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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



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

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# Submissions to Governor and Legislature

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

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

*[OAR Docket #16-348]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **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]

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

April 1, 2016

*[OAR Docket #16-348; filed 4-1-16]*

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

*[OAR Docket #16-344]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

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

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

April 1, 2016

*[OAR Docket #16-344; filed 4-1-16]*

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

*[OAR Docket #16-345]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

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

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

April 1, 2016

*[OAR Docket #16-345; filed 4-1-16]*

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

*[OAR Docket #16-346]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

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

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

April 1, 2016

*[OAR Docket #16-346; filed 4-1-16]*

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

*[OAR Docket #16-347]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **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]

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

April 1, 2016

*[OAR Docket #16-347; filed 4-1-16]*

## Submissions to Governor and Legislature

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

*[OAR Docket #16-329]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 1. Administration [AMENDED]

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

March 31, 2016

*[OAR Docket #16-329; filed 3-31-16]*

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

*[OAR Docket #16-330]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 15. Standards and Criteria for Domestic Violence  
and Sexual Assault Programs [AMENDED]

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

March 31, 2016

*[OAR Docket #16-330; filed 3-31-16]*

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

*[OAR Docket #16-331]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 20. Address Confidentiality Program  
[AMENDED]

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

March 31, 2016

*[OAR Docket #16-331; filed 3-31-16]*

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

*[OAR Docket #16-332]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 25. Standards and Criteria for Batters  
Intervention Programs [AMENDED]

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

March 31, 2016

*[OAR Docket #16-332; filed 3-31-16]*

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

*[OAR Docket #16-333]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 30. Standards and Criteria for Adult Victims of  
Human Sex Trafficking Programs [AMENDED]

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

March 31, 2016

*[OAR Docket #16-333; filed 3-31-16]*

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

*[OAR Docket #16-334]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions  
86:10-1-1. [AMENDED]  
86:10-1-2. [AMENDED]  
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86:10-3-1. [AMENDED]  
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- 86:10-29-1. [AMENDED]
- 86:10-29-2. [REVOKED]
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- 86:10-29-16. [NEW]
- Subchapter 33. Declaration of Emergency Licensure by Endorsement [NEW]
- 86:10-33-1. [NEW]
- 86:10-33-2. [NEW]
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**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**  
March 30, 2016

*[OAR Docket #16-334; filed 3-31-16]*

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

*[OAR Docket #16-335]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General Provisions
- 86:15-1-1. [AMENDED]
- 86:15-1-3. [AMENDED]
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- 86:15-3-3. [AMENDED]
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- 86:15-15-2. [REVOKED]
- 86:15-15-3. [AMENDED]
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- 86:15-15-13. [AMENDED]
- 86:15-15-14. [AMENDED]
- 86:15-15-15. [REVOKED]
- 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]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**  
March 30, 2016

*[OAR Docket #16-335; filed 3-31-16]*

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

*[OAR Docket #16-336]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General Provisions
- 86:20-1-1. [AMENDED]
- 86:20-1-2. [AMENDED]
- Subchapter 3. Forms
- 86:20-3-2. [AMENDED]
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- 86:20-5-2. [AMENDED]
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- 86:20-29-1. [AMENDED]
- 86:20-29-2. [REVOKED]
- 86:20-29-3. [AMENDED]
- 86:20-29-4. [REVOKED]
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- 86:20-29-10. [AMENDED]
- 86:20-29-11. [AMENDED]
- 86:20-29-12. [AMENDED]
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- Subchapter 31. Post-Military Service Occupation, Education and Credentialing Rules
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### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 30, 2016

*[OAR Docket #16-336; filed 3-31-16]*

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### **TITLE 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE**

*[OAR Docket #16-366]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

- Subchapter 1. General Provisions
- Part 1. General
- 165:5-1-6. Time computations and extensions; effective date [AMENDED]
- Part 5. Response to Citizen Environmental Complaints
- 165:5-1-25. Definitions [AMENDED]
- Subchapter 3. Fees
- Part 1. General Provisions
- 165:5-3-1. Fees [AMENDED]
- Subchapter 7. Commencement of a Cause
- Part 5. Public Utilities
- 165:5-7-61. Procedures for causes filed pursuant to OAC 165:70 [AMENDED]
- Subchapter 17. Post Order Relief
- 165:5-17-1. Within 10 days; motion [AMENDED]

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

March 31, 2016

*[OAR Docket #16-366; filed 4-1-16]*

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### **TITLE 165. CORPORATION COMMISSION CHAPTER 10. OIL AND GAS CONSERVATION**

*[OAR Docket #16-367]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 10. Oil and Gas Conservation [AMENDED]

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

March 31, 2016

*[OAR Docket #16-367; filed 4-1-16]*

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### **TITLE 165. CORPORATION COMMISSION CHAPTER 55. TELECOMMUNICATIONS SERVICES**

*[OAR Docket #16-323]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

- Subchapter 1. General Provisions
- 165:55-1-4. Definitions [AMENDED]
- Subchapter 3. Certificates, Reports, and Records
- Part 1. Certificates of Convenience and Necessity
- 165:55-3-1. Certificate of Convenience and Necessity [AMENDED]
- 165:55-3-2. Notice requirements when filing an Application for Certificate of Convenience and Necessity [AMENDED]
- 165:55-3-3. Approval of initial tariffs [AMENDED]
- Part 5. Record Requirements
- 165:55-3-22. Records to be provided to the Commission [AMENDED]
- Subchapter 5. Rates and Tariffs
- Part 1. Tariff Filing
- 165:55-5-1. Tariffs and/or Terms of Service required [AMENDED]
- Part 3. Approval and Notice Requirements
- 165:55-5-10. Tariff approval and revisions to tariffs [AMENDED]
- 165:55-5-11. Type of notices [AMENDED]
- 165:55-5-14. Objections [AMENDED]
- Subchapter 9. Customer Billing and Deposits
- Part 1. Billing and Payment Requirements
- 165:55-9-5. Billing disputes [AMENDED]
- Part 3. Credit Requirements
- 165:55-9-14. Deposits and interest [AMENDED]
- Subchapter 15. Notification of Transactions Affecting Customers or Business Operations

165:55-15-1. Notification of certain transactions affecting the customers or operations of a telecommunications service provider or IXC [AMENDED]  
Subchapter 17. Facilitation of Local Exchange Competition  
165:55-17-3. Designation of service territory [AMENDED]  
165:55-17-7. Procedures for negotiation, arbitration and approval of agreements [AMENDED]  
165:55-17-13. Interconnection of networks [AMENDED]  
Subchapter 23. Eligible Telecommunications Carriers  
Part 1. General Provisions  
165:55-23-2. ETC Designation [AMENDED]

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

March 29, 2016

*[OAR Docket #16-323; filed 3-29-16]*

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 59. OKLAHOMA UNIVERSAL  
SERVICE AND OKLAHOMA LIFELINE**

*[OAR Docket #16-324]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions  
165:59-1-1. Purpose and title [AMENDED]  
165:59-1-2. Jurisdiction [AMENDED]  
165:59-1-4. Definitions [AMENDED]  
Subchapter 3. Oklahoma Universal Service Fund  
Part 1. Oklahoma Universal Services  
165:59-3-1. Oklahoma Universal Services [AMENDED]  
Part 3. Oklahoma Universal Service Fund  
165:59-3-11. How the Oklahoma Universal Service Fund shall be funded [AMENDED]  
165:59-3-14. Eligibility to receive OUSF funding [AMENDED]  
Part 5. Administration of the OUSF  
165:59-3-30. Administration of the Fund [AMENDED]  
165:59-3-32. Audits of the Fund [AMENDED]  
165:59-3-34. Resolution of disputes regarding contributions to the OUSF and OLF [AMENDED]  
Part 7. Contributions to the OUSF  
165:59-3-46. Recovery of OUSF contributions [AMENDED]  
Part 9. Request for OUSF Funding  
165:59-3-62. Procedures for requesting funding from the OUSF [AMENDED]  
Subchapter 7. Special Universal Services  
165:59-7-1. Reimbursement from the OUSF for Special Universal Service [AMENDED]  
165:59-7-6. Telemedicine access for eligible healthcare entities [AMENDED]

165:59-7-8. Internet access to public schools and libraries [AMENDED]  
165:59-7-10. Other sources of funds [AMENDED]  
165:59-7-15. Provision of Special Universal Services [AMENDED]  
165:59-7-17. Disclosure on bill regarding provided Special Universal Services [AMENDED]  
Subchapter 9. Oklahoma Lifeline Fund  
Part 1. Lifeline Service Program  
165:59-9-3. Oklahoma Lifeline Service Program [AMENDED]  
Part 5. Contributions and Reimbursements  
165:59-9-25. Procedures for requesting reimbursement from the OLF [AMENDED]

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

March 29, 2016

*[OAR Docket #16-324; filed 3-29-16]*

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

*[OAR Docket #16-340]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**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 7. Establishment of Centralized State Risk and Insurance Management Program  
260:70-7-2. Functions of Oklahoma Risk Management Program [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]

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

March 31, 2016

*[OAR Docket #16-340; filed 3-31-16]*

## Submissions to Governor and Legislature

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### TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 30. RESIDENTIAL RENTAL MULTIFAMILY BOND PROGRAM RULES

*[OAR Docket #16-321]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 2. General Provisions

330:30-2-1 [AMENDED]

330:30-2-1.1 [NEW]

330:30-2-1.2 [NEW]

330:30-2-2 [AMENDED]

330:30-2-3.1 [REVOKED]

330:30-2-5.1 [AMENDED]

330:30-2-6.1 [AMENDED]

330:30-2-7.1 [AMENDED]

330:30-2-8.1 [AMENDED]

330:30-2-9.1 [AMENDED]

330:30-2-10 [AMENDED]

330:30-2-11 [AMENDED]

Subchapter 4. Application and Processing Procedures

330:30-4-1.1 [AMENDED]

330:30-4-2.1 [AMENDED]

330:30-4-4.1 [AMENDED]

330:30-4-4.2 [NEW]

Subchapter 8. Fees and Expenses

330:30-8-1 [AMENDED]

330:30-8-3 [AMENDED]

330:30-8-5 [AMENDED]

330:30-8-6 [REVOKED]

330:30-8-7 [AMENDED]

Subchapter 12. Compliance and Reporting Requirements

330:30-12-3 [AMENDED]

Subchapter 14. Sale, Transfer/Assumption

330:30-14-1 [AMENDED]

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

March 29, 2016

*[OAR Docket #16-321; filed 3-29-16]*

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

*[OAR Docket #16-371]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### 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]

340:1-11-53 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)**

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

March 29, 2016

*[OAR Docket #16-371; filed 4-6-16]*

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

*[OAR Docket #16-372]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### 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)**

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

March 29, 2016

*[OAR Docket #16-372; filed 4-6-16]*

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

*[OAR Docket #16-373]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**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)

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

March 29, 2016

*[OAR Docket #16-373; filed 4-6-16]*

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

*[OAR Docket #16-374]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**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 OAC 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)

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

March 29, 2016

*[OAR Docket #16-374; filed 4-6-16]*

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

*[OAR Docket #16-375]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

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

340:50-5-10.1 [AMENDED]

Part 3. Special Households

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

## Submissions to Governor and Legislature

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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)

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

March 29, 2016

*[OAR Docket #16-375; filed 4-6-16]*

## TITLE 340. DEPARTMENT OF HUMAN SERVICES

### CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES

*[OAR Docket #16-376]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### 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)

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

March 29, 2016

*[OAR Docket #16-376; filed 4-6-16]*

## TITLE 340. DEPARTMENT OF HUMAN SERVICES

### CHAPTER 75. CHILD WELFARE SERVICES

*[OAR Docket #16-377]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. General Provisions of Child Welfare Services  
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~~ 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)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 29, 2016

[OAR Docket #16-377; filed 4-6-16]

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

[OAR Docket #16-378]

RULEMAKING ACTION:

Submission to Governor and Legislature

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)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 29, 2016

[OAR Docket #16-378; filed 4-6-16]

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

[OAR Docket #16-379]

RULEMAKING ACTION:

Submission to Governor and Legislature

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)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2016

[OAR Docket #16-379; filed 4-6-16]

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

[OAR Docket #16-380]

RULEMAKING ACTION:

Submission to Governor and Legislature

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]

## Submissions to Governor and Legislature

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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]  
340:110 Appendices EE through NN [NEW]  
**(Reference APA WF 14-07 and 15-11)**

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

March 31, 2016

*[OAR Docket #16-380; filed 4-6-16]*

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

*[OAR Docket #16-358]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

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

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

March 31, 2016

*[OAR Docket #16-358; filed 4-1-16]*

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

*[OAR Docket #16-359]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **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]

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

March 31, 2016

*[OAR Docket #16-359; filed 4-1-16]*

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

*[OAR Docket #16-360]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**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 Mandatory Optional Deductible Acceptance/Rejection Form [NEW]

**SUBMISSION TO GOVERNOR AND LEGISLATURE:**

March 31, 2016

*[OAR Docket #16-360; filed 4-1-16]*

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

*[OAR Docket #16-361]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**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]

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

March 31, 2016

*[OAR Docket #16-361; filed 4-1-16]*

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

*[OAR Docket #16-362]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 5. Life, Accident & Health Division and Consumer Assistance and Claims Division Rules

Part 9. HMO Requirements and Prohibitions

365:40-5-42. Individual conversion contracts [AMENDED]

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

March 31, 2016

*[OAR Docket #16-362; filed 4-1-16]*

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

*[OAR Docket #16-320]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Chapter 80. Alternative Fuels Program [NEW]

## Submissions to Governor and Legislature

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

March 28, 2016

*[OAR Docket #16-320; filed 3-29-16]*

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

*[OAR Docket #16-322]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature.

#### 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]

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

March 29, 2016

*[OAR Docket #16-322; filed 3-29-16]*

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

*[OAR Docket #16-350]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. General Course and Method of Operations

510:1-3-7 [AMENDED]

510:1-3-9 [NEW]

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

April 1, 2016

*[OAR Docket #16-350; filed 4-1-16]*

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

*[OAR Docket #16-351]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### 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]

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

April 1, 2016

*[OAR Docket #16-351; filed 4-1-16]*

### TITLE 510. STATE BOARD OF OSTEOPATHIC EXAMINERS CHAPTER 10. LICENSURE OF OSTEOPATHIC PHYSICIANS AND SURGEONS

*[OAR Docket #16-352]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### 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~~NurseMid-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]

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

April 1, 2016

*[OAR Docket #16-352; filed 4-1-16]*

### TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #16-318]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. Formal and Informal Procedures

565:1-3-2. Complaints [AMENDED]

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

March 26, 2016

*[OAR Docket #16-318; filed 3-28-16]*

**TITLE 565. OKLAHOMA BOARD OF PRIVATE VOCATIONAL SCHOOLS  
CHAPTER 10. LICENSURE AND REGULATION OF PRIVATE VOCATIONAL SCHOOLS AND REPRESENTATIVES**

*[OAR Docket #16-319]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General Provisions
  - 565:10-1-1. Purpose [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 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]

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

March 26, 2016

*[OAR Docket #16-319; filed 3-28-16]*

**TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS  
CHAPTER 1. ORGANIZATION OF BOARD AND PROCEDURES FOR HANDLING COMPLAINTS**

*[OAR Docket #16-368]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

575:1-1-3 [AMENDED]

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

April 1, 2016

*[OAR Docket #16-368; filed 4-1-16]*

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

*[OAR Docket #16-369]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

575:10-1-2 [AMENDED]

575:10-1-3 [AMENDED]

575:10-1-7 [AMENDED]

575:10-1-8 [AMENDED]

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

April 1, 2016

*[OAR Docket #16-369; filed 4-1-16]*

**TITLE 660. DEPARTMENT OF SECURITIES  
CHAPTER 2. ORGANIZATION AND PROCEDURES OF DEPARTMENT OF SECURITIES**

*[OAR Docket #16-363]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 7. Investigations

660:2-7-3. [AMENDED]

Subchapter 9. Individual Proceeding Practices and Procedures

660:2-9-3. [AMENDED]

## Submissions to Governor and Legislature

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

March 31, 2016

*[OAR Docket #16-363; filed 4-1-16]*

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### TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 6. FORMS

*[OAR Docket #16-364]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 5. Forms Used Under the Securities Act  
660:6-5-1. [AMENDED]

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

March 31, 2016

*[OAR Docket #16-364; filed 4-1-16]*

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### TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 11. OKLAHOMA UNIFORM SECURITIES ACT OF 2004

*[OAR Docket #16-365]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### 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]

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

March 31, 2016

*[OAR Docket #16-365; filed 4-1-16]*

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### TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD CHAPTER 15. OKLAHOMA SUPPLEMENTAL ONLINE COURSE CERTIFICATION

*[OAR Docket #16-343]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Chapter 15. Oklahoma Supplemental Online Course  
Certification [NEW]

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

March 8, 2016

*[OAR Docket #16-343; filed 3-31-16]*

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

*[OAR Docket #16-353]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. State Technical Assistance, Supervision, and  
Services  
780:10-3-3 [AMENDED]  
780:10-3-7 [AMENDED]  
780:10-3-8 [AMENDED]  
780:10-3-12 [AMENDED]  
Subchapter 5. Finance  
780:10-5-4 [AMENDED]  
Subchapter 7. Local Programs, Career Majors or  
Instructional Positions: Application; Student  
Accounting; Evaluation  
780:10-7-3 [AMENDED]  
780:10-7-3.1 [AMENDED]  
780:10-7-3.2 [NEW]  
Subchapter 9. Service Contracts and Equipment Guidelines  
780:10-9-1 [AMENDED]  
780:10-9-2 [AMENDED]

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

March 30, 2016

*[OAR Docket #16-353; filed 4-1-16]*

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

[OAR Docket #16-354]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 3. Technology Centers Education

780:15-3-1 [AMENDED]

780:15-3-2 [AMENDED]

780:15-3-3 [AMENDED]

780:15-3-4 [AMENDED]

780:15-3-5 [AMENDED]

780:15-3-6 [AMENDED]

780:15-3-7 [AMENDED]

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

March 30, 2016

[OAR Docket #16-354; filed 4-1-16]

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

[OAR Docket #16-355]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

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

780:20-3-2 [AMENDED]

780:20-3-4 [AMENDED]

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

March 30, 2016

[OAR Docket #16-355; filed 4-1-16]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 25. BUSINESS AND INDUSTRY SERVICES**

[OAR Docket #16-356]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 5. Business and Industry Development

780:25-5-1 [AMENDED]

Subchapter 11. Business and Industry Services Programs

780:25-11-1 [AMENDED]  
**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 30, 2016

[OAR Docket #16-356; filed 4-1-16]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 35. LIFELONG LEARNING**

[OAR Docket #16-357]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**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]

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

March 30, 2016

[OAR Docket #16-357; filed 4-1-16]

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

[OAR Docket #16-325]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

810:1-1-3 [AMENDED]

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

March 29, 2016

[OAR Docket #16-325; filed 3-30-16]

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 10. PRACTICE AND PROCEDURE**

[OAR Docket #16-326]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions

810:10-1-5 [AMENDED]

## Submissions to Governor and Legislature

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Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners

Part 1. Commencement of Claims and Review of Qualified Employer Benefit Determinations

810:10-5-7 [AMENDED]

Part 3. Subsequent Pleadings

810:10-5-15 [AMENDED]

810:10-5-16 [AMENDED]

Part 5. Prehearing Proceedings

810:10-5-31 [AMENDED]

Part 7. Initial and Subsequent Proceedings

810:10-5-45 [AMENDED]

Part 9. Post Order Relief

810:10-5-66 [AMENDED]

810:10-5-68 [AMENDED]

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

March 29, 2016

*[OAR Docket #16-326; filed 3-30-16]*

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### **TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 15. MEDICAL SERVICES**

*[OAR Docket #16-327]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions

810:15-1-2. [AMENDED]

Subchapter 3. Workers' Compensation Fee Schedule

810:15-3-2. [AMENDED]

810:15-3-4. [NEW]

Subchapter 5. Pharmaceutical Benefits

810:15-5-3. [AMENDED]

Subchapter 7. Treatment Guidelines

810:15-7-2. [NEW]

Subchapter 9. Independent Medical Examiners

810:15-9-5. [AMENDED]

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

March 29, 2016

*[OAR Docket #16-327; filed 3-30-16]*

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### **TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF-INSURANCE**

*[OAR Docket #16-328]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions

810:25-1-2. Definitions [AMENDED]

Subchapter 9. Individual Own Risk Employer Permit

810:25-9-1. Application for Individual Own Risk Employer Permit [AMENDED]

810:25-9-7. Claims administration [AMENDED]

810:25-9-11. Governmental entities [AMENDED]

Subchapter 11. Group Self-Insurance Association Permit

810:25-11-2. Additional application requirements [AMENDED]

810:25-11-3. Approval of new members of the association [AMENDED]

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

March 29, 2016

*[OAR Docket #16-328; filed 3-30-16]*

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# Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the *Register* unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

*For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.*

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

*[OAR Docket #16-341]*

### **RULEMAKING ACTION:**

Withdrawal of permanent rulemaking

### **WITHDRAWN 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]

### **DATES:**

#### **Adoption:**

March 29, 2016

#### **Withdrawn:**

March 30, 2016

*[OAR Docket #16-341; filed 3-31-16]*

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# 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 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE SERVICES

[OAR Docket #16-370]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

- Subchapter 3. Child Protective Services
  - Part 1. Purpose, Definitions, and Hotline Protocol  
340:75-3-120 [AMENDED]  
340:75-3-130 [AMENDED]
- Subchapter 6. Permanency Planning
  - Part 1. General Provisions  
340:75-6-4 [AMENDED]
- Part 5. Permanency Planning Services  
340:75-6-31 [AMENDED]
- Part 7. Family and Child Individualized Service Planning Components
  - 340:75-6-40.1 [AMENDED]  
340:75-6-40.4 [AMENDED]  
340:75-6-40.9 [AMENDED]
- Part 8. Child Welfare Specialist Role  
340:75-6-48.3 [AMENDED]  
340:75-6-50 [AMENDED]
- Part 11. Permanency Planning and Placement Services  
340:75-6-85.2 [AMENDED]
- Part 13. ~~Independent Living~~ Successful Adulthood  
340:75-6-110 [AMENDED]
- Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services
  - Part 1. Therapeutic Foster Care  
340:75-8-6 [AMENDED]  
340:75-8-7 [AMENDED]  
340:75-8-8 [AMENDED]  
340:75-8-9 [AMENDED]  
340:75-8-11 [AMENDED]  
340:75-8-11.1 [AMENDED]  
340:75-8-12 [AMENDED]
- Subchapter 11. Child Welfare Community-Based Residential Care
  - Part 17. Contracted Community-Based Residential Care Providers  
340:75-11-230 [AMENDED]  
340:75-11-233.1 [AMENDED]  
340:75-11-237 [AMENDED]  
340:75-11-239 [AMENDED]  
340:75-11-240 [AMENDED]
- Part 27. Residential Maternity Services  
340:75-11-320 [AMENDED]
- Part 33. Contracted Level D Plus and Level E Placements  
340:75-11-360 [AMENDED]
- Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care

- Part 5. Clothing Purchases  
340:75-13-45 [AMENDED]
- Subchapter 16. ~~Mental Behavioral~~ Health Treatment Services
  - Part 1. Inpatient ~~Mental Behavioral~~ Health Treatment  
340:75-16-29 [AMENDED]  
340:75-16-31 [AMENDED]  
340:75-16-35 [AMENDED]  
(Reference WF 15-01)

### AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Subchapter 3: 10 O.S. §§ 175.20 and 402; 10A O.S. §§ 1-1-101, 1-1-102, 1-1-105, 1-2-101, 1-2-102, 1-2-105, 1-6-102, and 1-6-105; 21 O.S. §§ 748, 748.2, and 1040.13a; HBs 1078 and 1273; SBs 292 and 535. Subchapter 6: 10 O.S. §§ 7700-102, 7700-204; 10A O.S. §§ 1-1-102, 1-1-105, 1-4-203, 1-4-204, 1-4-704, 1-4-706, 1-4-707, 1-4-709, 1-4-807, 1-4-809, 1-4-811, 1-4-901, 1-4-902, 1-4-904, 1-4-907, 1-4-908, 1-7-103, 1-7-106, 1-9-107; 70 O.S. § 1-101, 2601 through 2605, 3230; 20 U.S.C. §§ 1400 through 1461; 22 U.S.C. § 7102; 42 U.S.C. §§ 671 and 673; HBs 1078, 1320, and 2069; SBs 762 and 763. Subchapter 8: 10A O.S. §§ 1-1-105, 1-2-101, 1-6-102, 1-7-105, and 1-9-119; HB 1078 and SB 763. Subchapter 11: 10A O.S. §§ 1-2-101, 1-3-102, 1-6-107, 1-7-103, 1-7-105, and 1-9-110; 70 O.S. § 1-113; HBs 1078 and 1273. Subchapter 16: 10A O.S. § 1-1-105; 43A O.S. §§ 5-502 and 5-513; HB 1078.

