DEPARTMENT OF SECURITIES  
CHAPTER 2. ORGANIZATION AND  
PROCEDURES OF DEPARTMENT OF  
SECURITIES**

*[OAR Docket #16-114]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Investigations

660:2-7-3. [AMENDED]

Subchapter 9. Individual Proceeding Practices and Procedures

660:2-9-3. [AMENDED]

**SUMMARY:**

The proposed rule amendments impose the duty to supplement subpoena compliance when responses become materially incomplete. The proposed rule amendments also authorize the use of requests for admissions in discovery; impose a duty to supplement discovery when prior responses become materially incomplete or incorrect; impose page limitations on motions and responsive pleadings thereto; and set forth additional sanctions for failures to comply with or cooperate in discovery.

The Administrator finds that the subject rule amendment is necessary or appropriate in the public interest or for the protection of investors and is consistent with the purposes intended by this act.

**AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605, 1-608

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m., March 17, 2016, at the Oklahoma Department of Securities, City Place, 204 North Robinson, Suite 400, Oklahoma City, OK 73102-7001.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, March 18, 2016, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, Suite 400, 204 North Robinson, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

The public may access copies of the proposed rules on the Department's website at [www.securities.ok.gov](http://www.securities.ok.gov) or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, Suite 860, 204 North Robinson, Oklahoma City, OK 73102, telephone (405) 280-7700.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available as of February 17, 2016, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

**CONTACT PERSON:**

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

*[OAR Docket #16-114; filed 1-25-16]*

**TITLE 660. DEPARTMENT OF SECURITIES  
CHAPTER 6. FORMS**

*[OAR Docket #16-115]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Forms Used under the Securities Act

660:6-5-1. [AMENDED]

**SUMMARY:**

The proposed rule amendments update form references, delete a form that is no longer in general use, and provide a form for an exemption notice for offerings conducted pursuant to Regulation A Tier 2 under federal law in light of a recent statutory change.

The Administrator finds that the subject rule amendment is necessary or appropriate in the public interest or for the

## Notices of Rulemaking Intent

---

protection of investors and is consistent with the purposes intended by this act.

**AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605, 1-608

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m., March 17, 2016, at the Oklahoma Department of Securities, City Place, 204 North Robinson, Suite 400, Oklahoma City, OK 73102-7001.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, March 18, 2016, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, Suite 400, 204 North Robinson, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

The public may access copies of the proposed rules on the Department's website at [www.securities.ok.gov](http://www.securities.ok.gov) or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, Suite 860, 204 North Robinson, Oklahoma City, OK 73102, telephone (405) 280-7700.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available as of February 17, 2016, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

**CONTACT PERSON:**

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

*[OAR Docket #16-115; filed 1-25-16]*

---

### TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 11. OKLAHOMA UNIFORM SECURITIES ACT OF 2004

*[OAR Docket #16-116]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Broker-Dealers and Agents

Part 3. Licensing Procedures

660:11-5-11. [AMENDED]

Subchapter 11. Exemptions from Securities Registration

Part 5. Exempt Transactions

660:11-11-49. [REVOKED]

Part 7. Federal Covered Securities

660:11-11-61. [AMENDED]

660:11-11-62. [NEW]

Subchapter 15. Miscellaneous Provisions

660:11-15-2. [NEW]

**SUMMARY:**

The proposed rule amendments clarify current regulatory procedure and exemption notice filing requirements in light of recent changes in federal law. The proposed revocation is of a rule that has become moot. The new rules would establish exemption notice requirements in light of recent changes in federal law and provide protection for vulnerable adults from financial exploitation.

The Administrator finds that the subject rules and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by this act.

**AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605, 1-608

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m., March 17, 2016, at the Oklahoma Department of Securities, City Place, 204 North Robinson, Suite 400, Oklahoma City, OK 73102-7001.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, March 18, 2016, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, 204 North Robinson, Suite 400, Oklahoma City, OK 73102-7001.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities should evaluate the effect of the proposed rule and amendments upon their business operations. The Department requests that business entities that would be affected by the proposed rule and/or amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule and/or amendments. Business entities may submit this information in writing to Faye Morton, at the above addresses, before the close of the comment period on March 17, 2016.