### ADOPTION:

February 23, 2016

### APPROVED BY GOVERNOR:

February 29, 2016

### EFFECTIVE:

Immediately upon Governor's approval

### EXPIRATION:

Effective through September 14, 2017, unless superseded by another rule or disapproved by the Legislature.

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

Emergency approval is requested to comply with House Bills 1078, 1273, 1320, and 2069; Senate Bills 292, 535, 762 and 763; Pinnacle Plan Core Strategy #2 and Initiative 1; new federal requirements; and Co-neutral guidance.

Subchapter 3: The proposed revisions address legislative changes to CPS taking effect November 1, 2015.

Subchapter 6: The proposed revisions provide clear and concise rules for CWS staff working to improve permanency outcomes for DHS custody children and update policy due to new federal requirements.

Subchapter 8: The proposed revisions address TFC program and performance-based contract changes.

Subchapter 11: The proposed revisions provide clear and concise rules for CWS staff, clients, and contractors to improve the quality of care provided to children in residential placements. Due to the reorganization of DHS, division, unit, and position titles are updated.

Subchapter 13: The proposed revision acknowledges the increase to foster care maintenance payments per Pinnacle Plan Initiative 1.12.

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Subchapter 16: The proposed revisions address legislation effective November 1, 2015 and ongoing Pinnacle Plan core strategy to reduce maltreatment in care. Due to the reorganization of DHS, division, unit, and position titles are updated.

## ANALYSIS:

Oklahoma Administrative Code (OAC) 340:75-3-120 is amended to add or amend definitions for "age-appropriate or developmentally appropriate," "failure to protect," "sexual exploitation," "trafficking in persons," and "youth," per HBs 1078 and 1273 and SB 292.

OAC 340:75-3-130 is amended to require the Child Abuse and Neglect Hotline track the number of calls received by persons unwilling to disclose basic personal information including first and last name and retain recordings for 12 months per SB 535 language to clarify documentation requirement. Subchapter 6. Permanency Planning Part 5. Permanency Planning Services

OAC 340:75-6-4 is amended to add or amend definitions for age-appropriate or developmentally appropriate, reasonable and prudent parent standard, successful adulthood, trafficking in persons, youth, and young adult per HB1078.

OAC 340:75-6-31 is amended to: (1) limit planned alternative permanent placement to a child 16 years of age or older; (2) establish transition plan to successful adulthood for each youth; and (3) assure every youth is provided a written notice of rights per HB 1078. Part 7. Family and Child Individualized Services Planning Components

OAC 340:75-6-40.1 is amended to reflect the successful adulthood program is lowered to 14 years of age per HB 1078.

OAC 340:75-6-40.4 is amended to change "independent living" to "successful adulthood" program per HB 1078.

OAC 340:75-6-40.9 is amended to permit the court to calculate the length of time in foster care from the time of placement for a child younger than 4 years of age per HB 2069. Part 8. Child Welfare Specialist Role

OAC 340:75-6-48.3 is amended to establish a detailed reporting process to law enforcement for a runaway or abducted child in DHS custody per HB 1078.

OAC 340:75-6-50 is amended to update the list of child health and education records provided to the court and include the requirement for DHS to provide parents and legal guardians of foster youth with information about Oklahoma's Promise per SB 763. Part 11. Permanency Planning and Placement Service

OAC 340:75-6-85.2 is amended to reflect requirements per 42 U.S.C. § 671(a)(29) that DHS exercise due diligence to identify and notify relatives following removal of a child from the home including adult relatives of the child and parents of the child's siblings and per HB 1078 delineate requirements and limitations for use of a planned alternative permanent living arrangement. Part 13. ~~Independent Living~~ Successful Adulthood

OAC 340:75-6-110 is amended per HB 1078 to: (1) change the name of "independent living" program to "successful adulthood" program; (2) permit youth to select two members of permanency planning team; (3) create a list of essential documents for youth leaving foster care at 18 years of age; and (4) establish each youth from 14 through 15 years of age has the right to receive a credit report annually. Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services Part 1. Therapeutic Foster Care

OAC 340:75-8-6 is amended to include new requirements for TFC contractors on reporting runaway foster youth to law enforcement per HB 1078.

OAC 340:75-8-7 is amended to change all references regarding "independent living" to "successful adulthood" program per HB 1078.

OAC 340:75-8-8 is amended to ensure TFC contractors train TFC parents in applying reasonable and prudent parent standards per HB 1078.

OAC 340:75-8-9 is amended per Pinnacle Plan Initiative 1 and Core Strategy #2 to reflect a change to performance-based contracts and establish a TFC tier system based on meeting specific criteria for services for mental and behavioral health needs.

OAC 340:75-8-11 is amended per Pinnacle Plan Initiative 1 and Core Strategy #2 to provide foster parent supports to TFC parents including child care, travel reimbursement, and liability insurance and clarify the requirements for a disruption staffing for all unplanned placement changes.

OAC 340:75-8-11.1 is amended per Pinnacle Plan Initiative 1 and Core Strategy #2 to update contractual criteria and structure for coordinated foster care in TFC homes.

OAC 340:75-8-12 is amended per Pinnacle Plan Initiative 1 and Core Strategy #2 to reflect TFC restructuring of staff and responsibilities. Subchapter 11. Child Welfare Community-Based Residential Care Part 17. Contracted Community-Based Residential Care

OAC 340:75-11-230 is amended to include definitions for "age-appropriate or developmentally appropriate," "corrective action plan," "facility," "facility

action step," "facility service plan," "normalcy," "notice to comply," "plan for immediate safety," "reasonable and prudent parent standard," "residential child care facility," "serious emotional disturbance," "sexual exploitation," and "written plan of compliance" per HBs 1078 and 1273 as well as Pinnacle Plan Co-neutrals guidance on improving MIC oversight in CBRC.

OAC 340:75-11-233.1 is amended to clarify CWS Specialized Placement and Partnerships Unit (SPPU) placement responsibilities for DHS and tribal custody children implementing the Pinnacle Plan Co-neutrals guidance on improving MIC oversight.

OAC 340:75-11-237 is amended to clarify the rights of a child in CBRC including the right: to participate in age-appropriate and developmentally appropriate activities using a reasonable and prudent parent standard per HB 1078; and to unmonitored access to email, mail, social media, and phone calls with family and friends unless restricted for the child's protection.

OAC 340:75-11-239 is amended to update general responsibilities of CWS facility liaisons for DHS and tribal custody children in CBRC and CBRC providers to include monitoring CBRC contracts and supporting the placement providers, assigned CW specialists, and community partners thus implementing Pinnacle Plan Co-neutrals guidance on improving MIC oversight.

OAC 340:75-11-240 is amended to update CBRC placement provider responsibilities including: (1) references to CWS staff; (2) administration of psychotropic medication; (3) cooperation with any inspection, investigation, plan for immediate safety, or corrective action plan made by DHS and Office of Client Advocacy; (4) removal of designated smoking areas; and (5) contract requirements for staffing ratio and training in reasonable and prudent parent standard. The changes implement Pinnacle Plan Co-neutrals guidance on improving MIC oversight Part 27. Residential Maternity Services

OAC 340-11-320 is amended to update the language due to: (1) changing "independent living" to "successful adulthood" programs per HB1078; (2) CWS internal restructuring; and (3) a change in referencing children absent without leave. Part 33. Contracted Level D Plus and Level E Placements

OAC 340:75-11-360 is amended to update language due to: (1) changing "independent living" to "successful adulthood" programs and lowering age requirements per HB1078; (2) CWS internal restructuring; and (3) inclusion of victims of sexual exploitation per HB 1078. Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care Part 5. Clothing Purchases

OAC 340-13-45 is amended to clarify the clothing cost for a child in DHS custody is included in the foster care maintenance payment and a separate clothing authorization is permitted only in certain circumstances. Per the Pinnacle Plan, foster care maintenance payment increased to cover costs and budget constraints limit the available funding for additional clothing authorizations. Subchapter 16. ~~Mental Behavioral~~ Health Treatment Services Part 1. Inpatient ~~Mental Behavioral~~ Health Treatment

OAC 340:75-16-29 is to include definitions for "age-appropriate or developmentally appropriate," "behavioral health," "corrective action plan," "designated agent," "facility," "facility action step," "institution," "facility service plan," "mental health facility," "normalcy," "notice to comply," "plan for immediate safety," "reasonable and prudent parent standard," "residential child care facility," "residential treatment center," "restraint," "seclusion," and "written plan of compliance" per HBs 1078 and 1273, align definitions with Oklahoma Health Care Authority (OHCA) policy regarding psychiatric services, and incorporate Pinnacle Plan Co-neutrals guidance on improving MIC oversight in CBRC.

OAC 340:75-16-31 is amended to align with OHCA changes in policy and terminology.

OAC 340:75-16-35 is amended to update language due to CWS internal restructuring, outlining CW facility liaison responsibilities, and updating corresponding changes in CBRC policy that incorporates Pinnacle Plan Co-neutrals guidance on improving MIC oversight.

## CONTACT PERSON:

Dena Thayer at 405-521-4326

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

**SUBCHAPTER 3. CHILD PROTECTIVE SERVICES**

**PART 1. PURPOSE, DEFINITIONS, AND HOTLINE PROTOCOL**

**340:75-3-120. Definitions and substantiation protocol**

(a) **Legislative intent.** Legislative intent per Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102) states, "...it is the purpose of the laws relating to children alleged or found to be deprived to...intervene in the family only when necessary to protect a child from harm or threatened harm."

(b) **Definitions.** Terms used by Oklahoma Department of Human Services (DHS) Child Welfare Services (CWS) not found in the Oklahoma Children's Code are defined in Oklahoma Administrative Code (OAC) 340:75-3-120 Instructions to Staff. The following words and terms, when used in the Oklahoma Children's Code, 10A O.S. §§ 1-1-105, 1-2-105, and 1-6-105, 21 O.S. §§ 748, 748.2, and 1040.13a, or in this Subchapter have the following meanings unless the context indicates otherwise:

(1) **"Abandonment"** means the:

- (A) willful intent by words, actions, or omissions of the person responsible for the child's (PRFC) health, safety, or welfare (~~PRFC~~) not to return for a child; or
- (B) failure to maintain a significant parental relationship with a child through visitation or communication, such as incidental or token visits or communication are not considered significant; or
- (C) failure to respond to notice of deprived proceedings.

(2) **"Abuse"** means harm or threatened harm ~~or failure to protect from harm or threatened harm~~ to a child's health, safety, or welfare by a PRFC, including, non-accidental physical or mental injury, or sexual abuse or sexual exploitation; however, nothing prohibits a parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.

(3) **"Age-appropriate or developmentally-appropriate"** means:

- (A) activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
- (B) in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child.

(4) **"Assessment"** means a comprehensive review of child safety and evaluation of family functioning and protective capacities conducted in response to a child abuse or neglect referral that does not allege a serious and immediate safety threat to a child.

(5) **"Behavioral Healthhealth"** means mental health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

(6) **"Child"** means any unmarried person younger than 18 years of age, including an infant born alive.

(7) **"Commercial sex"** means any form of commercial sexual activity, such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing, or display per 21 O.S. § 748.

(8) **"Custodian"** means an individual other than a parent, legal guardian, or Indian custodian, to whom legal custody of the child ~~has been~~was awarded by the court. As used in the Oklahoma Children's Code, the term "custodian" does not mean DHS.

(9) **"Dependency"** means a child who is homeless or without proper care or guardianship through no fault of his or her parent, legal guardian, or custodian.

(10) **"Drug-endangered child"** means a child who is at risk of suffering physical, psychological, or sexual harm as a result of the use, possession, distribution, manufacture, or cultivation of controlled dangerous substances; or the attempt of any of these acts by a PRFC per this Section and 10A O.S. § 1-1-105.

(A) This term includes circumstances wherein the PRFC's substance use or abuse interferes with ~~that person's~~his or her ability to parent and provide a safe and nurturing environment for the child.

(B) The term also includes newborns who test positive for a controlled dangerous substance with the exception of those substances administered under the care of a physician.

(C) Upon receipt of a report that a child may be abused, neglected, or drug-endangered, DHS conducts a safety analysis, per 10A O.S. § 1-2-102.

(11) **"Emergency custody"** means court-ordered custody of a child prior to adjudication of the child.

(12) **"Failure to protect"** means ~~the PRFC:~~

(A) ~~had knowledge or could have predicted that the child would be:~~

- (i) ~~in imminent danger or a high risk situation;~~
- ~~or~~
- (ii) ~~with a person who has a history of abusive, neglectful, or violent behavior; and~~

(B) ~~failed to show regard for the child's need for safety;~~failure to take reasonable action to remedy or prevent child abuse or neglect, and includes the conduct of a non-abusing parent or guardian who knows the identity of the abuser or the person neglecting the child, but lies, conceals, or fails to report the child abuse or neglect, or otherwise take reasonable action to end the abuse or neglect.

(13) **"Foster parent"** means any person maintaining a therapeutic, emergency, specialized community home, tribal, kinship, or foster family home; responsible for

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providing care, supervision, guidance, rearing, and other foster care services to a child.

(14) **"Harm or threatened harm"** means any real or threatened physical, mental, or emotional injury or damage to the body or mind of a child that is not accidental including, but not limited to:

- (A) physical abuse;
- (B) sexual abuse or sexual exploitation;
- (C) neglect;
- (D) failure or omission to provide protection;
- (E) abandonment; or
- (F) dependency.

(15) **"Heinous and shocking abuse"** means any aggravated physical abuse that results in serious bodily, mental, or emotional injury. Serious bodily injury means, but is not limited to, injury that involves:

- (A) substantial risk of death;
- (B) extreme physical pain;
- (C) protracted disfigurement;
- (D) loss or impairment of a function of a body member, organ, or mental faculty;
- (E) an injury to an internal or external organ or the body;
- (F) bone fractures;
- (G) sexual abuse or sexual exploitation;
- (H) chronic abuse including, but not limited to, physical, emotional, or sexual abuse; or sexual exploitation that is repeated or continuing;
- (I) torture including, but not limited to, inflicting, participating in, or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child, or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person; or
- (J) any other similar aggravated circumstance.

(16) **"Heinous and shocking neglect"** means ~~chronic~~ neglect that includes, but is not limited to:

- (A) chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child, that which results in harm to the child;
- (B) neglect that resulted in a diagnosis of the child as an inorganic failure to thrive;
- (C) an act or failure to act by a parent that results in:
  - (i) serious physical or emotional harm;
  - (ii) sexual abuse or sexual exploitation;
  - (iii) the death or near death of a child or sibling; or
  - (iv) presents an imminent risk of serious harm to a child; or
- (D) any other similar aggravating circumstance.

(17) **"Human trafficking"** means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor.

(18) **"Human trafficking for commercial sex"** means:

(A) recruiting, enticing, harboring, maintaining, transporting, providing, or obtaining, by any means, another person through deception, force, fraud, threat, or coercion for purposes of engaging the person in a commercial sex act;

(B) recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act; or

(C) benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex.

(19) **"Infant"** means a child 12 months of age or younger.

(20) **"Investigation"** means a response to an allegation of abuse or neglect that involves a serious and immediate threat to the safety of the child making it necessary to determine:

- (A) the current safety of the child and the risk of subsequent abuse or neglect;
- (B) whether child abuse or neglect occurred; and
- (C) whether the family needs prevention and intervention-related services.

(21) **"Near death"** means a child is in serious or critical condition as verified by a physician, a registered nurse, or other licensed health care provider. Verification of the medical condition of a child may be given in person or by telephone, mail, ~~electronic mail~~ email, or facsimile.

(22) **"Neglect"** means the failure of or omission by the PRFC to:

- (A) provide the child with adequate:
  - (i) ~~A~~ nurturance and affection, food, clothing, shelter, sanitation, hygiene, or an appropriate education;
  - (ii) ~~B~~ medical, dental, or behavioral health care;
  - (iii) ~~C~~ supervision or appropriate caretakers; or
  - (iv) ~~D~~ special care made necessary by the child's physical or mental condition; or
- (B) protect the child from exposure to:
  - (i) ~~A~~ the use, possession, sale, or manufacture of illegal drugs;
  - (ii) ~~B~~ illegal activities;
  - (iii) ~~C~~ sexual acts or materials that are not age-appropriate; or
  - (iv) ~~D~~ abandonment.

(23) **"Person responsible for the child's (PRFC) health, safety, or welfare (PRFC)"** means:

(A) the child's parent, legal guardian, custodian, or foster parent. Per 10A O.S. § 1-1-105, a custodian is an individual other than a parent, legal guardian, or Indian custodian to whom legal custody of the child has been awarded by the court;

(B) a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child;

(C) an agent or employee of a public or private residential home, institution, facility, or day treatment program per 10 O.S. § 175.20;

(D) an owner, operator, or employee of a child care facility, per 10 O.S. § 402, whether the home is licensed or unlicensed; or

(E) a foster parent maintaining a therapeutic, emergency, specialized community, tribal, kinship, or foster family home responsible for providing care, supervision, guidance, rearing, and other foster care services to a child.

(24) **"Physical abuse"** means an injury resulting from punching, beating, kicking, biting, burning, or otherwise harming a child. Even though the injury is not an accident, the PRFC may not have intended to hurt the child.

(A) The injury may result from:

- (i) extreme physical punishment inappropriate to the child's age or condition;
- (ii) a single episode or repeated episodes that range in severity from significant bruising to death; or
- (iii) any action including, but not limited to, hitting with a closed fist, kicking, inflicting burns, shaking, or throwing the child, even when no injury is sustained but the action places the child at risk of grave physical danger.

(B) Minor injury of a child older than 10 years of age is not considered physical abuse unless the actions that caused the injury placed the child in grave physical danger.

(25) **"Protective custody"** means custody of a child taken by law enforcement or designated employee of the court, without a court order.

(26) **"Reasonable parental discipline"** means parental use of ordinary force as a means of discipline including, but not limited to, spankings, switching, or paddling that does not result in bodily injury to the child.

(27) **"Risk"** means the likelihood that an incident of child abuse or neglect will occur in the future.

(28) **"Risk factors"** means family behaviors and conditions that suggest the caregivers are likely to maltreat their child in the future.

(29) **"Safety analysis"** means DHS action taken by DHS in response to a report of alleged child abuse or neglect that may include an assessment or investigation based upon an analysis of the information received according to priority guidelines and other criteria adopted by DHS.

(30) **"Safety evaluation"** means evaluation of a child's situation by DHS, using a structured, evidence-based tool to determine if the child is subject to safety threats.

(31) **"Safety threat"** means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death.

(32) **"Sexual abuse"** means any sexual activity, including sexual propositioning between the PRFC and child or any acts committed or permitted by the PRFC including, but not limited to:

- (A) rape;
- (B) sodomy;
- (C) incest; and
- (D) lewd or indecent acts or proposals to a child.

(33) **"Sexual exploitation"** means ~~allowing, permitting, or encouraging a child to engage in:~~

- (A) allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person 18 years of age or older or by a PRFC; or
- (B) allowing, permitting, or encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of the child in those acts by a PRFC.