**COPIES OF PROPOSED RULES:**

The public may access copies of the proposed rules on the Department's website at [www.securities.ok.gov](http://www.securities.ok.gov) or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson, Suite 400, Oklahoma City, OK 73102-7001, telephone (405) 280-7700.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available as of February 17, 2016, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

**CONTACT PERSON:**

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #16-116; filed 1-25-16]

**TITLE 735. STATE TREASURER  
CHAPTER 10. SECURITY FOR PUBLIC  
DEPOSITS**

[OAR Docket #16-35]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

735:10-1-3 [AMENDED]

**SUMMARY:**

The proposed revision to Subchapter 1 Part 3 modifies the amount of collateral required to secure public deposits when such funds are collateralized utilizing a combination of securities and instruments. Currently, if a financial institution pledges both securities and instruments the amount of collateral must exceed the fair market value of the total collateral by the maintenance percentage. However, instruments alone are only required to be collateralized at a level equal to the funds on deposit. This change would bring consistency to the rule by requiring the same level of collateralization for instruments whether or not they are combined with securities to secure public deposits.

**AUTHORITY:**

State Treasurer; "Security for Public Deposits Act" 62 O.S. § 72.4

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 17, 2016 at the following address:

Oklahoma State Capitol, 2300 North Lincoln Boulevard, Suite 217, Oklahoma City, OK 73105, or andrew.messer@treasurer.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 3:00 p.m. on Thursday, March 22, 2016 at the Oklahoma State Capitol, 2300 N. Lincoln Boulevard Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The State Treasurer requests that business entities affected by these proposed rules provide the Treasurer, 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, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrew Messer, at the above

addresses, before the close of the comment period on March 17, 2016.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the State Treasurer, 2300 North Lincoln Boulevard, Suite 217, Oklahoma City, OK 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the State Treasurer at the above address beginning January 19, 2016.

**CONTACT PERSON:**

Andrew Messer, Deputy Treasurer for Governmental Affairs, (405) 521-4504 or Andrew.Messer@treasurer.ok.gov

[OAR Docket #16-35; filed 1-15-16]

**TITLE 735. STATE TREASURER  
CHAPTER 10. SECURITY FOR PUBLIC  
DEPOSITS**

[OAR Docket #16-36]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

735:10-1-13 [AMENDED]

**SUMMARY:**

The proposed revision allows the State Treasurer to accept letters of credit from any Federal Home Loan Bank as a collateral instrument to secure state funds on deposit with a financial institution. The current rule only allows for letters of credit from the Federal Home Loan Bank of Topeka and this amendment would allow letters of credit from any Federal Home Loan Bank within the Federal Home Loan Bank System to collateralize state funds.

**AUTHORITY:**

State Treasurer; "Security for Public Deposits Act" 62 O.S. § 72.4

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 17, 2016 at the following address:

Oklahoma State Capitol, 2300 North Lincoln Boulevard, Suite 217, Oklahoma City, OK 73105, or andrew.messer@treasurer.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 3:00 p.m. on Thursday, March 22, 2016 at the Oklahoma State Capitol, 2300 N. Lincoln Boulevard Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The State Treasurer requests that business entities affected by these proposed rules provide the Treasurer, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected

## Notices of Rulemaking Intent

---

to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrew Messer, at the above addresses, before the close of the comment period on March 17, 2016.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Treasurer, 2300 North Lincoln Boulevard, Suite 217, Oklahoma City, OK 73105.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the State Treasurer at the above address beginning January 17, 2016.

### CONTACT PERSON:

Andrew Messer, Deputy Treasurer for Governmental Affairs, (405) 521-4504 or Andrew.Messer@treasurer.ok.gov

*[OAR Docket #16-36; filed 1-15-16]*

---

### TITLE 735. STATE TREASURER CHAPTER 20. SECURITY FOR LOCAL PUBLIC ENTITY DEPOSITS

*[OAR Docket #16-37]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

735:20-1-10 [AMENDED]

### SUMMARY:

The proposed revision would allow public entities to accept letters of credit from any Federal Home Loan Bank as a collateral instrument to secure public entity funds on deposit with a financial institution. The current rule only allows for letters of credit from the Federal Home Loan Bank of Topeka and this amendment would allow letters of credit from any Federal Home Loan Bank in the Federal Home Loan Bank System to be used as collateral to secure public entity funds.