(34) **"Trafficking in persons"** means sex trafficking or severe forms of trafficking in persons.

- (A) "Sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act; and
- (B) "Severe forms of trafficking in persons" means:
  - (i) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
  - (ii) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(35) **"Youth"** means a child 13 through 17 years of age.

(c) **Substantiation of child abuse and neglect allegations.** Specific guidelines in conjunction with the definitions in this Section and ~~OAC 340:75-3-120~~ are utilized in substantiating abuse or neglect.

**340:75-3-130. Child Abuse and Neglect Hotline**

(a) **Child Abuse and Neglect Hotline (Hotline).** Per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101), the Oklahoma Department of Human Services (DHS) established a statewide, centralized hotline that operates 24 hours per day to receive child abuse or neglect reports at 1-800-522-3511. An allegation of child abuse or neglect reported in any manner to a DHS county office is immediately referred to the Hotline.

(b) **Hotline tracking system.** Per 10A O.S. § 1-2-101, DHS maintains a system to track the number of calls the Hotline received and the number of:

- (1) calls screened out;
- (2) referrals assigned; ~~and~~
- (3) calls received by persons unwilling to disclose basic personal information including, but not limited to, first and last name; and

(34) unsubstantiated or ruled out allegations.

(c) **Screening Hotline reports.** Each report received at the Hotline is screened to determine whether the allegations meet the definition of child abuse or neglect and are within the scope of child protective services (CPS) assessment or investigation, per 10A O.S. §§ 1-1-101 et seq. and Oklahoma Administrative

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Code (OAC) ~~340:75~~340:75-3. When the allegations are not appropriate for CPS, the reporter may be provided an explanation as to why an assessment or investigation will not be conducted and, when appropriate, where a referral may be made to assist the family.

(d) **Time limitations for accepting reports for assessment or investigation.** CPS intervention is limited to current situations as the CPS focus is on identifying and protecting children presently at risk or who will be at risk ~~if~~when safety measures are not put in place.

(1) When a report is received that alleges abuse or neglect that is not recent, information is obtained to determine if there is reason to believe the child or other children may presently be at risk or in present danger.

(2) When information does not indicate a child is presently at risk or in present danger, CPS intervention may not be warranted.

(e) **Disposition of the screened out report.** When a report is received that is not appropriate for CPS, however, services are needed, DHS may make a referral to a DHS or outside resource for emergency food, shelter, medical services, or counseling.

(f) **Response to reporter concerning a screened out report.** The reporter may be informed of the decision to screen out the referral and the reason for the decision.

(g) **DHS response to reports of child abuse or neglect.** Per 10A O.S. § 1-2-105, DHS responds to an accepted report of child abuse or neglect by initiating an assessment of the family or an investigation of the report in accordance with priority guidelines. The primary purpose of the assessment or investigation is the protection of the child. For ~~investigations or assessments or investigations~~, DHS gives special consideration to the risks of any minor child, including a child with a disability, who is vulnerable due to his or her inability to communicate effectively about abuse, neglect, or any safety threat.

(h) **Prioritization of child abuse and neglect reports.** Per 10A O.S. § 1-2-105, DHS prioritizes reports of alleged child abuse or neglect based on the severity and immediacy of the alleged harm to the child and assigns a response time.

(1) **Priority I reports.** A Priority I report indicates the child is in present danger and at risk of serious harm or injury. Allegations of abuse and neglect may be severe and conditions extreme. The situation is responded to immediately, the same day the report is received.

(2) **Priority II reports.** Priority II is assigned to all other reports. The response time is established based on the vulnerability and risk of harm to the child. Priority II assessments or investigations are initiated within two- to 10-calendar days from the date the report is accepted for assessment or investigation.

(i) **Accepted report assigned as assessment or investigation.**

(1) An assessment is conducted when a report meets the abuse or neglect guidelines but does not constitute a serious and immediate safety threat to a child.

(2) An investigation is conducted when:

(A) a report meets the abuse or neglect guidelines and constitutes a serious and immediate threat to the safety of a child per 10A O.S. § 1-1-105;

(B) there have been three or more reports accepted for assessment or investigation regarding the family per 10A O.S. § 1-2-102;

(C) the family has been the subject of a deprived petition per 10A O.S. § 1-2-102; or

(D) the child ~~has been~~was diagnosed with fetal alcohol syndrome or DHS determines the child meets the definition of "drug-endangered child" ~~as defined in~~per 10A O.S. § 1-1-105 and OAC 340:75-3-450.

(j) **Referral recordings.** Per 10A O.S. § 1-2-101(A)(5), DHS electronically records each referral received by the Hotline and retains the recordings securely for ~~90 calendar days~~12 months.

(1) The recordings are confidential and subject to disclosure only ~~in those cases in which criminal charges related to the referral have been filed pursuant to the requirements of 10A O.S. § 1-6-102(E) or when otherwise ordered by the court.~~

(2) ~~When~~when the court orders the disclosure of the referral, DHS redacts any information identifying the reporting party unless otherwise ordered by the court.

## SUBCHAPTER 6. PERMANENCY PLANNING

### PART 1. GENERAL PROVISIONS

#### 340:75-6-4. Definitions

The following words and terms when used in Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) or in this Subchapter have the following meanings unless the context clearly indicates otherwise:

**"Age-appropriate or developmentally-appropriate"** means:

(A) activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

(B) in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child.

**"Alleged father"** means *a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.* The term does not include a presumed father. ~~per~~ 10 O.S. § 7700-102.

**"Child Advocacy Center advocacy center"** means an entity that is an associate or full member in good standing ~~of~~with the National Children's Alliance.

**"Concurrent permanency planning"** means when indicated, the implementation of two plans for a child entering out-of-home placement. One plan focuses on reuniting the parent and child; the other seeks to find a permanent out-of-home placement for the child and both plans are pursued simultaneously.

~~**"Independent Living program"** means a program specifically designed to assist a child in Oklahoma Department of Human Services (OKDHS) custody or an Indian tribe in developing and enhancing the skills and abilities necessary for successful adult living, per Part 13 of OAC 340:75-6.~~

**"Kinship care"** means full-time care of a child by a kinship relation.

**"Kinship relation"** means relatives, stepparents, or other responsible adults who have a bond or tie with the child and to whom have been ascribed a family relationship role with the child or the child's parent.

**"Multidisciplinary team"** means any team of three or more persons involved in the provision of services, treatment, or both, to a child and the child's family and who meet to assess the progress on the treatment and service plan.

**"Permanent guardianship"** means a judicially created relationship between a child, a kinship relation of the child, or other adult pursuant to per 10A O.S. 1-4-709.

**"Presumed father"** means a man who, by operation of law under Section 7700-204 of Title 10 of the Oklahoma Statutes per 10 O.S. § 7700-204, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. A man is presumed the father of a child when:

- (A) he and the mother of the child are married to each other and the child is born during the marriage;
- (B) he and the mother of the child were married to each other and the child is born within ~~three hundred (300)~~ calendar days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution of marriage, or after decree of separation;
- (C) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300-calendar days after its termination by death, annulment, declaration of invalidity, or after a decree of separation, or dissolution of marriage;
- (D) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child; and:
  - (i) the assertion is in a record with the Oklahoma State Department of Health, Division of Vital Records or ~~OKDHS~~DHS;
  - (ii) he agreed to be and is named as the child's father on the child's birth certificate; or
  - (iii) he promised in a record to support the child as his own; or

- (E) for the first two years of the child's life, he resided in the same household with the child and openly held out the child as his own.

**"Reasonable and prudent parent standard"** means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed, or a designated official for a residential child care facility where a child in foster care has been placed.

**"Risk"** means the ~~conditions in the child's home that put the child in danger of abuse, neglect, or both~~ likelihood that an incident of child abuse or neglect will occur in the future.

**"Safety threat"** means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death.

**"Sibling"** means a biologically or legally related brother or sister of a child.

**"Successful adulthood program"** means a program specifically designed to assist a child in Oklahoma Department of Human Services (DHS) custody or tribal custody in developing and enhancing the skills and abilities necessary for successful adult living, per 10A O.S. § 1-9-107.

**"Trafficking in persons"** means sex trafficking or severe forms of trafficking in persons:

- (A) "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act; and
- (B) "severe forms of trafficking in persons" means:
  - (i) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
  - (ii) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

**"Youth"** means a child 13 through 17 years of age.

**"Young adult"** means a person age 18 through 22 years of age who is eligible to participate in the Successful Adulthood program.

## PART 5. PERMANENCY PLANNING SERVICES

### 340:75-6-31. Permanency planning for the child in Oklahoma Department of Human Services (~~OKDHS~~)(DHS) custody

- (a) **Legislative intent.** Pursuant to Per Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102),

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whenever it is necessary for a child to be placed outside of the home pursuant to the Oklahoma Children's Code, it is the intent of the Legislature that:

- (1) each child be assured of the care, guidance, and supervision in a permanent home or foster home that serves the best interests of the child including, but not limited to, the development of the moral, emotional, spiritual, mental, social, educational, and physical well-being of the child; and
  - (2) permanent placement is achieved as soon as possible for the child.
- (b) **Permanency planning and placement preferences.** The purpose of permanency planning is to develop an appropriate plan addressing the child's immediate and long-term needs for safety, permanency, and well-being. Permanency planning begins immediately when a child is placed in ~~OKDHS~~DHS custody and continues until the child is living in a permanent home and the ~~Child Welfare~~child welfare (CW) case is closed.
- (c) **Efforts to place the child with a suitable relative.** ~~In accordance with~~Per 10A O.S. § 1-4-706, every effort is made to place the child with a suitable relative of the child.
- (d) **Consideration given to child's initial out-of-home placement.** Careful planning and consideration is given to the child's initial placement so that in the event reunification fails or is delayed, the first placement made is the best available placement to provide permanency for the child per 10A O.S. § 1-4-706.
- (e) **Concurrent permanency planning.** ~~Pursuant to~~Per 10A O.S. § 1-4-706, when a child is removed from the custody of the child's parent, ~~OKDHS~~DHS immediately assesses the need for permanency planning with the intention that permanency occurs for the child at the earliest opportunity.
- (f) **Permanency hearing.** Permanency hearings are held as required per 10A O.S. § 1-4-811, and ~~in accordance with~~per Oklahoma Administrative Code (OAC) 340:75-1-18.1.
- (g) **Permanency plan preferences.** The permanency plan preferences in order are:
- (1) reunite the child with the child's parent or legal guardian;
  - (2) terminate parental rights and place the child for adoption;
  - (3) establish guardianship; or
  - (4) ~~provide~~provide a planned alternative permanent placement provided a child is 16 years of age or older.
- (h) **Reunification.** In most situations, the initial permanency plan is to reunite the child with the family. Per 10A O.S. § 1-7-103, the child may be returned to the home of the parent or legal guardian from whom the child was removed with prior court approval. When the permanency plan is reunification, services are implemented until:
- (1) the child is returned home, the family home has stabilized, and the court case is dismissed; or
  - (2) it is determined the conditions that necessitated intervention have not been corrected, although sufficient time and services have been provided.
- (i) **Exceptions to reunification as the preferred permanency plan.** Exceptions to reunification as the preferred permanency plan include:

- (1) voluntary relinquishment of parental rights by all parents, biological, legal, presumed, and alleged;
  - (2) a Petition for Termination of parental rights is filed; or
  - (3) the court finds reasonable efforts to reunite the child and family are not required as outlined in 10A O.S. § 1-4-809 and OAC 340:75-1-18.4.
- (j) **Priority for reunification with the custodial parent or placement with the non-custodial parent.** When the child's parents do not live together, the priority for reunification is primarily with the custodial parent; however, a home assessment may be conducted regarding the noncustodial parent to assess the possibility of placement or custody with the noncustodial parent, when appropriate.
- (k) **Placement with the noncustodial parent.** The court may place the child with the noncustodial parent when it is in the best interests of the child ~~pursuant to~~per 10A O.S. § 1-4-707. When the child is placed with the noncustodial parent, the court may order the noncustodial parent to assume:
- (1) sole custodial responsibilities for the child; or
  - (2) custody of the child under ~~OKDHS~~DHS protective supervision.
- (l) **Final permanency order.** ~~Pursuant to~~Per 10A O.S. § 1-4-707, when the court orders the noncustodial parent to assume sole custodial responsibilities for the child, the court may also:
- (1) order reasonable visitation and the payment of child support by the child's other parent; and
  - (2) terminate its jurisdiction in the deprived action by entering a final permanency order determining custody, visitation, and child support. The final permanency order:
    - (A) remains in full force and effect and controls custody or child support orders entered in an administrative or district court initiated prior to, or during the pendency of the deprived action until it is modified by a subsequent court order; and
    - (B) may be docketed and filed in the prior, existing, or pending administrative or district court action; or
    - (C) when there is no administrative or district court action in existence, the surviving order may be used as the sole basis for opening a new administrative or district court action.
- (m) **Adoption.** When a child cannot return safely to his or her own home, in most cases adoption is the preferred permanency plan.
- (n) **Legal guardianship.** A guardianship may be the permanency plan for a child, when reunification and adoption have been ruled out.
- (1) A guardianship is not preferred over adoption because this option does not provide the same level of family permanency. The court may establish a permanent guardianship between a child and a relative or other adult ~~per Section 1-4-709 of Title 10A of the Oklahoma Statutes~~10A O.S. § 1-4-709, when the guardianship is in the child's best interest.
  - (2) Subject to the availability of funds, financial assistance is available to the legal guardian, provided the eligibility requirements per OAC 340:75-6-31.4 are met.

(o) **Planned alternative permanent placement.** ~~Per 10A O.S. § 1-4-811, a permanency plan of planned alternative permanent placement may be appropriate for a child~~ is limited to a child 16 years of age or older when OKDHS/DHS documents a compelling reason for the court to determine that returning home, or placement of the child for adoption or guardianship is not in the child's best interests.

(p) **Successful adulthood plan.** Every child 14 years of age or older has a transition plan to successful adulthood, per OAC 340:75-6-110.

(q) **Notice of rights.** Every child 14 years of age or older is provided a notice of rights per OAC 340:75-6-110.

(pr) **Emancipation.** The federal definition of emancipation is the age at which the child reaches majority. In Oklahoma, 18 years of age is the age of emancipation.

**PART 7. FAMILY AND CHILD INDIVIDUALIZED SERVICE PLANNING COMPONENTS**

**340:75-6-40.1. Child's individualized service plan**

(a) **Child's individualized service plan (ISP) requirements.** Per Section 1-4-704 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-704), each ~~individualized service plan~~ ISP specifically provides for the child's safety per state and federal law, and clearly defines what actions or precautions will or may be necessary to provide for the child's safety and protection. Forms 04KI005E, Child's Individualized Service Plan (ISP); 04KI012E, Individualized Service Plan (ISP); 04KI004E, Placement Provider Information; and 04KI014E, Individualized Service Plan (ISP) Progress Report, are the components of the case plan that comprise the child's ISP. The information contained in at least one of the reports includes:

- (1) the child's history, including identification of the problems or conditions leading to the deprived child adjudication;
- (2) identification of the specific services to be provided to the child including, but not limited to:
  - (A) educational;
  - (B) ~~vocational educational~~ vocational education;
  - (C) medical; and
  - (D) drug or alcohol use or abuse treatment, or counseling, or other treatment services;
- (3) upon the court's request, the child's most recent available health and educational records including:
  - (A) the names and addresses of the child's health and educational providers;
  - (B) the child's grade-level performance;
  - (C) the child's school records;
  - (D) the child's immunization records;
  - (E) the child's known medical problems, including any known communicable diseases;
  - (F) the child's medications; and
  - (G) any other relevant health and education information;
- (4) a schedule of the frequency of services and the means by which delivery of the services is assured or, as necessary, the proposed means by which support services

or other assistance is provided to enable the parent or the child to obtain the services;

- (5) the name of the child welfare (CW) specialist assigned to the case;
- (6) a projected date for the completion of the ISP;
- (7) performance criteria that measures the child's progress toward completion of the ISP including, but not limited to, time requirements for achieving objectives and addressing the identified problems;
- (8) the name and business address of the attorney representing the child;
- (9) when the child is placed outside of the home, ~~the~~ ISP includes:

- (A) the sequence and time requirements for services to be provided to the child and ~~if~~ when the child is placed in foster care, the services to be provided to the foster parent to facilitate the child's return home or to another permanent placement; and
- (B) a description of the child's placement and explanation of whether the placement is the least restrictive, most family-like setting available, and in as close proximity as possible to the child's parent or legal guardian's home when the case plan is reunification, and how the placement is consistent with the child's best interests and special needs;

(10) a description of the ~~independent living~~ successful adulthood plan for the child ~~16~~ 14 years of age or older ~~that specifies~~ specifying how the objectives will be met including:

- (A) education, vocational, or employment planning;
- (B) health care planning and medical coverage;
- (C) transportation including, when appropriate, assisting the child in obtaining a driver license;
- (D) money management;
- (E) planning for housing;
- (F) social and recreational skills; and
- (G) establishing and maintaining connections with the child's family and community;

(11) when the child is in placement due solely or in part to the child's behavioral health or medical health issues, diagnostic and assessment information, specific services relating to meeting the child's applicable behavioral health and medical care needs, and desired treatment outcomes;

(12) a plan and schedule for regular and frequent visitation for the child and each child's parent or legal guardian and siblings, unless the court has determined that visitation, even ~~if~~ when supervised, would be harmful to the child; and

(13) a plan for ensuring the child's educational stability while the child is in out-of-home placement, including:

- (A) assurances the child's placement considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement; and
- (B) when appropriate, an assurance that ~~OKDHS/DHS~~ OKDHS/DHS has coordinated with appropriate local educational agencies to ensure the child remains in

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the school in which the child was enrolled at the time of placement; or

(C) ~~if~~when remaining in the school in which the child was enrolled at the time of placement is not in the child's best interests, assurances by ~~OKDHS~~DHS and the local educational agencies to provide immediate and appropriate enrollment in a new school with all of the child's educational records provided to the school; and

(14) the permanency plan for the child, the reason for selection of the plan, and a description of the steps taken by ~~OKDHS~~the Oklahoma Department of Human Services (DHS) to finalize the plan. ~~When~~When the permanency plan is adoption or legal guardianship, ~~OKDHS~~DHS describes, at a minimum, child-specific recruitment efforts, such as relative searches conducted and the use of state, regional, and national adoption exchanges to facilitate the child's orderly and timely placement, whether in or outside of the state.

(b) **Child's ISP amended when child committed for inpatient behavioral health or substance use or abuse treatment.** Per 10A O.S. § 1-4-704, when the child is committed for inpatient behavioral health or substance use or abuse treatment ~~pursuant to~~per the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the ISP is amended as necessary and appropriate, including, but not limited to, identification of the treatment and services to be provided to the child upon the child's discharge from inpatient behavioral health or substance use or abuse treatment.

### 340:75-6-40.4. Individualized Service Plan (ISP)

(a) ~~Written individualized Service Plan (ISP) requirement.~~ Form 04KI012E, Individualized Service Plan (ISP), and Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, are components of the case plan. Per Section 1-4-704 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-704), the Oklahoma Department of Human Services (~~OKDHS~~DHS):

- (1) prepares and maintains a written ~~individualized service plan~~ISP for the child who is adjudicated deprived;
- (2) furnishes the plan to the court within 30-calendar days after the adjudication; and
- (3) makes a copy of the ISP available to each party to the case including any applicable tribe or court-appointed special advocate.

(b) **ISP preparation, content, disputes, and modifications.** Per 10A O.S. § 1-4-704, the ISP is based upon a comprehensive assessment and evaluation of the child and family and is developed with the participation of the child, when appropriate, and the child's parent, legal guardian, legal custodian, attorney, guardian ad litem, and tribe, when applicable. The health and safety of the child is the paramount concern in the ISP development.

- (1) When any part of the ISP is disputed or not approved by the court, an evidentiary hearing may be held and the court determines the content of the ISP in accord with the evidence presented and in the best interests of the child.

(2) The ISP is signed by:

- (A) the child's parent or parents or legal guardian;
- (B) the attorney for the child's parent or parents or legal guardian;
- (C) the child's attorney;
- (D) the child's guardian ad litem, ~~if~~when any, that may be a court-appointed special advocate;
- (E) a representative of the child's tribe;
- (F) the child, when possible; and
- (G) ~~OKDHS~~DHS.

(3) Each ISP is individualized and specific to each child and the child's family.

(4) The ISP is written in simple and clear English. ~~When~~When English is not the principal language of the child's parent, legal guardian, or custodian, and the person is unable to read or comprehend the English language, the ISP is written, to the extent possible, in the person's principal language ~~to the extent possible~~.

(5) The ISP may be modified based on changing circumstances consistent with the correction of the conditions that led to the child's adjudication ~~of the child~~ or other conditions inconsistent with the child's health, safety, or welfare ~~of the child~~.

(6) The ISP is measurable, realistic, and consistent with other court-ordered requirements.

(c) **ISP content for the parent or legal guardian.** Per 10A O.S. § 1-4-704, the ISP for the parent or legal guardian includes, but is not limited to:

- (1) a history of the child and family, including identification of the problems or conditions leading to the deprived child adjudication and changes each parent must make for the child to safely remain in, or return to the home;
- (2) the permanency plan for the child, the reason for selection of that plan, and a description of the ~~OKDHS~~DHS steps to finalize the permanency plan;
- (3) identification of time-limited reunification services provided to the parent, legal guardian, legal custodian, stepparent, other adult person living in the home, or other family members;
- (4) a schedule of the frequency of services and the means by which delivery of the services is assured or, as necessary, the proposed means by which support services or other assistance is provided to enable the parent or child to obtain the services;
- (5) the name of the child welfare specialist assigned to the case;
- (6) a projected date for the ISP completion;
- (7) performance criteria that measures the child and family progress toward completion of the ISP including, but not limited to, time requirements for achieving objectives and addressing the identified problems;
- (8) the sequence and time requirements for services provided to the parent to facilitate the child's return home;
- (9) a description of services or resources requested by the child's parent or legal guardian since the date of the child's placement, and ~~whether~~if those services or

resources were provided and ~~if when~~ not, the basis for the denial of the services or resources;

(10) efforts to be made by the child's parent and ~~OKDHS/DHS~~ to enable the child to return to his or her home;

(11) a plan and schedule for regular and frequent visitation for the child and the child's parent or legal guardian and siblings, unless the court determined visitation, even ~~if when~~ supervised, would be harmful to the child;

(12) provisions for the child's safety, ~~in accordance with~~ per state and federal law, and clearly defined actions or precautions necessary to provide for the safety and protection of the child;

(13) the statement: TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU; and

(14) whenever a child in ~~OKDHS/DHS~~ custody or under ~~OKDHS/DHS~~ protective supervision; is committed for inpatient behavioral health or substance use or abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the ISP is amended as necessary and appropriate; including, but not limited to, identification of the treatment and services to be provided to the child and child's family upon the child's discharge from inpatient behavioral health or substance use or abuse treatment.

(d) **ISP for adoption or legal guardianship permanency plan.** ~~In accordance with~~ Per federal and state statutes, when the permanency plan is adoption or legal guardianship, ~~OKDHS/DHS~~ describes, at a minimum, child-specific recruitment efforts, such as; relative searches conducted and the use of state, regional, and national adoption exchanges to facilitate the orderly and timely placement of the child, whether in or outside of the state.

(e) **ISP for ~~Independent Living (IL)~~ successful adulthood youth.** Federal law requires the initiation of ~~an IL a~~ successful adulthood plan for the ~~child~~ youth in ~~OKDHS/DHS~~ custody and out-of-home placement upon reaching ~~16~~ 14 years of age, ~~per Part 13 of OAC 340:75-6~~ Oklahoma Administrative Code 340:75-6-110. This plan includes a description of how the following objectives will be met:

- (1) education, vocational, or employment planning;
- (2) health care planning and medical coverage;
- (3) transportation including, where appropriate, assisting the child in obtaining a driver license;
- (4) money management;
- (5) planning for housing;
- (6) social and recreational skills; and
- (7) establishing and maintaining connections with the child's family and community.

**340:75-6-40.9. Termination of parental rights**

(a) **Effect of termination of parental rights.** Per Section ~~1-4-904~~ 1-4-906 of Title 10A of the Oklahoma Statutes (10A O.S. ~~§1-4-904~~ 1-4-906), the termination of parental rights (TPR) terminates the parent-child relationship including the parent's right to:

- (1) custody of the child;
- (2) visit the child;
- (3) control the child's training and education;
- (4) consent to the child's adoption;
- (5) the child's earnings; and
- (6) inherit from or through the child; although, termination of parental rights does not affect the child's right to inherit from the parent.

(b) **Legal grounds for termination of parental rights.**

(1) Per 10A O.S. § 1-4-904, a court may not terminate a parent's parental rights unless the child is adjudicated deprived prior to, or concurrent with the termination of parental rights proceedings, and the court makes the finding that TPR is in the child's best interests.

(2) Per 10A O.S. § 1-4-901, a petition or motion for TPR may be filed by the district attorney or by the attorney for the child alleged to be or adjudicated deprived.

(3) Per 10A O.S. § 1-4-904 the court may terminate parental rights on the grounds listed in ~~subparagraphs (A) through (Q) of this paragraph.~~

(A) **Consent.** The parent may consent to termination of his or her parental rights by signing a voluntary consent form to relinquish parental rights.

(i) The written, voluntary consent; signed under oath, recorded before a judge of a court of competent jurisdiction, is not revocable unless the parent can provide clear and convincing evidence that the consent was executed by reason of fraud or duress.

(ii) In any proceeding for a voluntary TPR to an Indian child, the parent's consent may be withdrawn for any reason at any time prior to the entry of a final decree of termination. Any consent given prior to; or within 10-calendar days after; the birth of the Indian child is not valid.

(B) **Abandonment.** The court may find that the parent who is entitled to custody of the child has abandoned the child.

(C) **Abandonment of an Infant.** The court may find that the child, 12 months of age or younger, was abandoned.

(D) **Non-compliance with voluntary placement agreement.** The court may find that the child's parent:

- (i) voluntarily placed physical custody of the child with the Oklahoma Department of Human Services (DHS) or a child-placing agency for out-of-home placement;
- (ii) has not complied with the placement agreement; and
- (iii) has not demonstrated during the child's period of voluntary out-of-home placement, a firm

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intent to resume physical custody of the child or make other permanent legal arrangements for the child's care.

(E) **Failure to correct ~~conditions~~condition(s).** The court may find that the parent failed to correct ~~conditions~~condition(s) that led to the child's adjudication as a deprived child although the parent was given at least three months to correct the ~~conditions~~condition(s).

(F) **Same conditions - another child.** The court may find that another child of a parent whose parental rights to any other child have been terminated and the conditions that led to the prior TPR have not been corrected.

(G) **Failure to support.** The court may find that the non-custodial parent has willfully failed, refused, or neglected to contribute to the child's support for at least six out of the last 12 months immediately preceding the filing of the termination petition or motion:

- (i) as specified by a court order for child support, or
- (ii) according to the parent's financial ability to support the child, when an order for child support does not exist. Incidental or token support is not construed or considered when determining if the parent has maintained or contributed to the child's support.

(H) **Certain criminal convictions.** ~~A~~The court may find a parent has a conviction in a criminal action in any state, of any of the following acts:

- (i) permitting a child to participate in pornography;
- (ii) rape or rape by instrumentation;
- (iii) lewd molestation of a child ~~and~~younger than 16 years of age;
- (iv) child abuse or neglect;
- (v) enabling child abuse or neglect;
- (vi) causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child;
- (vii) causing the death of the child's sibling as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling;
- (viii) murder of any child or aiding or abetting, attempting, conspiring, or soliciting to commit murder of any child;
- (ix) voluntary manslaughter of any child;
- (x) a felony assault that resulted in serious bodily injury to the child or another child of the parents; or
- (xi) murder or involuntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring, or soliciting to commit murder of the child's parent.

(I) **Heinous or shocking abuse or neglect.** The court may find that a parent has abused or neglected the child or the child's sibling or failed to protect the

child or sibling from abuse or neglect that is heinous or shocking.

(J) **Prior abuse or neglect.** The court may find that a parent has previously abused or neglected the child or the child's sibling, or failed to protect the child or sibling from abuse or neglect and the child or sibling has been subjected to subsequent abuse.

(K) **Rape by the parent.** The court may find the child was conceived as a result of a rape perpetrated by the parent whose rights to the child are sought to be terminated.

(L) **Incarceration.** ~~The parent's incarceration in and of itself is not sufficient to deprive a parent of parental rights.~~ The court may find the parent whose rights are sought to be terminated is incarcerated, and continuation of parental rights ~~will~~would result in harm to the child based on the consideration of the factors, including, but not limited to, the:

- (i) duration of incarceration and its detrimental effect on the parent-child relationship;
- (ii) previous convictions resulting in involuntary confinement in a secure facility;
- (iii) history of criminal behavior, including crimes against children;
- (iv) age of the child;
- (v) evidence of abuse or neglect or failure to protect the child or siblings of the child by the parent;
- (vi) current relationship between the parent and child; and
- (vii) manner in which the parent has exercised parental rights and duties in the past. The parent's incarceration in and of itself is not sufficient to deprive a parent of parental rights.

(M) **Behavioral health illness or incapacity.** The court must find the factors in ~~units~~ (i) and (ii) ~~of this subparagraph~~ exist:

- (i) ~~the~~The parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health that renders the parent incapable of adequately and appropriately exercising parental rights, duties, and responsibilities within a reasonable time, considering the age of the child; and
- (ii) ~~allowing~~Allowing the parent to have custody ~~will~~would cause the child actual harm or harm in the near future.

(I) A parent's refusal or non-compliance with treatment, therapy, medication, or assistance for the condition can be used as evidence.

(II) A finding that a parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health or substance dependency, does not in, and of itself, deprive the parent of parental rights.

(N) **Prior adjudication of same conditions.** The court may find the:

- (i) condition that led to the deprived adjudication has been the subject of a previous deprived adjudication of this child or a sibling of this child; and
  - (ii) parent has been given an opportunity to correct the conditions that led to the determination of the initial deprived child.
- (O) **Substantial erosion of parent-child relationship.** The court may find a substantial erosion of the relationship between the parent and child exists caused at least in part by:
- (i) the parent's serious or aggravated neglect of the child, physical or sexual abuse, or sexual exploitation of the child;
  - (ii) a prolonged and unreasonable absence of the parent from the child; or
  - (iii) an unreasonable failure by the parent to visit or communicate in a meaningful way with the child.
- (P) **Lengthy foster care of child 4 years of age and older.**
- (i) The court may find:
    - (I) a child 4 years of age and older at the time of placement, has been placed in foster care by DHS for 15 of the most recent 22 months, preceding the filing of the TPR petition or motion; and
    - (II) at the time of the filing of the TPR petition or motion, the child cannot be safely returned to the home of the parent.
  - (ii) A child is considered to have entered foster care on the earlier of the adjudication date, or the date ~~that is~~ 60-calendar days after the date the child is removed from ~~the~~ his or her home.
- (Q) **Lengthy foster care of a child younger than 4 years of age.**
- (i) The court may find a child younger than 4 years of age at the time of ~~the filing of the TPR petition or motion~~ placement:
    - (I) has been placed in foster care by DHS for at least six of the 12 months preceding the filing of the TPR petition or motion; and
    - (II) the child cannot be safely returned to the home of the parent.
  - (ii) A child is considered to have entered foster care on the earlier of the adjudication date or the date 60-calendar days after the date the child is removed from his or her home.
  - (iii) The court may consider:
    - (I) circumstances of the failure of the parent to develop and maintain a parental bond with the child in a meaningful, supportive manner; and
    - (II) whether allowing the parent to have custody would likely cause the child actual serious psychological harm or harm in the near future as a result of the removal of the child

- from the substitute caregiver due to the existence of a strong, positive bond between the child and caregiver.
- (c) **Mandatory petition or motion for TPR.** Per 10A O.S. § 1-4-902, the district attorney is required to file a petition or motion to terminate the parent-child relationship and parental rights with respect to a child or joins in the petition or motion, ~~if~~ when filed by the child's attorney in any of the circumstances detailed in ~~paragraphs (1) through (4) of this subsection.~~
- (1) **The child is in out-of-home care for 15 out of the most recent 22 months.** Prior to the end of the fifteenth month, the child has been placed in foster care by DHS for 15 of the most recent 22 months. The child is considered to have entered foster care on the earlier date:
    - (A) of adjudication as a deprived child; or
    - (B) 60-calendar days after the date on which the child is removed from the home;
  - (2) **The child is determined to be an abandoned infant.** A petition or motion to ~~termination~~ terminate parental rights is filed no later than 60-calendar days after the child is judicially determined to be an abandoned infant;
  - (3) **Reasonable efforts to reunite are not required due to certain felony convictions of the parent.** No later than 60-calendar days after the court determines that reasonable efforts to reunite are not required due to a parent's felony conviction of ~~a parent of~~ any of the following acts:
    - (A) permitting a child to participate in pornography;
    - (B) rape, or rape by instrumentation;
    - (C) lewd molestation of a child ~~under~~ younger than 16 years of age;
    - (D) child abuse or neglect;
    - (E) enabling child abuse or neglect;
    - (F) causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child;
    - (G) causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling;
    - (H) murder of any child or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of any child;
    - (I) voluntary manslaughter of any child;
    - (J) a felony assault that resulted in serious bodily injury to the child or another child of the parent; or
    - (K) murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of the child's parent; or
  - (4) **The parent has made no measurable progress in correcting conditions.** No later than 90-calendar days after the court ~~has~~ ordered the individualized service plan, if the parent has made no measurable progress in correcting the conditions that caused the child to be adjudicated deprived.
- (d) **District attorney not mandated to file petition or motion to terminate parental rights under certain conditions.** Per 10A O.S. § 1-4-902, when any of the conditions

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in paragraphs (1) through (3) exist, the district attorney is not mandated to file a petition or motion for termination of parental rights.

- (1) At the option of DHS or by order of the court, the child is properly cared for by a relative;
  - (2) DHS has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the child's best interests ~~that~~ and may include consideration that the:
    - (A) parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing the relationship;
    - (B) child, who is 12 years of age and older objects to the termination of the parent-child, legal relationship;
    - (C) child's foster parents are unable to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal responsibility for the child; but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of the foster parents would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the foster parents;
    - (D) child is not capable of achieving stability when placed in a family setting; or
    - (E) child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or
  - (3) DHS has not provided to the child's family, consistent with the time period in the state case plan, services that the state deems necessary for the safe return of the child to the child's home, when reasonable efforts to reunite are required to be made with respect to the child.
- (e) **Parental rights not terminated at trial.** ~~Per 10A O.S. § 1-4-908, when~~ When parental rights are not terminated at trial, the court schedules a permanency hearing within 30-calendar days, per 10A O.S. § 1-4-908. The failure of parental rights to be terminated at trial does not:
- (1) deprive the court of the court's continuing jurisdiction over the child, nor
  - (2) require reunification of the child with the parent when the child is adjudicated deprived.
- (f) **Adoption consent authority when parental rights terminated.** ~~Per 10A O.S. § 1-4-907, when~~ When the court terminates parental rights and the child's custody is placed with DHS, the court must vest DHS with the authority to place the child, and consent to the child's adoption, per 10A O.S. § 1-4-907.

### PART 8. CHILD WELFARE SPECIALIST ROLE

#### 340:75-6-48.3. Runaway or abducted children in Oklahoma Department of Human Service (~~OKDHS~~)DHS custody or supervision

- (a) ~~When a child in Oklahoma Department of Human Services (~~OKDHS~~)DHS custody, care, or supervision runs away or is abducted, ~~OKDHS~~DHS immediately takes steps to locate the child and to determine the primary factors that contributed to the child running away or otherwise being absent from placement, including a child:~~
- (1) for whom DHS has an open case file, but who has not been removed from the home;
  - (2) who ran away from foster care and who has not attained 18 years of age; or
  - (3) who is not in foster care, but is receiving services.
- (b) When notified a child has run away or is missing from a placement, the child welfare (CW) specialist within 24 hours of notification, reports the child's status to local law enforcement and requests local law enforcement report the child to the National Crime Information Center, per Section 1-9-123 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-123). The CW specialist reports the child to the National Center for Missing and Exploited Children.
- (c) After determining the primary factors that contributed to the child running away or otherwise being absent from placement, DHS:
- (1) documents and responds, to the extent possible and appropriate, to those factors that contributed to the absence from care or runaway behaviors in the current and subsequent placements of the child; and
  - (2) determines what the child experienced while absent from care including an appropriate screening to see if the child is a possible victim of sex trafficking.
- (d) DHS reports to law enforcement authorities immediately and, in no case later than 24 hours, after receiving information on a child who has been identified as a sex trafficking victim, per 10A O.S. § 1-1-105.

#### 340:75-6-50. Education

- (a) **Schooling** Education assurance required for the Title IV-E eligible child. Per Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103), the Oklahoma Department of Human Services (~~OKDHS~~)DHS is required to assure the child who has attained the minimum age for compulsory school attendance and who is eligible for a Title IV-E foster care payment is:
- (1) enrolled in an institution that provides elementary or secondary education;
  - (2) instructed in elementary or secondary education in any legally authorized education program;
  - (3) in an independent-study elementary or secondary education program; or
  - (4) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.
- (b) **Health and education records provided to court.** Per 10A O.S. § 1-4-704, the child's most recent available health and educational records are provided to the court upon the court's request including, but not limited to:

- (1) the names and addresses of the child's health and educational providers;
- (2) the child's grade-level performance;
- (3) the child's school record; ~~and~~
- (4) a record of the child's immunizations;
- (5) the child's known medical problems, including any known communicable diseases;
- (6) the child's medications; and
- (7) any other relevant health and education information.

(c) **Individuals with Disabilities Education Act (IDEA).** The child with disabilities in Oklahoma, including the child in ~~OKDHS~~DHS custody, has the statutory right to receive special education and related services from birth through 21 years of age as mandated by ~~Title 70 O.S. § 1-101,~~ Oklahoma School Code, and the Education of All Handicapped Children Act, codified at ~~Sections 1400-1461 of Title 20 (U.S.C.) Sections 1400-1461 of the United States Code.~~ The act IDEA specifies that each child with a disability three years<sup>3</sup> to 22 years of age receives specialized services to meet the child's needs. The child with disabilities has the basic rights listed in paragraphs (1) through (3) to:

- (1) a Free Appropriate Public Education (FAPE);
- (2) an education in the least restrictive setting possible; and
- (3) an Individualized Education ~~Plan~~Program (IEP).

(d) **Parents' rights regarding educational requests.** Parents and surrogate parents, including ~~Bridge resource~~foster parents acting in place of the parents, have the right to examine the child's complete school records. In addition, the school system is obligated to provide notice to the parent when the school system refuses to take actions requested by the parent. The notice informs the parent of each procedure available to the parent under IDEA and must be written in the parent's native language.

(e) **Resource**~~Foster~~ or surrogate parents acting in place of the parents. When the parent is unable, unavailable, or unwilling to participate in the child's school arrangements, foster parents may act in place of the parent to represent the child's educational interests. ~~OKDHS~~DHS employees and other public agency employees may not act in place of a parent or sign an IEP. ~~Placement providers, who volunteer to~~Volunteers who serve as surrogate parents for children in placements other than foster care, are required to complete training through the Oklahoma State Department of Education.

(f) **Oklahoma's Promise.** DHS, in conjunction with the Oklahoma State Regents for Higher Education, provides parents and legal guardians for foster youth with information on Oklahoma's Promise, formerly known as the Oklahoma Higher Learning Access Program or OHLAP including, but not limited to, eligibility, application guidelines, academic requirements, and any other information required by Oklahoma's Promise for participation in the program.

## PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

### **340:75-6-85.2. Diligent search for relatives and kin**

(a) **Placement preference.** When the Oklahoma Department of Human Services (~~OKDHS~~)—(DHS) determines ~~that~~ placement with the noncustodial parent is not in the child's best interests, preference, per Section 1-7-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-106), is given to relatives and persons who have a kinship relationship with the child, who are determined suitable, capable, and willing to serve as caretakers for the child per Section 1-7-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-106).

(1) ~~OKDHS~~DHS reports to the court what diligent efforts were made to secure the placement per 10A O.S. § 1-4-204.

(2) In cases where the Indian Child Welfare Act (ICWA) applies to the child, ~~the placement preferences in~~ OAC 340:75-19-14per 10 O.S. § 40.6 are followed.

(b) **Due diligence to identify and notify relatives.** ~~Per 10A O.S. § 1-4-203, within~~ Within 30-calendar days of the removal of a child, OKDHSDHS exercises due diligence to identify the child's relatives, per 10A O.S. § 1-4-203. Notice is provided by ~~OKDHS~~DHS to each grandparent, ~~and~~ other adult relatives as the court directs of the child, and parents of the child's siblings per 471(a)(29) of Title IV-E of the Social Security Act (42 U.S.C. § 671(a)(29)). Relatives are not notified when notification is not in the ~~the~~ child's best interests due to past or current family or domestic violence. The notice advises the relative:

- (1) the child ~~has been~~was or is being removed from the custody of the child's parent or parents;
- (2) of the options under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice ~~or become involved with the child;~~ and
- (3) of the requirements to become a foster family parent and the additional services and supports available for children placed in the home.

(c) **Efforts required for children 16 years of age or older with a planned alternative permanent living arrangement placement.**

(1) Per 10A O.S. § 1-4-811, DHS documents and presents compelling reasons to the court at each permanency hearing of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to:

- (A) return the child home; or
- (B) place the child with a fit and willing relative, including adult siblings, a legal guardian, or an adoptive parent; and
- (C) find biological family members for the child utilizing search technology, including social media.

(2) DHS documents at each permanency hearing the steps taken, including inquiry of the child in an age-appropriate manner, to ensure the:

- (A) foster family home of the child or facility where the child is placed uses the reasonable and prudent parent standard; and
- (B) child has regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities.

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(3) When a planned alternative permanent placement is the court-ordered permanency plan for the child, at each permanency hearing the court:

(A) asks the child about the permanency outcome the child desires; and

(B) makes a judicial determination as of the date of the hearing, why a planned alternative permanent placement is the best permanency plan for the child and provides compelling reasons why it continues to not be in the child's best interests to return home, be placed for adoption with a legal guardian, or placed with a fit and willing relative.

### **PART 13. INDEPENDENT LIVING SUCCESSFUL ADULTHOOD**

#### **340:75-6-110. Independent Living Oklahoma Successful Adulthood (OKSA) program**

(a) **Eligibility for Independent Living (IL) OKSA program.** The ~~Independent Living (IL) OKSA~~ program serves youth:

(1) ~~16 and~~ youth 14 through 17 years of age who are in an out-of-home placement; and in:

(A) Oklahoma Department of Human Services (DHS) legal custody; or

(B) the custody of a federally recognized Indian tribe;

(2) young adults 18, 19, and 20 years of age:

(A) who were in an out-of-home placement while in DHS or tribal custody on his or her 18th birthday; or

(B) who entered a guardianship or adoption after ~~16~~14 years of age to achieve permanency and who have not yet reached his or her 21st birthday; and

(3) young adults 21 and 22 years of age who on his or her 21st birthday were participating in the Education and Training Voucher Program.

(b) **Legal authority for IL OKSA services.** Laws that guide ~~IL OKSA~~ services administered by DHS are described in (1) and (2) of this subsection.

(1) **Federal IL successful adulthood law.** The Foster Care Independence Act of 1999 enacted as part of Public Law (P.L.) 106-169 and Section 475 of the Social Security Act as amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008, and by the Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183:

(A) supports states in the delivery of ~~IL successful adulthood~~ services to eligible youth and provides them with services that focus on:

(i) education;

(ii) career planning;

(iii) life skills; and

(iv) aftercare services; and

(B) requires ~~IL successful adulthood~~ services complement the youth's own efforts to achieve self-sufficiency and that program participants recognize and

accept personal responsibility for the transition from out-of-home care to adulthood.