### AUTHORITY:

State Treasurer; "Security for Public Deposits Act" 62 O.S. § 72.4

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 17, 2016 at the following address:

Oklahoma State Capitol, 2300 North Lincoln Boulevard, Suite 217, Oklahoma City, OK 73105, or andrew.messer@treasurer.ok.gov

### PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Thursday, March 22, 2016 at the Oklahoma State Capitol, 2300 N. Lincoln Boulevard Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Treasurer requests that business entities affected by these proposed rules provide the Treasurer, 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, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrew Messer, at the above addresses, before the close of the comment period on March 17, 2016.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Treasurer, 2300 North Lincoln Boulevard, Suite 217, Oklahoma City, OK 73105.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the State Treasurer at the above address beginning January 19, 2016.

### CONTACT PERSON:

Andrew Messer, Deputy Treasurer for Governmental Affairs, (405) 521-4504 or Andrew.Messer@treasurer.ok.gov

*[OAR Docket #16-37; filed 1-15-16]*

---

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

*[OAR Docket #16-99]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. State Technical Assistance, Supervision, and Services [AMENDED]

Subchapter 5. Finance [AMENDED]

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

Subchapter 9. Service Contracts and Equipment Guidelines [AMENDED]

### SUMMARY:

The rule provides updated information regarding instructional delivery options and the procedures related to the sale and distribution of these options. The ODCTE has reorganized and realigned and these division names are no longer correct terms. Updated language has been proposed to correct how Skills Centers are funded by the Agency. These amendments clarify agency processes for accrediting technology centers across the state of Oklahoma, and provide for institutional and program standards. Establishes the rules for equipment purchased or reimbursed by the agency for

educational programs including the tagging, tracking and disposal of said equipment.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-112, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from February 17 through March 18, 2016, to Marie Saatkamp, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or email marie.saatkamp@careertech.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., Thursday, March 24, 2016, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist, 405-743-5455

*[OAR Docket #16-99; filed 1-25-16]*

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

*[OAR Docket #16-100]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Technology Centers Education  
[AMENDED]

**SUMMARY:**

The Oklahoma Department of Career and Technology Education (ODCTE) has reorganized and realigned the

technology center services division is no longer an appropriate term. To comply with a statutory change, proposed language eliminates the requirement for a local education plan to be prepared. This proposed rule consists of adding "programs(s)" to the words "career major(s)" where referenced in this section. The instructional framework is the new method for technology centers to identify what areas of instruction they are providing to their students. A Non-renewable Provisional Technology Center Administrator's Credential will be issued to candidates who meet the criteria. They will have five years from the date of issuance to complete their requirements to move to a standard credential. The proposed rule would also add Non-renewable to the heading of the Provisional Technology Center Administrator Credential. The proposed rule would allow applicants to complete college coursework; ODCTE approved professional development hours or a combination of both to meet the requirements to advance to a standard credential. The current rule requires applicants to complete an approved ODCTE administrator development program. The completion of an approved ODCTE administrator development program is being removed from the rules as a requirement to advance to a standard credential.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from February 17 through March 18, 2016, to Marie Saatkamp, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or email marie.saatkamp@careertech.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., Thursday, March 24, 2016, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

## Notices of Rulemaking Intent

---

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist,  
405-743-5455

*[OAR Docket #16-100; filed 1-25-16]*

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

*[OAR Docket #16-101]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

The rule provides specifications for programs pertaining to program operations. The rule will comply with language in House Bill 1423 and Senate Bill 50 (2014). The rule provides updated certification requirements for teachers who may teach these courses.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, 70 O.S. 2011, § 14-104, 70 O.S. Section 14-108.2, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from February 17 through March 18, 2016, to Marie Saatkamp, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or email marie.saatkamp@careertech.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., Thursday, March 24, 2016, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398

or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist,  
405-743-5455

*[OAR Docket #16-101; filed 1-25-16]*

**TITLE 780. OKLAHOMA DEPARTMENT OF  
CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 25. BUSINESS AND INDUSTRY  
SERVICES**

*[OAR Docket #16-102]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Business and Industry Development  
[AMENDED]

Subchapter 11. Business and Industry Services Programs  
[AMENDED]