(2) **State IL successful adulthood law.** Section 1-9-107 of the Oklahoma Statutes (10A O.S. §1-9-107) created the "~~Independent Living~~ Successful Adulthood Act," the purpose of which is to ensure eligible youth who, due to abuse or neglect, have been or are in the DHS foster care program ~~of DHS~~ or a federally recognized Indian tribe with whom DHS has a contract or agreement, receive the protection and support necessary to allow youth to become self-reliant and productive citizens through the provision of requisite services that include, but are not limited to:

(A) transitional planning;

(B) housing;

(C) medical coverage;

(D) education; and

(E) tuition waivers, when eligible, as set forth in 70 O.S. § 3230.

(c) **IL OKSA service provision.** ~~IL OKSA~~ services for youth:

(1) are initiated by the child welfare (CW) specialist according to the youth's age, as outlined in DHS Publication No. 94-08, Oklahoma ~~Independent Living~~ Successful Adulthood Program;

(2) in DHS custody placed in other states is the responsibility of DHS, per Oklahoma Administrative Code (OAC) 340:75-1-86;

(3) placed in Oklahoma through Interstate Compact for the Placement of Children (ICPC) are approved by ~~IL OKSA~~ Program staff on a case-by-case basis, per OAC 340:75-1-86; and

(4) are initiated by the legal guardian or adoptive parent for youth who exited care after ~~16~~14 years of age to permanent guardianship ~~with kin~~ or adoption.

(d) **Requirements.** ~~Federal regulations, state statutes, and best practice require that eligible~~ Eligible youth are provided each of the items listed in (1) through ~~(4)~~(6) of this subsection.

(1) **IL Successful adulthood case assessment.** The ~~IL successful adulthood~~ assessment is a comprehensive evaluation of the youth's readiness for ~~IL successful adulthood~~ and identification of the services and supports required for the youth to achieve a maximum level of self-sufficiency.

(2) **IL Successful adulthood plan.**

(A) The permanency plan for the youth transitioning to a successful adulthood is developed in consultation with the youth and, at the option of the youth, with up to two members of the permanency planning team to be chosen by the youth, not including the foster parent and the youth's caseworker, subject to the following:

(i) one person selected by the youth may be designated to be the advisor and youth's advocate, with respect to the application of the reasonable and prudent parent standard to the youth; and

(ii) DHS may reject a person selected by the youth to be a member of the permanency planning

- team at any time when DHS has good cause to believe the selected person would not act in the youth's best interests.
- (B) The ~~H~~successful adulthood plan describes the services, supports, and activities the CW specialist, the permanency planning team, and youth identify as necessary for the youth to transition to ~~independence~~successful adulthood, and includes the components required by federal and state statutes. The successful adulthood plan is continually reviewed and updated.
- (C) During the 90-calendar day period immediately prior to a youth's 18th birthday, DHS and, as appropriate, the youth's representatives, provide the youth with assistance and support in developing an appropriate personalized transition plan based upon the youth's input, and as detailed as the youth elects that includes specific options regarding:
- (A*i*) housing;
  - (B*ii*) health insurance;
  - (C*iii*) education;
  - (D*iv*) local opportunities for mentors and continuing support services; and
  - (E*v*) employment supports and services.
- (3) **Notice of rights.**
- (A) Per 10A O.S. § 1-9-107, each child in DHS foster care or a federally recognized Indian tribe and in an out-of-home placement, who reaches 14 years of age, is given a notice of rights, Form 04IL011E, Rights of Foster Youth, describing the youth's right to:
- (i) education, health, visitation, and court participation;
  - (ii) provision of documents specified in (4) of this subsection; and
  - (iii) stay safe and avoid exploitation.
- (B) The youth signs an acknowledgment stating the youth was provided a copy of Form 04IL011E and that the rights described were explained to the youth in an age-appropriate way.
- (4) **Essential documents.** A youth about to leave foster care at 18 years of age and in foster care for at least six months is given:
- (A) an official or certified copy of his or her United States birth certificate;
  - (B) a Social Security card issued by the Social Security Administration;
  - (C) health insurance information;
  - (D) a copy of his or her medical records; and
  - (E) a state-issued driver license or identification card.
- (35) **Judicial oversight.** A judicial determination is made:
- (A) at each dispositional and review hearing involving a youth ~~46~~14 years of age or older whether the ~~H~~OKSA services needed to assist the youth in

- making the transition from out-of-home care to ~~independent living~~successful adulthood are being provided, not provided, or are not appropriate;
- (B) confirming information was provided to the youth about the importance of designating another individual to make health care treatment decisions on the youth's behalf ~~if~~when the youth:
- (i) becomes unable to participate in his or her health care decisions; and
  - (ii) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions; and
- (C) that the youth was provided with the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law.
- (46) ~~H~~OKSA support services. A variety of services, resources, and funds are provided to facilitate successful transition into adulthood. ~~Each service, resource, and fund category listed in (A) through (H) of this paragraph and each~~ has distinct eligibility requirements.
- (A) **Youth 14 through 15 years of age.**
- (i) **Youth development funds.** OKSA youth development funds are obtained through community contracted providers and are designed to support the youth's successful adulthood case plan in preparation for living independently.
  - (ii) **Incentive payments.** The OKSA incentive payment is a category of youth development funds that allows for monetary payments to youth for survey and application completions and for accomplishments prior to exiting DHS or tribal custody.
  - (iii) **Teen panels.** Teen panels provide an opportunity for DHS and tribal custody youth to educate staff, care providers, the community, and potential resource parents by presenting the youth's views and experiences in the CW system.
- (B) **Youth 16 years of age and older.**
- (A*i*) **Community contracted services.** Contracts support the ~~H~~OKSA program activities and serve youth who are ~~H~~OKSA eligible.
  - (B*ii*) **Youth development funds.** ~~H~~OKSA youth development funds are obtained through community contracted providers and are designed:
    - (i) to support the youth's ~~H~~successful adulthood case plan in preparation for living independently; and
    - (ii) for emergencies the youth encounters after leaving out-of-home care while learning to live independently.
  - (C*iii*) **Incentive payments.** The ~~H~~OKSA incentive payment is a category of youth development funds that allows for monetary payments to youth for survey and application completions and for accomplishments prior to exiting DHS or tribal custody.

(D~~iv~~) **Educational opportunities and scholarships.** Scholarships and ~~H—OKSA~~ services are available to assist the youth with ~~completing~~ complete his or her education and training.

(E~~v~~) **Youth and Adult Advisory Board.** The Youth and Adult Advisory Board includes current and former DHS and tribal custody youth, and ~~H—OKSA~~ Program staff and adult advisors. The board provides the youth an opportunity to work together with other interested youth and adults to:

- (i~~l~~) educate the community regarding issues related to youth in out-of-home placement;
- (ii~~l~~) improve the CW system through problem solving;
- (iii~~l~~) promote ~~independent living~~ successful adulthood through training; and
- (iv~~l~~) bridge the gap between youth and adults.

(F~~vi~~) **Teen panels.** Teen panels provide an opportunity for DHS and tribal custody youth to educate staff, care providers, the community, and ~~prospective~~ Bridgepotential resource parents by presenting the youth's views and experiences in the CW system.

(G~~vi~~) **Voluntary placement of youth after 18 years of age.** Custody youth may request placement in a DHS paid placement and services from DHS on a voluntary basis, or in special circumstances, a short-term voluntary placement while 18, 19, or 20 years of age, when the youth:

- (i~~l~~) reaches 18 years of age prior to completing his or her General Educational Development (GED) or high school education; ~~or~~
- (ii~~l~~) did not obtain a GED or high school education and left an out-of-home placement after reaching 18 years of age; or
- (iii~~l~~) has specified reasons approved by the district director for the county where the youth resides.

(H~~viii~~) **Credit reports for youth in out-of-home care.** Each youth beginning at 16 years of age and continuing until the youth is discharged from out-of-home care receives:

- (i~~l~~) an annual ~~copy of the youth's~~ consumer credit ~~reports~~ report;
- (ii~~l~~) assistance interpreting the ~~reports~~ report; and
- (iii~~l~~) assistance resolving any ~~inconsistencies~~ inaccuracies or evidence of identity theft in the reports report. The court with jurisdiction over the youth is notified of any inaccuracies, evidence of identity theft, or other fraudulent activity.

## PART 1. THERAPEUTIC FOSTER CARE

### 340:75-8-6. General requirements Required protocol for ~~contracted~~ therapeutic foster care placement providers contractors

~~Contracted—therapeutic~~ Therapeutic foster care (TFC) ~~placement providers~~ contractors must:

- (1) maintain a written case record on each child that documents all services provided or obtained for the child while in placement;
- (2) implement and review an individualized treatment plan for each child in placement, with documented input from the child's assigned Child Welfare Services (CWS) specialist, according to the requirements set forth in the Oklahoma Department of Human Services (DHS) contract;
- (3) assume responsibility for maintenance of basic needs of each child placed;
- (4) accept responsibility for a reasonable knowledge of the child's whereabouts at all times.

(A) When a child:

- (i) is removed by anyone without authorization;
- (ii) is taken into custody by law enforcement officials;
- (iii) runs away; or
- (iv) otherwise cannot be accounted for, the TFC ~~contractors~~ immediately notify ~~by phone~~ contractor immediately notifies, the:

(I) assigned CWS specialist or CWS supervisor. CWS staff follows protocol and completes runaway notifications, per Oklahoma Administrative Code (OAC) 340:75-6-48.3; and

(II) ~~contract liaison~~; and

(~~III~~) ~~police~~ local law enforcement with the child's physical description, last known location, any known possible locations, and the child's special needs that may enhance the urgency to locate the child. The TFC contractor contacts the TFC contract liaison for assistance when encountering any difficulty contacting the CWS specialist or CWS supervisor.

(B) The contractor submits a written incident report to the child's assigned CWS specialist describing the circumstances and files a copy in the child's case record;

- (5) ensure the child receives all needed routine, specialized, and emergency medical care in a timely manner provided by a medical provider who accepts Medicaid payment. ~~Prior consultation and consent from DHS and the child's parent(s) are not required for routine and ordinary medical care. Provision of all medical or dental care is documented in the contractor's case record, including notification and attempts of notification in emergency situations per OAC 340:75-6-88. Prior consultation and consent from DHS and the child's parent or parents are obtained per OAC 340:75-6-88:~~

## SUBCHAPTER 8. THERAPEUTIC FOSTER CARE AND DEVELOPMENTAL DISABILITIES SERVICES

- (A) ~~for emergency medical care. When the appropriate DHS authority cannot be contacted and the situation is life threatening, the contractor has authority to obtain emergency care and treatment, and notifies DHS at the earliest possible time; DHS authorizes the TFC foster parent and TFC administrator in writing, through the placement provider agreement, to consent to routine and ordinary medical care and treatment needed by the child in DHS custody upon the advice of a licensed physician, per OAC 340:75-6-88.~~
- (B) ~~for any extraordinary medical procedure, such as surgery and invasive procedures; and Prior consultation and consent from DHS, the child's parent(s) or guardian, and the court, when applicable, as set out by Section 1-3-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-3-102), are required for:~~
- ~~(i) emergency medical care. When appropriate DHS staff cannot be located and the situation is life-threatening, the provider obtains emergency care and treatment and notifies DHS at the earliest possible time; and~~
  - ~~(ii) any extraordinary medical care and treatment, such as surgery, general anesthesia, blood transfusions, or invasive or experimental procedures requires consent of the:~~
    - ~~(I) child's parent or guardian, when the child is in DHS emergency or temporary custody;~~
    - ~~(II) court of jurisdiction, when the child is in DHS emergency or temporary custody, and the treatment is related to the abuse or neglect, or the parent or guardian is unavailable or will not consent; or~~
    - ~~(III) court of jurisdiction, when the child is in DHS permanent custody.~~
- (C) ~~before administering any new psychotropic medication per Oklahoma Administrative Code (OAC) 340:75-6-88; and The provider must comply with DHS policy for the administration of prescribed psychotropic medication found in OAC 340:75-6-88.~~
- (D) ~~The contractor agrees to immediately report all emergency medical care to the child's assigned CWS specialist and to document the manner of report and response in the child's case record. The contractor ensures that CWS specialists, parents, and guardians are advised of physician recommendations regarding the use of psychotropic medications and the contractor must comply with DHS policy, per OAC 340:75-6-88. Neither DHS, a foster parent, nor TFC contractor staff may consent to a child in DHS custody undergoing an abortion or sterilization procedure, initiating termination of life support, or implementing a "do not resuscitate" order;~~
- (6) notify the assigned CWS specialist or specialists and the TFC contract liaison of any accidental or non-accidental injuries sustained by the child, per OAC 340:75-3-400 and 340:75-6-88;
- (7) ensure the child's religious and cultural observances, practices, or beliefs comply with OAC 340:75-6-49;
- (8) develop and implement written policy and procedures regarding each child's access to legal counsel, court-appointed special advocate (CASA), DHS staff, phone, email, mail, and visitation, per OAC 340:75-6-30 and 340:75-11-237. The policy must ensure the:
- (A) child has the right to interact with the child's attorney, guardian ad litem, CASA, and DHS staff in a manner and setting assuring confidentiality;
  - (B) child's attorney, guardian ad litem, and CASA have the opportunity to meet with the child, observe the child in appropriate settings, including the child's current placement, and review the child's documents, reports, records, and other information relevant to the court case; and
  - (C) foster parent is advised of his or her right to submit a report to the court for presentation at the review hearing to assist the court in reviewing the child's placement and status;
- (9) develop and implement written policy and procedures regarding the maintenance and safeguarding of each child's clothing, personal items, property, and funds while placed;
- (10) ensure the completion of a clothing and personal item inventory for each child entering and leaving placement and ensure each child leaves the placement with all of his or her clothing and personal items;
- (11) obtain prior approval from the CWS county of jurisdiction specialist any time the child travels overnight outside of the county of placement or Oklahoma, per OAC 340:75-6-89;
- (12) ~~develop and implement written policy and procedures defining situations in which any person, other than family members previously approved by the CWS county of jurisdiction specialist, may take the child away from the placement on a day pass, not to exceed six hours, without supervision of the placement provider.~~
- ~~(A) The TFC contractor does not allow a child any overnight visitation between custody children and parents or parties of the deprived case without the prior planning and documented written approval of the child's assigned CWS county of jurisdiction specialist. Overnight visitation with peers is considered time outside of the direct supervision of the TFC parent and is addressed through the child's treatment plan and Form 04TF006E, Unsupervised Time Assessment.~~
  - ~~(B) The TFC contractor does not secure any placement without the prior planning and documented written approval of the CWS specialist.~~
- ~~(C) When when the TFC contractor utilizes volunteers, the contractor's policy for approval and utilization of volunteers must, at a minimum, require criminal history and sex offender registry checks;~~

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(~~4314~~) develop and implement written policy and procedures that prohibit the utilization of any child in DHS custody for commercial purposes;

(~~4415~~) submit written reports to the child's CWS county of jurisdiction specialist or specialists describing the child's stay in placement, progress toward meeting the identified treatment plan, education, and medical care as requested for court hearings, and file a copy of the reports in the child's case record;

(~~4516~~) develop and implement written policy and procedures for discipline that comply with OAC 340:75-7-38 and Sections 1-7-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-105);

(~~4617~~) ensure each employee and TFC parent is trained in an approved passive physical restraint curriculum defined in OAC 340:75-11-237;

(~~4718~~) develop and implement written policy and procedures requiring the TFC contractor, and all employees of the contractor, having a reason to believe any child in placement has been subject to abuse or neglect to report the matter to the Oklahoma Child Abuse and Neglect Hotline (~~Hotline~~) the same day of the incident. Failure to report is a misdemeanor ~~pursuant to and failure to report with prolonged knowledge is a felony per~~ 10A O.S. § 1-2-101;

(~~4819~~) develop and implement written policy that prohibits possession or use of tobacco and tobacco products by any child in placement, and prohibits the use of tobacco or tobacco products by employees of the TFC contractor in the presence of any child in placement;

(~~4920~~) develop and implement written policy and a system for resolution of grievances by any child placed and by the TFC parent regarding the substance or application of any written or unwritten policy or rule, decision, act, or omission of the TFC contractor, or employees or agents of the contractor, per OAC 340:2-3-49 and 340:2-3-50;

(~~2021~~) afford the TFC parent the same rights as all foster parents in Oklahoma, per 10A O.S. § 1-9-119;

(~~2422~~) develop and implement written policy and procedures regarding communicable disease, per OAC 340:75-1, Part 9;

(~~2223~~) develop and implement written policy and procedures that certify compliance in providing or continuing to provide a drug-free workplace per the Drug-Free Workplace Act of 1988;

(~~2324~~) develop and implement written policy and procedures to maintain confidentiality with regard to children in placement ~~in order~~ to comply with DHS rules regarding the protection, use, and release of client information, per 10A O.S. § 1-6-102 and Part 3 of OAC 340:75-1;

(~~2425~~) plan and coordinate each child's discharge with the child's CWS assigned specialist or specialists, when different, and provide a minimum of ~~4872-business~~ hours-notice to discharge, except in medical or psychiatric emergencies. On-site ~~erises~~crisis intervention must be provided prior to any emergency discharge. ~~The TFC contractor's recommendation for discharge is approved~~

~~by a child's CWS specialist prior to the contractor's implementation of the discharge plan;~~

(~~2526~~) submit a written discharge summary to the child's CWS specialists within 30-calendar days of the child's discharge and file a copy in the child's case record.

The discharge summary includes:

- (A) a summary of treatment services;
- (B) child's progress on the treatment plan;
- (C) reason for discharge; and
- (D) recommendations for future placements and services for the child's treatment needs;

(~~2627~~) ensure compliance with:

- (A) minimum licensing standards per Child Care Services licensing standards for child-placing agencies; and
- (B) staffing requirements per DHS Placement Agreement for TFC;

(~~2728~~) develop and implement written policy and operating procedures regarding corrective discipline procedures for employees;

(~~2829~~) ensure the foster parent maintains a current Life Book for each child, regardless of the child's age, that documents the child's stay in care, and provides continuity throughout the child's life, per OAC 340:75-7-37;

(~~2930~~) develop and implement written policy and operating procedures to govern the foster parent's maintenance and administration of prescription and non-prescription medication to each child in placement, including transporting prescription and non-prescription medication when the child receives medication any place other than the TFC home, such as respite placements, family visits, and medication administered during school hours;

(~~3031~~) develop written policy and operating procedures regarding the use of physical force for behavior management of any child placed.

(A) The use of mechanical restraints and the use of medication for behavior management are prohibited in the care and treatment of the child in DHS custody.

(B) The use of physical force is permitted when it is necessary for the protection of the child or others consistent with an approved passive physical restraint curriculum, such as when the child's behavior poses an immediate danger or threat of danger to self or others and other methods have been exhausted; ~~and~~

(~~3132~~) develop and implement written policy, operating procedures, and supervision guidelines regarding the use of solitary confinement and separation programs, such as restricting the child to his or her own room for a cooling off period. The duration of room restriction is specified at the time of assignment and is consistent with the child's chronological age, developmental level, behavioral, emotional, and medical needs, and availability of supervision;

(33) for each scheduled review hearing, coordinate with the CWS specialist and the foster parent for a youth 14 through 17 years of age to ensure the youth's availability to respond to the court's inquiry, in person, by phone, or by other electronic means, about the youth's plan for skills development and transition to successful adulthood;

- (34) assist the CWS specialist and foster parent with ensuring youth in the eighth, ninth, or tenth grades are enrolled in the Oklahoma's Promise, formerly known as the Oklahoma Higher Learning Access Program or OHLAP, and provide foster parents with information on eligibility, application guidelines, and academic requirements for the program; and
- (35) for any youth 16 years of age or older, assist the CWS specialist and youth, as needed, to remedy concerns of identity theft or fraudulent use of the youth's identity noted through a review of the youth's credit report provided by DHS.

**340:75-8-7. Contracted foster care services**

- (a) **Contractor rules.** Therapeutic foster care (TFC) contractors meet Oklahoma Health Care Authority (OHCA) rules as described in Parts 1, 3, and 5 of the Oklahoma Administrative Code (OAC) 317:30-3 and Part 83 of OAC 317:30-5.
- (b) **TFC services.** Contracted TFC services are based on the child's assessed needs and are provided consistent with the goals and objectives of the child's treatment plan (TP) per OAC 317:30-5-241.2 and ~~OAC 317:30-5-742.2~~ and include:
  - (1) individual therapy;
  - (2) family therapy. The TFC contractor:
    - (A) works with the parent or parents or placement provider to whom a child in TFC will be discharged;
    - (B) seeks to support and enhance the child's relationship with family members, including siblings;
    - (C) arranges for and encourages regular contact and visitation between the child and parent or parents and other family members; and
    - (D) engages the child's parent or parents and siblings in visitation and family therapy with the child, when the case plan is reunification. The TFC contractor provides consultation, support, and technical assistance to the TFC parent in the implementation of the child's TP;
  - (3) ~~group rehabilitative treatment. When provided, group~~ Group rehabilitative treatment services may be part of the child's TP to provide needed services for ~~includes~~ education and supportive services, such as basic living skills, social skills redevelopment, ~~interdependent living, independent living or services for successful adulthood, self-care, lifestyle change, and recovery principles, and other similar services.~~ Thirty minutes of individual therapy, family therapy, or both, may be provided in lieu of one hour of group rehabilitative treatment when group treatment services are part of the child's treatment plan but are temporarily unavailable;
  - (4) substance use or abuse or chemical dependency therapy, as needed, by a child with behavioral or emotional problems directly related to substance use or abuse. A minimum of two hours of education and prevention therapy per 90-calendar day period is recommended, based on individual needs, for a child who does not have behavioral or emotional problems directly related to substance use or abuse;

- (5) basic living skills redevelopment provided by the TFC parent;
- (6) social skills redevelopment provided by the TFC parent;
- (7) crisis behavior management and redirection services to ensure therapeutic contract staff are available for response 24 hours a day, seven days a week. Response includes providing face-to-face or ~~telephone~~ intervention during a crisis to stabilize the child's behavior and prevent placement disruption. Face-to-face intervention must be utilized prior to a child's placement in a higher level of care, unless there is an imminent safety risk. Crisis behavior management and redirection services are consistent with the goals and objectives of the child's TP;
- (8) collaboration with Child Welfare Services (CWS) specialists in the completion of the youth's ~~Independent Living (IL)~~ successful adulthood plan; and
- (9) ~~IL-successful adulthood plan~~ services in compliance with the ~~IL-Oklahoma Successful Adulthood~~ program administered by the Oklahoma Department of Human Services (DHS), per Part 13 of OAC 340:75-6340:75-6-110.
- (c) **TFC contractor requirements.** TFC contractors are required to provide services and meet requirements as identified in OAC 340:75, ~~OAC 317:30-5-740, OAC 317:30-5-740.1~~ and the residential behavioral management services (RBMS) contract.
  - (1) Specialized treatment services to augment the required services provided by the TFC contractor may be obtained when a child experiences severe functional impairment, exhibiting the need for additional treatment beyond the ~~established—required~~ TFC individualized treatment plan and ability of the TFC contractor to provided services. Specialized ~~The specialized~~ treatment services require ~~are provided by a Medicaid provider and prior authorization from OHCA, and are not provided by the TFC contractor behavioral health contractor other than the TFC contractor and require prior OHCA authorization;~~
  - (2) The CWS specialist is required to participate in the coordination of all requests for additional treatment services for a child in a TFC placement with the TFC contractor. ~~The CWS specialist and TFC contractor consider the~~ In requesting additional services from a licensed PhD psychologist in private practice, the CWS specialist considers the:
    - (A) duration, intensity, and frequency of the child's behaviors;
    - (B) child's specialized treatment needs including, but not limited to, sexual perpetration, long-term substance use or abuse, and highly-sexualized behaviors;
    - (C) number of crises requiring an on-site response; and
    - (D) child's progress on his or her TFC treatment plan; ~~and~~
  - (3) ~~after the initial placement of a child, provides clothing. Emergency funds for clothing may be accessed per OAC 340:75-13-45.~~

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### 340:75-8-8. Therapeutic foster care contractor requirements

(a) Therapeutic foster care (TFC) contractors:

- (1) engage in active recruitment of potential TFC parents who reflect the racial and ethnic diversity of children requiring placement, in compliance with the Multiethnic Placement Act of 1994 per Oklahoma Administrative Code (OAC) 340:75-7-10;
- (2) engage in active recruitment of potential TFC parents who are receptive and capable of meeting the service needs of all Oklahoma Department of Human Services (DHS) custody children determined to be eligible for TFC placement;
- (3) certify TFC homes according to rules established by Child Care Services (CCS), Child Welfare Services (CWS), OAC 340:75-7-10 through 340:75-7-19, Oklahoma Health Care Authority (OHCA), and the requirements outlined in the DHS placement agreement for residential behavioral management services (RBMS) in TFC Settings;
- (4) ensure each TFC parent receives the appropriate pre-service training according to CCS rules, and OHCA rules per OAC 317:30-5-740.1, CWS resource family requirements including Bridge, and the requirements outlined in RBMS in TFC sections, prior to the placement of a child in the home;
- (5) ensure the TFC home meets all certification requirements prior to the placement of a child or youth in the home;
- (6) evaluate the TFC parent's ability to provide TFC services and meet the needs of children receiving RBMS in a foster care setting per OAC 340:75-7-94;
- (7) participate in regularly scheduled staffings on all child abuse and neglect referrals with CWS program staff. Each foster care resource file must contain a log of all investigations and screened out referrals for use as a continual assessment of safety and resource home developmental needs;
- (8) ensure that no TFC home is used for new placements or respite care while under investigation for child abuse or neglect. New placements or respite care cannot resume without specific consent of TFC program staff;
- (9) ensure each TFC parent meets the requirements for in-service training as defined in the DHS RBMS contract;
- (10) ensure the TFC parent has training and support to apply reasonable and prudent parent standards per Section 1-1-105 of Title 10A of the Oklahoma Statutes. The reasonable and prudent parent standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's TFC parent when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities. The foster parent may request consultation with the CWS specialist, biological parent or guardian, TFC contractor staff, or other parties to the child's case to

assist with decision-making and ensure the child has access to immediate therapeutic response and support when needed. Visitation with the child's family of origin or connections identified by DHS to have restricted contact with the child must be approved by the child CWS specialist; ~~(1011)~~ complete Form 04TF006E, Unsupervised Time Assessment, for all TFC children, regardless of age, anytime an assessment is made that the child has the ability to have time away from the TFC parent's ~~or parents'~~ direct supervision, ~~other than the child's participation in extra-curricular educational activities for grades K through 12~~ for activities other than those included under reasonable and prudent parenting standards, such as the child spending time alone or attending a child care program while the TFC parent works. This assessment includes, but is not limited to, the utilization of child care and the TFC ~~parent or parents'~~ parent's availability to respond to behavioral needs and all problems when the child is not under ~~their~~ his or her direct supervision. The assessment is documented as part of the child's ongoing TFC treatment plan with a copy of the finalized plan provided to the TFC parent or parents; ~~(1112)~~ requests approval from ~~the~~ CWS program staff for TFC prior to accessing child care for a child 5 years of age or younger. The DHS does not reimburse for child care for a child in TFC placements; subsidy payment for child care expenses is only available for children in Low tier TFC placement. Eligibility for child care payment is determined per OAC 340:75-7-65. The written request includes the:

- (A) therapeutic justification in the child's treatment plan of daily child care outside of the child's TFC placement home;
- (B) ability of child care staff or the child care provider to meet the child's emotional and behavioral needs and all problems;
- (C) availability of the TFC parent and TFC contractor staff to respond to behavioral needs and all problems at the child care environment;
- (D) verification of the child care center's licensing status, star ratings, and adult-to child ratio, per OAC 340:75-7-65(a)(3)(A);
- (E) proposed weekly schedule for child care utilization;
- (F) planned length of use of child care as a service component of the child's treatment plan; and
- (G) copy of the child's Unsupervised Time Assessment;

~~(1213)~~ do not accept applications from any foster parent certified by any other agency, including all licensed child placing agencies and DHS, without prior written approval of the current certifying TFC contractor and written approval of the CWS program supervisor for TFC follows established protocol found in the RBMS, contract for TFC services, for managing the transfer of a currently certified foster home from another contracting agency; ~~(1314)~~ do not certify a DHS employee as a TFC parent without prior written approval from the CWS director or

designee. The TFC contractor submits the written request to the CWS program supervisor for TFC. The review of the request is consistent with OAC 340:75-7-12;

~~(14)15~~ do not certify a TFC agency employee assigned to the TFC program as a TFC parent without prior written approval from the CWS program supervisor for TFC. The request includes a copy of TFC agency policy regarding certification of employees of the TFC agency; ~~and~~

~~(15)16~~ do not accept a foster parent application from a person licensed to provide child care services. Families are not approved as licensed family child care homes and TFC homes at their home or in any other location;

(17) establish a procedure to address and document a response to concerns in a TFC foster home that do not warrant a referral for an abuse or neglect assessment or investigation. Examples of this type of concern include, but are not limited to, a foster parent's judgment or supervision, disciplinary practices, non-compliance with policy or contract, unacceptable housing standards, inadequate clothing provisions for the child, or a lack of involvement in the child's education or independent living skills. When documented efforts to address these issues do not remove the concerns, DHS has the right to decline the use of the home; and

(18) require all TFC parents to immediately report to the TFC contractor:

(A) charges or arrests of any foster parent or household member and any criminal investigation of a foster parent or household member; or

(B) proceeding for a protective order filed by or against any member of the household. The TFC contractor immediately reports these events to DHS TFC program staff and complies with directives given to ensure the safety of children in the home.

(b) TFC homes may be jointly-approved per OAC 340:75-7-19.

**340:75-8-9. Placement procedures in therapeutic foster care homes**

(a) Therapeutic foster care (TFC) is the least restrictive, community-based residential care placement setting. Children in Oklahoma Department of Human Services (DHS) custody or tribal custody served in TFC placements are 3 through 17 years of age, ~~male or female~~, and determined by the Oklahoma Health Care Authority (OHCA) authorized reviewer to meet the medical necessity criteria for TFC services, per Oklahoma Administrative Code (OAC) 317:30-5-741.

(1) The child ~~has been~~was diagnosed with any Diagnostic and Statistical Manual of Mental Disorders (DSM) AXIS I primary diagnosis, with the exception of V codes and adjustment disorders, accompanied by a detailed description of the symptoms supporting the diagnosis.

(2) The child's conditions are directly attributed to a mental illness or serious emotional disturbance as the primary need for professional attention.

(3) It ~~has been~~was determined by the inpatient authorization reviewer that the child's current disabling

symptoms cannot be or ~~have~~were not ~~been~~ managed in a less intensive treatment program.

(4) There is evidence that the child's presenting emotional or behavioral problems prohibit full integration in a family or home setting without the availability of 24-hour crisis response, behavior management, and intensive clinical interventions from professional staff.

(5) The child is medically stable and not actively suicidal or homicidal and not in need of substance use or abuse detoxification services.

(6) The parent or the legal guardian of the child in DHS custody or tribal custody is afforded the opportunity to actively participate in the child's treatment and planning.

(b) The Child Welfare Services (CWS) specialist and supervisor assess each child's treatment needs per OAC 340:75-6-40 and 340:75-6-85. The CWS specialist seeks TFC placement when the:

(1) child's treatment needs can no longer be met in the child's own home, relative home, or traditional foster family setting;

(2) child does not require a group home placement; and

(3) child does not meet the medical necessity criteria for psychiatric treatment.

(c) A child whose behavior requires 24-hour awake supervision or who poses a danger in a family setting is not appropriate for TFC placement.

(d) The TFC contractor receives referrals for the placement of children from the ~~regional resource (RRC)~~TFC placement coordinator, per OAC 340:75-8-12.

(e) The TFC contractor requests a TFC authorization extension 30-calendar days prior to the expiration of the authorized length of stay. When the OHCA authorized reviewer denies the extension of services, the TFC contractor provides written notification within one-business day of the denial to the CWS specialist to initiate transition planning.

(f) TFC contractors document in writing, an assessment of the agency's ability to serve a child 5 years of age or younger prior to placement. The written documentation is maintained for on-site review during program audits and includes:

(1) the assessed diagnosis and proposed treatment plan for the child;

(2) the credentials, experience, and training of the TFC contractor's staff documenting the staff's ability to develop an age-appropriate treatment plan and deliver clinical services to children, 5 years of age or younger, with emotional disturbances or behavioral disorders; and

(3) a description of the proposed TFC parent's:  
 (A) age, availability, experience, and skills;  
 (B) family structure;  
 (C) ability to meet the needs of a child, including a child 5 years of age or younger; and  
 (D) parenting responsibilities to other children in the home, children in foster care or TFC placement, any adopted children, and any birth children.

(g) The TFC contractor does not place more than two children in a TFC home without prior written approval from ~~the CWS program supervisor for TFC via the program staff~~on

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completed Form 04FT003E, Request for Third Placement. The TFC contractor submits the written request that includes:

- (1) primary treatment needs for the proposed placement of a third child and any subsequent children in the TFC home;
- (2) availability, placement history, skills, completed or planned corrective action, and additional contractor supports of the TFC parent identified for proposed placement of a third child;
- (3) risk factors considered and compelling reasons for proposed placement of a third child;
- (4) documentation of TFC contractor contact with CWS specialists or supervisors for each child in the home, involved professionals, and each TFC family member, regarding the impact of the proposed placement of a third child;
- (5) documentation of TFC contractor's review of any separated siblings placed in the proposed third placement; and
- (6) other information as requested by the CWS programs manager for TFC.

(h) A home serving three or more children without prior written approval is subject to denial of payment above the foster care maintenance rate. Email approval from TFC program staff is considered valid written approval. A child respite in the home beyond timeframes and processes for extensions per DHS policy. OAC 340:75-8-11 is considered a placement in the home after 14-calendar days.

(hi) Title XIX payments for TFC services are not made for TFC parents who move out of Oklahoma.

(ij) A ~~child~~youth may remain in TFC placement on a voluntary basis after 18 years of age, per OAC 340:75-6-110.

(k) The TFC contractor establishes practice modalities to support the placement of all children in DHS custody and tribal custody meeting criteria for TFC level of care in a fully certified TFC home. Each child in placement receives services based on his or her individualized service plan to meet mental and behavioral health needs. Services provided support the child to move to a less restrictive level of care as quickly as possible.

(l) Children in TFC are authorized for placement in a tier system based on meeting specific criteria. Criteria for tier placement and the amount of reimbursement paid to the contractor and therapeutic parent are in accordance with Appendix C-20, Child Welfare Services (CWS) Rates Schedule.

(m) Children are authorized for placement in High, Mid, or Low tiers in TFC. Each tier is time-limited and the child automatically steps to a lower tier when his or her current tier placement expires. Children are supported with TFC services to make progressive step downs to lower tiers and maintain stability in placement as they reach traditional foster care level or achieve their permanency goals.

(n) When the TFC placement is not approved by OHCA because the placement need developed outside of OHCA business hours or the business day closed without a return call from OHCA, the contractor may assist with immediate placement of a child identified by DHS staff as in need of TFC level placement. These placements are documented and paid through the

contractor's resource family partners contract for placement of traditional foster care placements or coordinated foster care contract. OHCA approval must be obtained the following business day after placement. The child is then admitted to TFC placement in the same home. When OHCA denies TFC approval, the contractor and CWS specialist immediately coordinate to ensure a new placement referral is initiated for placement in the appropriate level of care. The child may not remain in a TFC home more than three-business days when denied by OHCA for TFC placement.

### **340:75-8-11. Therapeutic foster care placement stability**

(a) **Assessment of placement stability.** Therapeutic foster care (TFC) contractors and Child Welfare Services (CWS) specialists continually assess the stability of a child's placement. When indications of instability are identified, the TFC contractor and CWS specialist jointly evaluate the need for additional services and supports to maintain the current placement.

(b) **Supporting placement stability.** The TFC contractor and CWS specialist review the child's current treatment plan and determine the need for modifications including, but not limited to:

- (1) the need for further evaluation;
- (2) specialized treatment services;
- (3) increased communication between team members;
- (4) ~~wrap around~~wraparound services;
- (5) additional supports for the foster parents;
- (6) use of disruption prevention staffing; and
- (7) behavior redirection and crisis management services.

#### **(c) Foster parent supports for TFC.**

(1) **Child care.** Children in Low tier TFC placement qualify for child care subsidy per Oklahoma Administrative Code (OAC) 340:75-7-65.

(2) **Travel reimbursement.** OAC 340:75-7-65 provides for TFC parent reimbursement for a child's transportation that meets specific criteria.

(3) **Insurance for the foster home.** Liability insurance is provided for TFC families for damages caused by the child in Oklahoma Department of Human Services (DHS) custody according to the policy terms. Foster families have the right to receive a copy of the liability insurance policy per Section 1-9-119 of Title 10A of the Oklahoma Statutes. Foster parents are responsible for deductibles.

(ed) **Placement disruption.** Disruption is an unplanned change in a child's placement and occurs when a child is removed from a ~~therapeutic foster~~TFC home and will not return to the same foster home due to the home or contractor being unable or unwilling to continue to serve the child. Disruptions include all placement changes that are not related to a planned movement towards the child's identified permanency goal. Unless an emergency exists, the TFC:

- (1) ~~TFC~~ contractor will not move children in ~~therapeutic foster care~~TFC placement without DHS approval; and
- (2) ~~TFC~~ parent provides a 30-calendar day notice to the TFC contractor when requesting a child's removal from

the TFC home, unless the removal is required to protect the health or safety of the child or TFC family members.

(de) **Disruption staffing.** A disruption staffing ~~will occur~~ occurs for all unplanned placement changes. When possible, the staffing occurs prior to providing notice of discharge to support the foster parent and child, prevent disruption, or assist with transition. When prior planning is not possible, the staffing occurs within the 72-business hour notice of discharge period. The staffing occurs within 72-business hours following immediate discharge, such as into an inpatient setting. The staffing includes at least the TFC therapist, foster parent, and CWS specialist or supervisor. The child may participate, when able. The staffing may be conducted by conference call. The contractor's TFC program director reviews all disruptions and includes copies with the contractor's monthly report to the TFC programs supervisor.

(ef) **Respite care.** Respite care provides reprieve and support for the TFC parent, child, or both. Respite for children in ~~therapeutic foster~~ TFC is only provided in certified therapeutic foster homes. There are four classifications of respite care:

(1) **Planned respite.** Reprieve for the TFC parent with whom a child is placed includes a defined timeframe, not to exceed 14-calendar days, and specifies the date for the child to return.

(2) **Unplanned respite.** Reprieve for the TFC parent with whom a child is placed due to a crisis or emergency circumstance includes a defined timeframe, not to exceed three-business days. ~~If~~ When circumstances warrant an extension beyond three-business days of the respite stay, the TFC contractor submits a written request for the extension to the assigned TFC agency contract liaison ~~for their agency.~~ Any extension of unplanned respite ~~will~~ does not exceed a total of 14-calendar days.

(3) **Transitional respite.** Reprieve for stabilization and assessment following a TFC home placement disruption, is not to exceed five-business days. This period allows the TFC contractor and CWS county of jurisdiction specialist time to develop an appropriate plan for the child's next placement. ~~If~~ When circumstances warrant an extension beyond five-business days of the respite stay, the TFC contractor submits a written request for the extension to the assigned TFC agency contract liaison ~~for their agency.~~ Any extension of transitional respite ~~will~~ does not exceed a total of 14-calendar days.

(4) **Administrative Respite.** Care provided for children when safety or contract compliance is under review in the TFC home. These periods are identified by the TFC contractor or DHSCWS. Circumstances could include, but are not limited to, abuse and/or neglect investigations, new criminal offenses by an adult household member, or contract violations that impact safety or may affect the requirements for continued certification.

(A) ~~DHSCWS~~ immediately notifies the TFC contractor when a need for administrative respite is identified and provides details of safety concerns.

(B) When concerns are identified by the TFC contractor, ~~DHSCWS~~ programs staff are notified within one-business day that a child ~~has been~~ was moved to a

respite setting for administrative respite and provided details of safety concerns.

(C) The TFC contractor and CWS programs staff agree to a specified time period for the respite care and establish a date to review the use of continued respite.

(fg) **Notification of respite placement.** The TFC contractor notifies, via Form 04FT004E, Notice of Child's Location, the CWS county of jurisdiction and county of placement specialists, regional resource coordinators involved in the placement, and the contract liaison of all placement changes, including all types of respite, for each child in TFC placement.

(gh) **TFC contractor.** The TFC contractor:

(1) ensures the respite TFC parent is informed of the child's current treatment issues, behavioral, medical, and physical needs, and any child-specific supervision or safety plans; and

(2) supervises the respite TFC parent in the implementation of the in-home treatment strategies identified in the TFC contractor's individualized treatment plan for the child.

**340:75-8-11. 1 ~~Contract~~Coordinated foster care in therapeutic foster care homes**

(a) **Purpose.** A therapeutic foster care (TFC) contractor may utilize certified TFC homes to provide ~~contract~~ coordinated foster care (CFC) to children in the legal custody of, or who are voluntarily placed with, the Oklahoma Department of Human Services (DHS) or a child in the legal custody of an Indian tribe with a DHS tribal agreement. CFC placements by TFC contractors are submitted for approval to DHS TFC program staff prior to admission to CFC placement in a specified home. Approval may be contingent upon availability of funds.

(b) **Population served.** Children matching one of the following criteria may be considered for CFC placement in a TFC home, when a child:

(1) placed in TFC, no longer requires TFC level of care and steps down to a traditional foster care level in the current placement;

(2) needs traditional foster care placement in the same home with a sibling, is placed in the home on TFC level of care;

(3) needs placement in traditional foster care in the same home with his or her parent, who is in DHS or tribal custody, and is placed on a TFC level of care; ~~or~~

(4) needs to return to a home where he or she was previously placed, following an unsuccessful permanency effort, such as trial adoption or trial reunification;

(5) appears to meet criteria for placement in TFC and needs immediate placement when Oklahoma Healthcare Authority (OHCA) approval is not available because the placement need developed outside OHCA business hours or the business day closed without a return call from OHCA. The contractor may assist with immediate placement of the child. This placement is documented and reimbursed through the contractor's resource family partnership (RFP) contract for placement of traditional

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foster care placements or by placement in CFC. OHCA approval must be obtained the following business day after placement. Once OHCA approval is obtained, the child is admitted to TFC. When OHCA denies TFC placement, the contractor and Child Welfare Services (CWS) specialist immediately coordinate to ensure a new placement referral is initiated for placement in the appropriate level of care. The child may not remain in a TFC home more than three-business days when denied by OHCA for TFC placement;

(6) a child needing traditional foster care level is placed with a specific TFC home due to the home's unique characteristics that meet the child's needs. This placement requires prior approval of the TFC contractor, TFC program staff, and RFP program staff or CWS foster care staff. Examples of unique characteristics include the ability to communicate with the child in a language other than English, specialized medical training, and wheelchair accessible housing and transportation; or

(7) a TFC home may be considered for kinship placement as needed. The home must be approved for joint certification as a kinship foster home per Oklahoma Administrative Code (OAC) 340:75-7-19.

(c) **CFC admission procedure.** All admissions to CFC must have prior approval from TFC program staff and are subject to availability of funds. For any child meeting criteria for CFC placement in the home, a contractor with an open contract for supported foster care homes may also provide traditional foster care level placement in the TFC home through the resource family partner contract.

(1) Step down from TFC level of care: The TFC contractor notifies the child's ~~Child Welfare Services (CWS)~~ specialist and CWS supervisor when the child is determined to no longer meet TFC level of care criteria and is appropriate to step down to traditional foster care. The TFC contractor and CWS staff determine the most appropriate placement option for the child, including possible CFC placement in the current TFC placement. When the child's team determines that remaining in the child's current TFC home as a CFC level placement is the best placement option for the child, the contractor submits the request to TFC program staff for approval, prior to placement.