**SUMMARY:**

The ODCTE has reorganized and realigned and the division name is outdated. The amendment clarifies some administrative changes and eliminated the outdated language.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from February 17 through March 18, 2016, to Marie Saatkamp, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or email marie.saatkamp@careertech.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., Thursday, March 24, 2016, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education,

1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398  
or view online at [www.okcareertech.org/About/State-Agency/  
Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist,  
405-743-5455

*[OAR Docket #16-102; filed 1-25-16]*

---

**TITLE 780. OKLAHOMA DEPARTMENT OF  
CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 35. LIFELONG LEARNING**

*[OAR Docket #16-103]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

780:35-1-1. General Provisions [AMENDED]

780:35-1-2. Adult basic education [AMENDED]

780:35-1-3. ~~General educational development (GED)~~  
High School Equivalency (HSE) testing program  
[AMENDED]

**SUMMARY:**

The rules help support the operation of the Oklahoma Adult Basic Education Program (ABE) that is administered by the Oklahoma Department of Career and Technology Education (ODCTE)

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, 70 O.S. 2011, § 14-104, as amended.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so from February 17 through March 18,

2016, to Marie Saatkamp, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or email [marie.saatkamp@careertech.ok.gov](mailto:marie.saatkamp@careertech.ok.gov)

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., Thursday, March 24, 2016, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone who wishes to speak must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/  
Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2016, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at [www.okcareertech.org/About/State-Agency/  
Proposed-Rule-Amendments](http://www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments)

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist,  
405-743-5455

*[OAR Docket #16-103; filed 1-25-16]*



# Submissions to Governor and Legislature

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

## **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 10. FINE SCHEDULE**

*[OAR Docket #16-48]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Administrative Fine Schedule

158:10-3-1 [AMENDED]

158:10-3-2 [AMENDED]

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

January 21, 2016

*[OAR Docket #16-48; filed 1-22-16]*

## **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

*[OAR Docket #16-49]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 7. License Classifications

158:40-7-7 [NEW]

Subchapter 9. Examination Applications, Examinations  
and License and Registration Fees and Renewals

158:40-9-2 [AMENDED]

Subchapter 11. License Revocation or Suspension and  
Prohibited Acts

158:40-11-1 [AMENDED]

Subchapter 13. Procedures of the Variance and Appeals  
Board, Plan Review Applications and Filing Fees,  
Code Variance Applications and Filing Fee and Code  
Interpretation Appeals

158:40-13-3 [AMENDED]

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

January 21, 2016

*[OAR Docket #16-49; filed 1-22-16]*

## **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

*[OAR Docket #16-50]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

Subchapter 3. Procedures of the Committee and the  
Hearing Board

158:50-3-2 [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure,  
License and Registration Fees, Duration of License,  
Mechanical License Application, and Apprentice  
Registration

158:50-9-1 [AMENDED]

158:50-9-5 [AMENDED]

158:50-9-7 [AMENDED]

Subchapter 11. License Revocation or Suspension and  
Prohibited Acts

158:50-11-3 [AMENDED]

Subchapter 13. Procedures of the Variance and Appeals  
Board, Plan Review Applications and Fees, Code  
Variance Applications and Fee, Code Interpretation  
Appeals

158:50-13-3 [AMENDED]

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

January 21, 2016

*[OAR Docket #16-50; filed 1-22-16]*

## **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 15. LICENSING**

*[OAR Docket #16-87]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Organization Licensing

325:15-3-4 [AMENDED]

Subchapter 5. Occupation Licensing

325:15-5-10 [AMENDED]

## **Submissions to Governor and Legislature**

---

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

January 22, 2016

*[OAR Docket #16-87; filed 1-25-16]*

---

**TITLE 325. OKLAHOMA HORSE RACING  
COMMISSION  
CHAPTER 35. GENERAL CONDUCT**

*[OAR Docket #16-86]*

**RULES:**

325:35-1-37 [AMENDED]

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

January 22, 2016

*[OAR Docket #16-86; filed 1-25-16]*

---

**RULEMAKING ACTION:**

Submission to Governor and Legislature

# Emergency Adoptions

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

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

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

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

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

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

[OAR Docket #16-62]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 26. Juvenile Forensic Evaluator Credentialing [NEW]

135:10-26-1 [NEW]

135:10-26-2 [NEW]

135:10-26-3 [NEW]