(2) DHS may request the TFC contractor consider a CFC placement for the child meeting criteria as sibling to a TFC child, a child of a parent placed in TFC, or a child returning to placement after failed permanency placement. When in agreement with the request for CFC placement, the TFC contractor submits the request to TFC program staff for approval prior to placement.

(3) The request for CFC placement is submitted by the TFC contractor to TFC program staff and includes, but is not limited to, the:

- (A) child's name, date of birth, and KK number;
- (B) county of jurisdiction and the CWS specialist's name and phone number;
- (C) identification of the criteria for CFC placement for a:

(i) child stepping down from TFC, include the date of anticipated step down;

(ii) child whose parent is in TFC or sibling placements, include the name and date of placement of the TFC sibling or parent; and

(iii) return to previous placement, include the child's previous placement and discharge dates from the home of proposed placement;

(D) description of any special care or behavioral health needs for the child considered for CFC placement, and the proposed foster parent's training or skills to meet those needs;

(E) name of each proposed foster parent and Form 04FT006E, ~~Contracted~~ Coordinated Placement Resource Report, needed to create the family resource in KIDS;

(F) work schedule of each proposed foster parent and planned use of child care while the proposed foster parent is working;

(G) names, ages, and genders of all children currently living in the home and their relationships to the proposed foster parents;

(H) number of bedrooms in the home and how the bedrooms will be allocated with an additional child or children in the home; and

(I) summary of previous abuse and neglect referrals and all plans of compliance or corrective action plans.

(4) TFC program staff provides a written response for the approval or denial of the request. Email approval is a valid written response. The response is maintained in the child's file and in the foster home file when placement is completed.

(5) At the time of CFC placement, the TFC contractor provides written notification of the placement date to DHS TFC program staff and the CWS specialist by submitting Form 04FT004E, Notice of Child's Location.

(6) The CWS specialist documents the child's CFC placement in KIDS.

(d) **The CFC discharge procedure.**

(1) Discharge planning is coordinated between TFC contractor staff and the child's CWS specialist.

(2) Discharges from CFC are reported to DHS program staff and the child's CWS specialist within five-business days from the date of discharge by submitting Form 04FT004E, ~~Notice of Child's Location.~~

(3) The contractor averts disruption when possible through the use of additional services, respite, disruption prevention meetings, and other identified methods to stabilize placement. When a placement disruption results in plans to transfer the child to a different CFC resource home, a new request and DHS program staff approval is required. The child must meet CFC criteria for placement in a new TFC home.

(4) The CWS specialist is notified immediately of all changes in the child's location, including respite, within one-business day of the date of the change in location by submitting Form 04FT004E, ~~Notice of Child's Location.~~

(e) **CFC respite.** The TFC contractor ensures resource homes have access to both planned and unplanned respite care providers for children placed in CFC. Respite care may be utilized for the same reasons and time periods specified, per OAC 340:75-8-11 for respite care for a child in TFC placement. Any respite provider must be fully informed of a child's special needs and have skills or training to meet those needs prior to assuming care of the child while ensuring the safety and well-being of all children in the home. Respite for children placed in CFC may be provided by accessing ~~one of the following options:~~

- (1) a TFC home in compliance with all certification requirements;
- (2) identification and approval of an alternate caregiver, per OAC 340:75-7-65(i); or
- (3) a traditional foster care resource, when available, by coordinating with the child's CWS resource staff. When utilizing a traditional foster care resource for respite, the contractor is responsible for payment of the daily board rate directly to the ~~Bridge resource~~ foster family providing care for the child. The payment rate is the same daily rate as a traditional foster care maintenance payment per Appendix C-20, Child Welfare Services (CWS) Rates Schedule, including any difficulty of care rate in effect for the child.

(f) **~~CFC~~TFC contractor requirements for CFC.**

- (1) The ~~CFC~~TFC contractor must:
  - (A) provide 24-hour support services to homes providing CFC placements including crisis intervention, consultation, training, and referral to services as needed;
  - (B) comply with policies and procedures established for TFC placements regarding management of a CFC placement child's property, allowance, funds, and life books;
  - (C) ensure the TFC contractor or subcontractor staff, CFC foster parents, respite providers, and alternate ~~care givers~~ caregivers comply with DHS policy regarding discipline, behavior management, and corporal punishment per OAC 340:75-7-38;
  - (D) provide written reports to the child's CWS specialist on a quarterly basis, or more frequently when requested by DHS or the ~~Court~~ court. The report includes:
    - (i) a summary of progress and overall adjustment made in the placement, during or following visitation with the child's ~~parents/siblings~~ parents, siblings, and important connections;
    - (ii) the child's strengths and behavioral concerns;
    - (iii) medical or psychological appointments and outcomes; and
    - (iv) the child's identified need for additional services;
  - (E) coordinate with the child's CWS specialist to make referrals and obtain needed services for the child; and

(F) participate in all DHS initiated staffings, meetings, or both regarding the child and may choose to attend court proceedings for the child. The court may mandate TFC contractor attendance to some court proceedings.

(2) The TFC contractor staff must:

(A) immediately report to the Oklahoma Child Abuse and Neglect Hotline at 1-800-522-3511, any allegations or suspicions of abuse or neglect of a child ~~as provided by state law~~ per 10A O.S. § 1-1-105 and DHS policy; and must ensure CFC foster parents understand and acknowledge that failure to report is a misdemeanor offense, failure to report with prolonged knowledge is a felony, and upon conviction, is punishable ~~as prescribed by law~~ per 10A O.S. § 1-2-101, and may result in discontinued use of the home to provide placement for children in DHS custody;

(B) cooperate with DHS on any referral regarding alleged abuse or neglect assessed or investigated per DHS policy and state law. No new placements are assigned to the home until the assessment or investigation is completed and a finding is made regarding the allegations. The TFC contractor is notified by DHS program staff or a CFC liaison of the assessment conclusion or investigation finding and jointly determines if a written plan of compliance, training, or assessment is needed prior to the home's continued use ~~of the home~~; and

(C) establish a procedure to address and document a response to concerns in a CFC foster home that do not warrant a referral for an abuse or neglect assessment or investigation. Examples of this type of concern include, but are not limited to, a foster parent's judgment or supervision, disciplinary practices, non-compliance with policy or contract, unacceptable housing standards, inadequate clothing provisions for the child, or a lack of involvement in the child's education or independent living skills. When documented efforts to address these issues do not remove the concerns, DHS has the right to decline the use of the home.

(3) TFC contractor makes the child's records and resource file available for review by CWS specialists or TFC program staff.

(g) **Foster parent supports for CFC.**

(1) **Child care.** OAC 340:75-7-65(a) and (c) provide for the availability of child care subsidy benefits for a child placed in a CFC foster home while the foster parent is employed outside of the home for at least 20 hours weekly.

(2) **Travel reimbursement.** OAC 340:75-7-65(s) provides for CFC parent reimbursement for a child's transportation that meets specific criteria.

(3) **Difficulty of care (DOC) reimbursement.** OAC 340:75-7-53 provides for the availability of DOC reimbursement for a child in CFC placement based on the child's extraordinary physical, mental, or emotional needs per Appendix C-20.

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(4) Insurance for the foster home. Liability insurance is provided for CFC foster families for damages caused by the child in DHS custody according to the policy terms. Foster families have the right to receive a copy of the liability insurance policy per Section 1-9-119 of Title 10A of the Oklahoma. Foster parents are responsible for deductibles.

(h) **Child safety.**

(1) The ~~CFC~~TFC contractor ensures:

(A) the foster parent takes all necessary steps to provide for the safety of children in placement;

(B) the foster parent knows where the child is at all times. In the event a child is removed by anyone without authorization, taken into custody by law enforcement officials, leaves without authorization (runs away), or otherwise cannot be located, the TFC contractor and foster parent agree that the CWS specialist, supervisor, or both and police are immediately notified by telephone and participate in any requests to assist in locating the child. The contractor places a written report in the child's case records with a copy to the CW specialist describing the circumstances surrounding the incident immediately follow protocol in OAC 340:75-8-6(4) to notify CWS staff and law enforcement;

(C) DHS is notified of any changes in the ~~contracted~~coordinated foster family circumstances that may affect the child's safety or stability in placement, including changes in finances, location, health, relationships, or household members;

(D) the CFC home does not move additional people into the home without prior DHS approval of the contractor and notice to DHS program staff and TFC contractor comply with OAC 340:75-7-18 to immediately complete assessment of new household members; and

(E) the CFC home is not providing routine child care as a licensed or unlicensed child care provider.

(2) The ~~CFC~~TFC contractor, the foster parent, or both obtain DHS permission before taking a child in DHS custody out-of-state for an overnight stay.

(3) The CFC contractor immediately notifies DHS of any:

(A) charges or arrests of any foster parent or household member and any criminal investigation of a foster parent or household member; or

(B) proceeding for a protective order filed by or against any member of the household.

(4) CWS specialist reports all concerns for abuse or neglect in a CFC home to the Oklahoma Child Abuse and Neglect Hotline at 1-800-522-3511.

(5) The CWS specialist reports to the TFC contractor for evaluation and response, all contract and policy violations, and concerns for child safety and well-being that do not meet criteria for abuse or neglect referral. The TFC contractor reports resolution of the concerns to the CWS worker within 15-calendar days of the report of violations or concerns.

### 340:75-8-12. Responsibilities of area resource therapeutic foster care (TFC) coordinators

Therapeutic foster care (TFC) contractors receive referrals for the placement of children in Oklahoma Department of Human Services custody or tribal custody in TFC homes from the regional resource coordinator (RRC) TFC placement coordinator or other entity designated by TFC program staff. RRC staff are The TFC placement coordinator is responsible for the referral process of children to TFC contractors.

## SUBCHAPTER 11. CHILD WELFARE COMMUNITY-BASED RESIDENTIAL CARE

### PART 17. CONTRACTED COMMUNITY-BASED RESIDENTIAL CARE PROVIDERS

#### 340:75-11-230. Purpose, legal basebasis, and definitions

(a) **Purpose**

(1) The Community Based Residential Care community-based residential care (CBRC) program serves children in Oklahoma Department of Human Services (~~OKDHS~~)DHS custody or tribal custody whose treatment needs cannot be met in a family setting, but whose treatment needs do not require inpatient psychiatric care.

(2) ~~OKDHS~~DHS contracts for different levels of care of CBRC placements that vary according to the level of restriction and intensity of treatment in order to meet the different intensity and individualized treatment needs of children.

(b) **Legal basebasis.**

(1) Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103) requires ~~OKDHS~~DHS review and assess each child in ~~OKDHS~~DHS custody to determine the type of placement consistent with the child's treatment needs in the nearest geographic proximity as possible to the child's home.

(2) 10A O.S. § 1-9-110 requires ~~OKDHS~~DHS, to the extent of funds available, directly, or by grant or contract, to implement a diversity of ~~community-based residential care~~CBRC for children who are alleged or adjudicated deprived. ~~When~~ a child is placed with a non-custodial parent, the non-custodial parent's home is construed to be the child's home community. Community-based ~~care~~CBRC is care in a:

(A) ~~foster family home;~~

(B) group home;

(C) community residential center; or

(D) similar non-secure facility consistent with the individualized treatment needs of the child and provided, whenever practical, in or near the child's home community.

(c) **Definitions.** The following words and terms, when used in this Subchapter, shall have the following ~~meaning~~meanings, unless the context clearly indicates otherwise:

(1) **"Age-appropriate or developmentally-appropriate"** means:

- (A) activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
- (B) in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child, per 10A O.S. § 1-1-105.

(42) **"Behavioral health"** means mental health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

(3) **"Community-based services" or "community-based programs"** mean services or programs, which maintain community participation or supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance use or abuse treatment, sexual abuse treatment, transitional living, successful adulthood, and other related services and programs.

(4) **"Corrective action plan (CAP)"** means steps, actions, or strategies taken to correct or address behaviors or conditions associated with abuse, neglect, or areas of concern related to an individual employee of a facility.

(5) **"Facility"** means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings, used for the lawful custody and treatment of children.

(6) **"Facility action step (FAS)"** means all actions, steps, or strategies to correct or address areas of concern identified within a facility including, but not limited to, the culture of care, services, or contract compliance.

(7) **"Facility services plan (FSP)"** means a yearly, progressive document specific to each facility identifying issues impacting child safety within the facility's culture of care including, but not limited to, hiring, training, supervision, services, or contract compliance. The FSP includes all CAPs, FASs, notices to comply, and written plans of compliances related to the specific facility.

(28) **"Group home"** means a residential facility licensed by OKDHS/DHS to provide full-time care and community-based services for more than five but fewer than 13 children.

(39) **"Intensive treatment services (ITS)"** means a contracted eight-bed six-bed program that provides

72-hour crisis intervention services for children in OKDHS/DHS custody to prevent inpatient admission.

(10) **"Notice to comply"** means a formal written notice sent to a facility to indicate a CAP or FAS was not completed within agreed upon timeframes.

(41) **"Mental health"** means behavioral health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

(12) **"Normalcy"** means the emotional developmental growth of the child is encouraged by allowing the child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, cultural, and social activities, using a reasonable and prudent parent standard.

(13) **"Plan for immediate safety"** means actions taken to immediately control any significant and clearly observable condition that is present and is endangering or threatening to endanger a child in a residential facility.

(14) **"Reasonable and prudent parent standard"** means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities, per 10A O.S. § 1-1-105.

(A) For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed or a designated official for a residential child care facility where a child in foster care has been placed.

(B) Each facility must assure that at least one employee is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally-appropriate activities. The authorized facility employee is provided with training on how to use and apply the reasonable and prudent parent standard.

(15) **"Residential child care facility"** means a 24-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives, per 10A O.S. § 1-1-105.

(516) **"Runaway"** means the child in OKDHS/DHS custody or tribal custody is not present in a placement, such as foster care, therapeutic foster care, group home, or specialized community home, and does not have permission to be absent.

(17) **"Serious emotional disturbance"** means a disability persisting for six months or longer as defined by the most-recently published version of the Diagnostic and Statistical Manual of Mental Disorders or International Classification of Disease whereby the child exhibits psychotic

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symptoms of a serious mental illness or difficulties that interfere or limit social, behavioral, cognitive, communicative, or adaptive skills.

(18) "Sexual exploitation" means per 10A O.S. § 1-1-105:

(A) allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person 18 years of age or older or by a person responsible for the health, safety, or welfare of a child; or

(B) allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child.

(19) "Written plan of compliance" means the formal accountability process for facilities and when not adhered to within 30-calendar days results in adverse contract actions.

### 340:75-11-233.1. Placement services

The purpose of ~~Children and Family Services Division (CFSD) Placement Section~~ Child Welfare Services Specialized Placement and Partnerships Unit is to:

(1) ensure that children in Oklahoma Department of Human Services (~~OKDHS~~)(DHS) custody or tribal custody are placed in the least restrictive community-based residential care (CBRC) placement that most appropriately meets their treatment needs;

(2) ensure equal access to CBRC placement resources by children in ~~OKDHS~~DHS custody or tribal custody statewide; and

(3) maintain the waiting list of children in ~~OKDHS~~DHS or tribal custody who need CBRC placements when the need for CBRC placements exceeds the availability of CBRC placements.

### 340:75-11-237. Rights of ~~children~~ a child in community-based residential care (CBRC)

(a) Child's rights.

(1) A child is not subjected to unreasonable silence rules, group punishment for inappropriate individual acts, profanity, verbal abuse, or threats of unnecessary or unauthorized physical force by staff, or "make work"; provided that nothing herein prevents a child from performing routine housekeeping tasks or maintenance work directly related to a vocational program, such as specific skill training.

(2) Except in situations that pose a serious threat to the child's life or health, a child has the right to refuse medications. Refused medications cannot be administered unless a court order is obtained authorizing forcible administration. Necessary medication prescribed by a physician may be forcibly administered by staff trained in medication administration and who are familiar with the child's condition.

(3) A child:

(A) is not punished by:

(i) physical force;

(ii) deprivation of nutritious meals;

(iii) deprivation of family visits; or

(iv) solitary confinement;

(B) has the opportunity to participate in physical exercise daily;

(C) has daily access to a shower;

(D) is allowed his or her own clothing or individualized clothing that is clean per Oklahoma Administrative Code (OAC) 340:110-3-154.1;

(E) has constant access to writing material and may send mail without limitation, censorship, or prior reading;

(F) may receive mail without prior reading, except that mail may be opened in the presence of the child, without being read, to inspect for contraband or when authorized by the court for the protection of the child;

(G) has access to email, mail, social media, and phone calls with family and friends that are not monitored or restricted unless for the child's protection. Denial of email, mail, social media, phone contact, or visitation with family members occurs only by order of the court when it is determined contact with a specifically identified family member is not in the child's best interest per OAC 340:75-6-30;

(H) has a right to communicate and to visit with his or her family on a regular basis and to communicate with persons in the community provided the communication or visitation is in the child's best interest;

(I) has timely access to medical care as needed;

(J) is provided access to educational programs, including teaching, educational materials, and books;

(K) has a right to access his or her attorney; and

(L) has access to grievance and appeal procedures, per OAC 340:2-3-45 through 340:2-3-49.

(4) A child's visitation with family is not contingent upon the child's behavior and family visitation is not denied by the CBRC.

(5) A child's behavioral health needs are met, protected, and served through the provision of guidance, counseling, and treatment programs staffed by competent, professionally qualified persons.

(a**b**) All ~~community-based residential care (CBRC)~~CBRC programs, whether operated by Oklahoma Department of Human Services (~~OKDHS~~)(DHS) or under contract with ~~OKDHS~~DHS, must comply with Section 1-7-105 of Title 10A of the Oklahoma Statutes, OAC 340:110-3-154.1, and OAC 340:110-3-154.2.

(1) A child:

(A) is not punished by:

(i) physical force;

(ii) deprivation of nutritious meals;

(iii) deprivation of family visits; or

(iv) solitary confinement;

(B) has the opportunity to participate in physical exercise daily;

(C) is allowed his or her own clothing or individualized clothing that is clean per OAC 340:110-3-154.1;

(D) has constant access to writing material and may send mail without limitation, censorship, or prior reading;

(E) may receive mail without prior reading, except that mail may be opened in the presence of the child, without being read, to inspect for contraband or if authorized by the court for the protection of the child;

(F) has a right to communicate and to visit with his or her family on a regular basis and to communicate with persons in the community provided the communication or visitation is in the best interest of the child;

(G) has timely access to medical care as needed;

(H) is provided access to educational programs, including teaching, educational materials, and books;

(I) has a right to access to his or her attorney; and

(J) has access to grievance and appeal procedures, per OAC 340:2-3-45 through 340:2-3-49.

(2) A child's behavioral health needs are met, protected, and served through the provision of guidance, counseling, and treatment programs staffed by competent, professionally qualified persons.

(3) The use of mechanical restraints and medication for behavior management are prohibited in ~~OKDHS~~DHS operated and contracted programs. The use of physical force, when authorized, is the least force necessary under the circumstances and is permitted only with an approved, non-pain producing, passive, physical restraint~~positive, youth development~~ curriculum:

- (A) for self-protection;
- (B) to separate children who are fighting;
- (C) to restrain children in danger of inflicting harm to themselves or others; or
- (D) to deter children who are in the process of leaving the facility without authorization.

(4) The ~~passive physical restraint~~approved, non-pain producing, passive, positive, youth development curriculum includes:

(A) graded alternatives using a combination of psychological and physical techniques to ensure safety with emphasis toward:

- (i) ~~the reduction of injury~~de-escalation of the situation;
- (ii) ~~de-escalation of the situation~~elimination of abuse to persons with acting out behavior; and
- (iii) ~~elimination of abuse to persons with acting out behavior~~injury reduction; and

(B) physical contact aspects are utilized only when the child's behavior poses an ~~immediate~~imminent danger or ~~threat of danger~~ to self or others and when all other methods have been~~were~~ exhausted. Physical contact may only last until the imminent danger has passed.

(5) CBRC placements providing care and treatment for children in ~~OKDHS~~DHS custody or tribal custody are not

locked for the purpose of deprivation of liberty or for disciplinary purposes. ~~CBRC~~ placements may be locked for the purpose of security from external forces.

(b) The child's visitation with family is not contingent upon the child's behavior and family visitation is not denied as a consequence for acting-out behavior.

(c) Denial of visitation, mail, or phone contact with family members occurs only by order of the court, when it is determined visitation, mail, or phone contact with a specifically identified family member is not in the child's best interests, per OAC 340:75-6-30.

**340:75-11-239. ~~Contract~~Child welfare (CW) facility liaison's general responsibilities for children placed in community-based residential care (CBRC) and CBRC placement providers**

~~Contract~~CW facility liaisons have ~~general~~ responsibilities responsibility for assisting CW specialists with placement of children in Oklahoma Department of Human Services (DHS) custody into CBRC, ensuring the safety of children in Oklahoma Department of Human Services DHS or tribal custody placed in community-based residential care (CBRC) placements, monitoring CBRC contract compliance, and supporting and linking~~and for all~~ CBRC placement providers, assigned CW specialists, and community partners.

**340:75-11-240. General requirements for contracted community-based residential care (CBRC) placement providers**

All contracted ~~community-based residential care (CBRC)~~CBRC providers must:

(1) maintain a written case record on each child that documents all services provided or obtained for the child while in placement;

(2) implement and review an individualized treatment plan for each child in placement, with documented input ~~from the child's Child Welfare (CW) county of jurisdiction worker~~ assigned child welfare (CW) specialist, according to the requirements set forth in the Oklahoma Department of Human Services (~~OKDHS~~)(DHS) contract;

(3) assume responsibility for basic needs maintenance of each child placed;

(4) ensure the safety, supervision, protection, and provision of necessary medical or psychological care and treatment for each child receiving services from the facility or provider is individualized to the child's specific needs. The placement provider or facility must cooperate with any inspection, investigation, evaluation, plan for immediate safety, or corrective action plan made by DHS or the Office of Client Advocacy and provide all ongoing assistance necessary to ensure child safety, protection, and well-being;

(4) accept responsibility for a reasonable knowledge of the child's whereabouts at all times.