135:10-26-4 [NEW]

### AUTHORITY:

Commission on Children and Youth; 10 O.S. § 601.4(9)

### ADOPTION:

December 11, 2015

### APPROVED BY GOVERNOR:

January 4, 2016

### EFFECTIVE:

Immediately upon Governor's approval

### EXPIRATION:

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY RULES:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

Oklahoma Session Laws 2015, ch. 398, § 4, to be codified at 10A O.S. § 2-2-401.4, requires the Oklahoma Commission on Children and Youth to submit a list of credentialed juvenile competency evaluators to the Administrative Office of the Courts by January 1, 2016. The rule is necessary as an emergency measure to comply with deadlines in amendments to the agency's governing law and to avoid serious prejudice to the public interest pursuant to 75 O.S. § 253(A).

### ANALYSIS:

The rules establish the procedure by which the Oklahoma Commission on Children and Youth will credential juvenile competency evaluators pursuant to Oklahoma Session Laws 2015, ch. 398, § 4, to be codified at 10A O.S. § 2-2-401.4, effective Jan. 1, 2016.

### CONTACT PERSON:

Michael Walsh, Oklahoma Commission on Children and Youth, at (405) 606-4900; Michael.Walsh@occy.ok.gov.

## PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE

CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

### SUBCHAPTER 26. JUVENILE FORENSIC EVALUATOR CREDENTIALING

#### 135:10-26-1. Origin and Authority

The Oklahoma Commission on Children and Youth has the duty of credentialing juvenile forensic evaluators pursuant to 10A O.S. § 2-2-401.4. The Commission shall establish procedures for ensuring the training and qualifications of evaluators and shall provide a list of credentialed juvenile forensic evaluators to the Administrative Office of the Courts.

#### 135:10-26-2. Definitions

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

"Commission" shall refer to the Oklahoma Commission on Children and Youth.

"Competent and competency" refer to a child's ability to understand the nature and objectives of a proceeding against the child or to assist in the child's defense. A child is incompetent if, due to developmental disability, developmental immaturity, intellectual disability, or mental illness, the child is presently incapable of understanding the nature and objective of proceedings against the child or of assisting in the child's defense.

"Credentialed forensic evaluator" means a licensed psychologist, psychiatrist or other physician with necessary education, training, and experience to perform juvenile competency evaluations, and who has been approved to render such opinions for the court.

"Developmental disability" means a severe and chronic disability that is attributable to a mental or physical impairment. Such disabilities include, but are not limited to, cerebral palsy, epilepsy, autism, or other neurological conditions that lead to impairment of general intellectual functioning or adaptive behavior.

## Emergency Adoptions

---

**"Developmental immaturity"** means a condition based on a juvenile's chronological age and significant lack of developmental skills when the juvenile has no significant mental illness or intellectual disability.

**"Director"** means the Director of the Oklahoma Commission of Children and Youth.

**"Intellectual disability"** means a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social and practical adaptive skills.

**"Juvenile Competency Evaluation Professional Committee"** or **"Professional Committee"** shall mean those persons appointed by the Director to perform the duties provided for by this subchapter. and

**"Mental illness"** has the same meaning as in paragraph 11 of Section 5-502 of Title 43A of the Oklahoma Statutes.

### **135:10-26-3. Credentialing process**

(a) **Eligibility.** In order to be eligible to be placed on the list of credentialed juvenile forensic evaluators, a psychologist, psychiatrist or other physician shall:

- (1) Submit an application on a form prepared by the Director in consultation with the Professional Committee;
- (2) Hold a current license to practice in Oklahoma;
- (3) Provide documentation of clinical experience consisting of at least two thousand (2,000) hours, of which one thousand (1,000) hours must be postdoctoral, in the assessment, diagnosis or treatment of children and/or adolescents with developmental disability, developmental immaturity, intellectual disability or mental illness;
- (4) Demonstrate professional experience conducting comprehensive/integrated psychological evaluations of children and/or adolescents which shall include administering intellectual/cognitive, personality and behavioral measures; and
- (5) Successfully complete the Oklahoma Juvenile Forensic Evaluator Training including a post-training written exam.

(b) **Provisional approval.** A candidate who meets the criteria established in subsection (a). shall be deemed provisionally approved by the Commission and shall be placed on the list of credentialed evaluators. Such provisionally approved evaluators shall complete one juvenile competency evaluation at the discretion of the court. At the time that the provisionally approved evaluator submits the first evaluation report to the court, the evaluator shall submit a redacted copy to the Professional Committee for review. The report will be assessed by the Professional Committee to determine adherence to the minimum criteria as established in the Oklahoma Juvenile Forensic Evaluator Training.

(c) **Final Approval.**

- (1) The Professional Committee shall submit to the Commission for final approval the names of those evaluators whose first report meets minimum criteria as determined by the Professional Committee. Persons

approved by the Commission shall remain on the list of credentialed evaluators for a period of three (3) years. Approved evaluators must retake and successfully complete the Juvenile Forensic Evaluator Training at the end of each three-year period in order to remain on the list.

(2) If an evaluator's first evaluation report does not meet minimum criteria, the Professional Committee shall notify the court. The Professional Committee shall also inform the evaluator of the deficiencies, make mentoring available, and provide an opportunity for the evaluator to submit one additional report contingent upon referral by a court. If the Professional Committee determines that the second evaluation report does not meet minimum criteria, the Professional Committee shall notify the court and the evaluator's name shall be removed from the list of credentialed evaluators. A person whose name is removed from the list may reapply and must retake and successfully complete the Oklahoma Juvenile Forensic Evaluator Training.

### **135:10-26-4. Juvenile Competency Evaluation Professional Committee**

(a) **Membership.** The Director shall appoint up to twelve (12) members each serving a term of three (3) years. Members may be reappointed at the discretion of the Director. The members shall be persons who have training and experience in matters related to juvenile competency and shall include as a minimum:

- (1) Four persons licensed to practice either psychology or psychiatry in the State of Oklahoma;
- (2) One judge with responsibility for juvenile cases;
- (3) One defense attorney who primarily represents juvenile defendants;
- (4) One prosecuting attorney with responsibility for juvenile cases; and
- (5) A legal or other professional with expertise in areas relevant to competency such as developmental disabilities, special education or competency restoration services.

(b) **Duties.** The Professional Committee shall advise the Commission on development and implementation of Juvenile Competency Evaluator credentialing including but not limited to:

- (1) Developing and administering the Oklahoma Juvenile Forensic Evaluator Training;
- (2) Reviewing evaluator applications and determining whether an applicant meets minimum criteria for provisional approval;
- (3) Reviewing in a timely fashion reports submitted by provisionally approved evaluators, and recommending evaluators to the Commission for final approval; and
- (4) Performing any other duties as directed by the Commission.

[OAR Docket #16-62; filed 1-22-16]

# Executive Orders

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

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

## TITLE 1. EXECUTIVE ORDERS

1:2016-1.

### EXECUTIVE ORDER 2016-01

Oklahomans rightly expect that public officers will be readily identifiable and accessible to the public and that relevant background and contact information will be prominently displayed on the website of each agency, board, or commission. Likewise, state law requires public bodies, as defined in Section 304 of Title 25 of the Oklahoma Statutes, to "make available on their Internet website the names of members of their governing bodies and such other information about the members as the public body may choose to include." 74 O.S. § 3106.2(C).

Accordingly, in order to increase transparency and improve the functionality and usefulness of the [www.ok.gov](http://www.ok.gov) website, I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. Every State Agency website on [www.ok.gov](http://www.ok.gov) shall include a webpage accessible within two clicks of the homepage that includes, at a minimum, the name of each individual currently serving on the governing body; a telephone number at which each individual currently serving on the governing body may be reached or at which a voicemail message for the individual may be recorded; and an email address at which any or all of the individuals currently serving on the governing body may be contacted.

2. It shall be the responsibility of every State Agency to ensure that this Order is implemented in a timely fashion; to provide a state email address for all individuals serving on the Agency's governing body and to require its exclusive use when state business is being conducted via email; to ensure that posted information is reviewed for accuracy and updated, as needed; and to make certain that the members of the Agency's governing body routinely access, monitor, and respond to their electronic and voicemail messages.

This Executive Order shall be distributed to all members of the Governor's Executive Cabinet and the chief executives of all State Agencies, who shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 19<sup>th</sup> day of January 2016.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #16-44; filed 1-21-16]*