- (A) When a child:

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- (i) is removed by anyone without authorization;
- (ii) is taken into custody by law enforcement officials;
- (iii) runs away; or
- (iv) otherwise cannot be accounted for, the provider immediately notifies by phone the:
  - (I) ~~CW county of jurisdiction worker~~ child's assigned CW specialist. The child's CW specialist follows protocol and completes runaway notifications, per Oklahoma Administrative Code (OAC) 340:75-6-48.3;
  - (II) ~~facility CW CBRC~~ facility liaison; and
  - (III) ~~police~~ law enforcement.
- (B) The provider submits a written report to the child's ~~CW county of jurisdiction worker~~ assigned CW specialist describing the circumstances surrounding the incident and files a copy in the child's case record;
- (56) ensure the child timely receives all needed routine, specialized, and emergency medical care provided by a medical provider who accepts Medicaid payment.
  - (A) DHS authorizes the CBRC facility administrator in writing, through the placement provider agreement, to consent to routine and ordinary medical care and treatment needed by the DHS custody child upon the advice of a licensed physician, per OAC 340:75-6-88.
  - (~~AB~~) Prior consultation and consent from ~~OKDHS~~ DHS, the child's parent(s) or guardian, and the court, when applicable, as set out by Section 1-3-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-3-102), are required for:
    - (i) emergency medical care. When appropriate ~~OKDHS~~ DHS staff cannot be located and the situation is life-threatening, the provider obtains emergency care and treatment and notifies ~~OKDHS~~ DHS at the earliest possible time; and
    - (ii) any extraordinary medical care and treatment, such as surgery, general anesthesia, blood transfusions, or invasive or experimental procedures requires consent of the:
      - (I) child's parent or guardian, when the child is in ~~OKDHS~~ DHS emergency or temporary custody; or
      - (II) court of legal jurisdiction, when the child is in ~~OKDHS~~ DHS emergency or temporary custody, and the treatment is related to the abuse or neglect, or the parent or guardian is unavailable or will not consent; or
      - (III) court of jurisdiction, when the child is in ~~OKDHS~~ DHS permanent custody.
  - (~~BC~~) The provider must comply with DHS policy for the administration of prescribed psychotropic medication found in OAC 340:75-6-88.
- (D) ~~Prior consultation and consent from OKDHS and the child's parent(s), is not required for routine and ordinary medical care, unless a separate and specific consent for care and treatment is requested from the physician or medical facility. Refer to OAC 340:75-6-88 Instructions to Staff.~~ Provision of all medical or dental care is documented in the provider's case record, including notification and attempts of notification in ~~emergencies~~ emergency situations;
- (67) notify the ~~CW county of jurisdiction worker~~ assigned CW specialist and the ~~contract~~ CW facility liaison of any accidental or non-accidental injuries sustained by the child;
- (78) ensure that the religious and cultural observations of the child comply with OAC 340:75-6-49.
  - (A) The provider arranges transportation to the nearest place of worship of the child's choice. On-site voluntary religious services are acceptable.
  - (B) Exceptions to this requirement are made for non-funded contracts with ~~faith-based~~ CBRC providers that require the child's and parent(s)' agreement for the child to attend a specific place of worship as a requirement for admission;
- (89) develop and implement written policy and procedures regarding each child's access to legal counsel, court-appointed special advocate (~~CASA~~), ~~OKDHS~~ DHS staff, phone, email, mail, and visitation, per OAC 340:75-11-237 and 340:75-6-30;
- (910) develop and implement written policy and procedures regarding securing and safeguarding each child's property and funds, the disbursement of allowances, and items allowed and not allowed into the placement;
- (~~1011~~) ensure each child is discharged with all personal items and clothing;
- (~~1112~~) obtain prior approval from the ~~CW county of jurisdiction worker~~ assigned CW specialist any time the child travels overnight outside of the county of placement per OAC 340:75-6-89;
- (~~1213~~) develop and implement written policy and procedures defining situations in which any person, other than family members previously approved by the ~~CW county of jurisdiction worker~~ assigned CW specialist, may take the child away from the placement on a day pass, not to exceed six hours, without supervision of the provider. The provider:
  - (A) does not allow a child any overnight visitation, except with peers per OAC 340:75-7-37, without prior planning and documented written approval of the child's ~~CW county of jurisdiction worker~~ assigned CW specialist. A home study is:
    - (i) ~~completed on the overnight visitation resource, either by a CW worker in the county where the resource is located or by the contractor if the contractor is a licensed child placing agency; and~~
    - (ii) approved by the CW county of jurisdiction worker and supervisor prior to the child's overnight visitation;

(B) does not secure any placement without prior planning and documented written approval ~~offrom~~ the ~~CW county of jurisdiction worker~~ child's assigned CW specialist; and

(C) when utilizing volunteers, ensures the provider's policy for approval and utilization of volunteers complies with OAC 340:2-35-4;

~~(14)~~ develop and implement written policy and procedures that prohibit the utilization of children for commercial purposes;

~~(15)~~ submit written reports to the child's ~~CW county of jurisdiction worker~~ assigned CW specialist describing the child's stay in placement, progress toward meeting identified treatment goals, education, and medical care on a quarterly basis, or more frequently ~~if~~ when requested for court hearings, and file a copy of the reports in the child's case record;

~~(16)~~ develop and implement written policy and procedures for discipline that comply with OAC 340:75-7-38, and ~~Section 1-7-105 of Title 10A of the Oklahoma Statutes~~ 10A O.S. § 1-7-105 that prohibit the use of solitary confinement, separation programs, use of mechanical restraints, and administration of medicine as discipline or control.

(A) Room restriction may be utilized in the child's own room for a cooling off period not to exceed 60 minutes.

(B) The duration of the restriction is specified at the time of the assignment;

~~(17)~~ ensure all employees are trained in an approved, non-pain producing, passive, physical restraint youth development curriculum per OAC 340:75-11-237;

~~(18)~~ develop and implement written policy and procedures that require the contractor, and all employees of the contractor, having reason to believe any child in placement has been subjected to physical abuse, neglect, or both, to report the matter to the ~~OKDHS Office of Client Advocacy~~ DHS Child Abuse and Neglect Hotline (Hotline).

(A) The provider makes the report to the ~~Office of Client Advocacy~~ Hotline the same day of the incident or ~~the next working day if an incident occurs evenings, weekends, or holidays~~ on the date the incident becomes known to the provider.

(B) Failure to report is a ~~criminal~~ misdemeanor of-fense, failure to report with prolonged knowledge is a felony, and upon conviction, is punishable under per 10A O.S. § 1-2-101;

~~(19)~~ develop and implement written policy that prohibits:

(A) possession of or use of tobacco and tobacco products by children in placement; and

(B) use of tobacco or tobacco products by the provider, employees of the provider, or visitors in the presence of children in placement, ~~and designates clearly marked smoking areas outside of the children's placement and treatment areas~~;

~~(20)~~ develop and implement written policy and procedure for the resolution of grievances by recipients of

the services provided under the contract regarding the substance or application of any written or unwritten policy or rule of the contractor, or any decision, act, or omission of the contractor, or employees or agents of the contractor.

The contractor:

(A) utilizes a grievance system in compliance with OAC 340:2-3-45 through 340:2-3-47 and 340:2-3-61 through 340:2-3-64; and

(B) submits policy regarding the resolution of grievances, and any subsequent revisions, to the Office of Client Advocacy for approval prior to the placement of any child, per OAC 340:2-3-45;

~~(20)~~ develop and implement written policy and procedures in accordance with OAC 340:75-1-120;

(21) develop and implement written policy and procedures that certify compliance in providing or continuing to provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988;

(22) develop and implement written policy and procedures to maintain strict standards of confidentiality regarding children in placement in compliance with ~~OKDHS~~ DHS requirements regarding the absolute protection, use, and release of personal client information consistent with 10A O.S. § 1-6-107 and OAC 340:75-1-42 through 340:75-1-46, and professional standards. The contractor agrees to hold confidential all personal information about children served, including lists of names, addresses, photographs, records of evaluation, and all other records about each child;

(23) submit monthly and annual reports to ~~the Children and Family Services Division (CFSD) CBRC programs manager~~ Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU) program staff to provide an overview of the provider's activities.

(A) The monthly report includes:

(i) information on each child's progress toward goals and objectives;

(ii) significant behavior events, including descriptions of delinquent acts committed and the legal and judicial consequences of the delinquent acts committed by each child;

(iii) each child's ~~absent without leave (AWOL) days~~ unapproved absence from the facility and duration of the time away;

(iv) total bed days utilized;

(v) each child's leave days utilized;

(vi) total number of children served during the month, the number of children served who are also adjudicated delinquent, and the total number of children served who are adjudicated delinquent and in the custody of Office of Juvenile Affairs;

(vii) number of children admitted during the month;

(viii) number of children discharged during the month and the reasons for those discharges; and

(ix) vacancies in contract mandated staffing requirements, and other significant program events.

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- (B) The annual report, due within 60-calendar days after the end of the contract year, includes the information listed in OAC 340:75-11-240(23)(A)(A) of this paragraph for the contract year;
- (24) plan and coordinate each child's discharge with the child's CW county of jurisdiction worker assigned CW specialist and provide a minimum of 48 hours 48-hour notice to discharge, except in medical or psychiatric emergencies. Contractor's recommendation for discharge is approved by the child's CW county of jurisdiction worker assigned CW specialist prior to the provider's implementation of the discharge plan;
- (25) submit a written discharge summary to the child's CW county of jurisdiction worker assigned CW specialist within 30-calendar days of discharge and file a copy in the child's case record, including a summary of treatment services, child's progress on treatment goals, reason for discharge, and recommendations for future placements and services for the child's treatment needs;
- (26) ensure all staff comply, as applicable, with the minimum licensing standards defined in the Oklahoma Child Care Services standards for child placing agencies licensing standards for child care facilities or OKDHS DHS Publication No. 86-78, Licensing Requirements for Residential Child Care Facilities, or OAC 340:75-11-286;
- (27) ensure all staff comply with the staffing requirements mandated in the contract that are in addition to the minimum staffing requirements in OKDHS DHS Publication No. 86-78.
- (A) ~~If~~ When the provider's actual staffing ~~pattern~~ ratio differs from the requirements set forth in the contract, the provider submits a written plan to the CBRC programs manager CWS SPPU program staff that defines the proposed staffing pattern of the contractor, timeframe for the differing ratio, and clearly illustrates how each of the staffing functions ~~are~~ is provided;
- (B) ~~The provider's proposed staffing pattern requires written approval of the CBRC programs manager prior to implementation of the provider's proposed staffing pattern;~~
- (28) fill vacant positions required by the OKDHS DHS contract within 30-calendar days of the position becoming vacant. The contractor notifies the CBRC programs manager CWS SPPU program staff in writing:
- (A) when contractually required positions are vacant;
- (B) of updates during the selection process; and
- (C) of the effective hiring date for these positions;
- (29) develop and implement written policy regarding corrective discipline ~~procedures~~ for employees;
- (30) notify the CBRC programs manager CWS SPPU program staff immediately by phone, and in writing within two working days one business day, per OAC 340:110-3-152(f), of any critical incidents that ~~may have grave consequences~~, such as:

- (A) the death of a child ~~or employee caused by murder, suicide, or accident~~;
- (B) the death of an employee caused by murder, suicide, or accident;
- (C) severe injury to a child as a result of abuse, neglect, or maltreatment by a service provider, employee, or another child, or accident;
- (D) misappropriation of state or federal funds by an employee of a private or public service agency that receives these funds;
- (E) a violent crime committed by a child against another person; or
- (F) any event that occurs in the facility that gains or is likely to gain media attention;
- (31) ~~if required by terms of the OKDHS contract to provide an on-site educational program, when required by terms of the DHS contract and provide a 60-calendar day notice to the local school board prior to the opening of the facility per 70 O.S. § 1-113; and~~
- (32) maintain a current Life Book, in a format separate from the provider's case record, for each child placed, regardless of the child's age, that documents the child's stay in care and provides continuity throughout the child's life, per OAC 340:75-7-37. The provider:
- (A) when the child's Life Book is not provided by the CW county of jurisdiction worker child's assigned CW specialist, initiates and maintains a Life Book with current information about the child while in placement including, but not limited to:
- placement name and address;
  - date of admission and discharge;
  - educational history;
  - medical history;
  - awards and achievements;
  - photographs; and
  - family information; and
- (B) gives the Life Book to the child and CW county of jurisdiction worker the child's assigned CW specialist when the child is discharged; and
- (33) ensure that at least one employee of the facility is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally-appropriate activities and the authorized employee is provided with training on how to use and apply the reasonable and prudent parent standard.

## PART 27. RESIDENTIAL MATERNITY SERVICES

- 340:75-11-320. Non-funded and funded contracted residential maternity services placements**
- (a) Contracted residential maternity services placements provide residential care and treatment for pregnant youth in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody or tribal custody, regardless of age. The youth may return to the residential maternity services placement postpartum

not to exceed 45-calendar days, except with the Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU) approval of the Children and Family Services Division (CFSD) Community Based Residential Services (CBRC) programs manager.

(b) Children served are pregnant youth in ~~OKDHS~~DHS custody ~~or tribal custody~~, regardless of age, who require a supportive living environment with direction and guidance ~~but are not appropriate for and whose needs exceed~~ foster family care due to difficulty in sustaining relationships with parental figures.

(c) Youth ~~not appropriate for placement~~behaviors that are not appropriate for residential maternity services are violent, aggressive, destructive to self, others, or property, engage in criminal or delinquent behaviors, violence, aggressiveness, destructive behavior to self, others, or property, engagement in criminal or delinquent acts, or require other behaviors requiring intensive supervision and services.

(d) Non-funded and funded contracted residential maternity services for pregnant youth include:

- (1) group therapy, as needed, that focuses on maintenance issues and daily living ~~matters~~skills;
- (2) individual treatment, as needed;
- (3) parenting skills training to enhance the youth's capability to function as a parent. A specific plan for the delivery of those services is delineated in the contractor's written policy;
- (4) active teaching and redevelopment of the youth's basic living and social skills. At minimum, the focus is on the restoration of skills for:
  - (A) personal health and hygiene;
  - (B) maintenance of the living environment, including food preparation;
  - (C) money management;
  - (D) job skills readiness, acquisition, and retention;
  - (E) community awareness and mobility, including the use of community resources; and
  - (F) socialization skills and techniques, including communication;
- (5) developing and implementing policy and procedures for the delivery of ~~independent living (IL)~~successful adulthood skills training, using an approved curriculum for teaching ~~IL~~successful adulthood skills;
- (6) assisting in the provision of federally mandated ~~IL~~successful adulthood services that include coordinating with the ~~Child Welfare (CW) county of jurisdiction worker~~assigned child welfare (CW) specialist to ensure:
  - (A) the ~~Daniel Memorial or Ansell-Casey Life Skills~~life skills assessment is completed ~~on~~with each youth ~~age 16~~14 years of age or older and ~~implementing the IL~~successful adulthood plan produced by this assessment is implemented; and
  - (B) each youth ~~age 15-14~~14 years of age or older attends one community contractor ~~IL~~successful adulthood seminar each year;
- (7) ensuring the youth applies for Medicaid upon his or her 18th birthday, ~~if~~when the youth remains in placement in voluntary care to complete ~~her~~ secondary education per Oklahoma Administrative Code (OAC) 340:75-6-110;

- (8) providing 24-hour on-call and on-site crisis intervention and behavior management services, as needed;
- (9) arranging prenatal, delivery, and postpartum care for the youth by a local physician or clinic; and
- (10) ensuring a licensed dietitian or nutritionist is on staff or available as a consultant in menu planning that meets the United States Department of Agriculture (~~USDA~~) or Oklahoma State Department of Health standards for pregnant teenagers or adult women.

(e) The youth ~~is~~may be eligible for an emergency clothing authorization for maternity clothing after initial placement in a funded, maternity residential services placement and quarterly emergency clothing authorizations when the youth is placed in a non-funded, maternity residential services placement, per OAC 340:75-13-45.

(f) When the youth is in the Home Bound educational program, the contractor provides additional educational services at a minimum of two hours per day during the school term.

(g) Contracted residential maternity services placements are provided in a setting licensed as a child-placing agency ~~group home~~ or residential child care facility that is not located in a hospital, either medical or psychiatric, or a psychiatric residential treatment center.

- (h) The contractor:
  - (1) does not provide 24-hour awake supervision of children in placement;
  - (2) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to ~~the CBRC programs manager~~CWS SPPU program staff, and a copy to the ~~child's CW county of jurisdiction worker~~assigned CW specialist, CW facility liaison, and files a copy in the child's case record;
  - (3) meets the staffing guidelines defined in the ~~OKDHS~~DHS contract;
  - (4) complies with ~~children's a~~child's rights per OAC 340:75-11-237;
  - (5) complies with all general requirements per OAC 340:75-11-240;
  - (6) maintains documentation for funded programs of each child's ~~absent without leave (AWOL)~~unapproved absence from the program and leave days set forth in the contract and reports leave days on Form 04CB002E, ~~CFSD~~CWS Claim for Purchase of Residential Care;
  - (7) is ~~reimbursed~~paid by ~~OKDHS~~DHS for funded programs at a fixed daily rate, based upon actual utilization. The fixed daily rate is a blend of Title IV-E funds, per eligibility of each child served, and state funds. The contractor submits Form 04CB002E for reimbursement payment to ~~CFSD Administrative Services Unit~~CWS Contracting and Acquisition Unit; and
  - (8) receives referrals for the placement of youth from ~~the contract liaison~~the assigned CW specialist through the CW facility liaison.

**PART 33. CONTRACTED LEVEL D PLUS AND LEVEL E PLACEMENTS**

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### 340:75-11-360. Contracted Level D plus (+) and Level E placements

- (a) Contracted Level D+ and Level E services include:
- (1) structured group therapy, a minimum of two hours per week for each child;
  - (2) individual therapy, a minimum of one hour per week for each child;
  - (3) family visitation, when the case plan is reunification;
  - (4) family therapy, when deemed appropriate by the ~~Child Welfare (CW) county of jurisdiction worker~~ assigned child welfare (CW) specialist;
  - (5) substance use or abuse or chemical dependency therapy within a group or individual counseling or therapy session for each child, as needed;
  - (6) psychological or psychiatric intervention for each child through direct contact with a psychologist or psychiatric consultant or the contractor's designated therapy counseling staff;
  - (7) behavior redirection 24-hours a day, seven days a week to ensure safety, meet the goals and objectives of the treatment plan, and respond to any behavioral crisis of the child. The contractor ensures that staff are available to respond in a crisis to stabilize the child's behavior and prevent placement disruption;
  - (8) active teaching and redevelopment of the child's basic living and social skills, both on-site and in the community. At minimum, the focus is on the restoration of skills for:
    - (A) personal health and hygiene;
    - (B) maintenance of the living environment, including food preparation;
    - (C) money management;
    - (D) job skills readiness, acquisition, and retention;
    - (E) community awareness and mobility, including the use of community resources; and
    - (F) socialization skills and techniques, including communication;
  - (9) developing and implementing policy and procedures for delivery of ~~independent living (IL)~~ successful adulthood skills training to youth, using an approved curriculum for teaching ~~IL~~ successful adulthood skills;
  - (10) assisting in the provision of federally mandated ~~IL~~ successful adulthood services that include coordinating with the ~~CW county of jurisdiction worker~~ assigned CW specialist to ensure:
    - (A) the ~~Daniel Memorial or Ansell-Casey Life Skills~~ life skills assessment is completed ~~on~~ with each youth ~~age 16~~ 14 years of age or older and implementing the ~~IL~~ successful adulthood plan produced by this assessment; and
    - (B) each youth ~~age 15-14~~ 15-14 years of age or older attends one community contractor ~~IL~~ successful adulthood seminar each year;
  - (11) ensuring the youth applies for Medicaid (Sooner-Care) upon his or her ~~18<sup>th</sup>~~ 18th birthday, ~~if~~ when the youth remains in placement in voluntary care to complete his or

her secondary education per Oklahoma Administrative Code (OAC) 340:75-6-115.9-340:75-6-110;

- (12) providing 24-hour awake supervision of each child;
  - (13) providing 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation;
  - (14) providing a nine-month, on-site educational program for each child in a Level D+ placement;
  - (15) providing recreation services for each child in a Level E placement; and
  - (16) providing a 12-month, on-site educational program for each child in a Level E placement.
- (b) Contracted Level D+ and Level E placements are provided in a setting licensed as a child-placing agency ~~group home~~ or residential child care facility that is not located in a hospital, either medical or psychiatric, or psychiatric residential treatment center.
- (c) The contractor:
- (1) complies with Part 105 of OAC 317:30-5 for residential behavior management services in group settings and non-secure diagnostic and evaluation centers;
  - (2) provides clothing, after initial placement of a child. Emergency funds for clothing may be accessed per OAC 340:75-13-45;
  - (3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to the ~~Children and Family Services Division (CFSD) Community Based Residential Services programs manager~~ Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU) and a copy to the ~~child's CW county of jurisdiction worker~~ assigned CW specialist, CW facility liaison, and files a copy in the child's case record;
  - (4) meets the staffing guidelines defined in the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) contract;
  - (5) complies with ~~children's~~ a child's rights per OAC 340:75-11-237;
  - (6) complies with all general requirements per OAC 340:75-11-240;
  - (7) maintains documentation of each child's ~~absent without leave (AWOL)~~ unapproved absence from the facility and leave days defined in the contract and reports leave days on Form 04CB002E, ~~CFSD~~ CWS Claim for Purchase of Residential Care;
  - (8) establishes a procedure to address and document a response to concerns in Level D+ and Level E placements that do not warrant a referral for an abuse or neglect assessment or investigation. Examples of this type of concern include, but are not limited to, an employee's judgment or supervision, disciplinary practices, non-compliance with

policy or contract, unacceptable housing standards, inadequate clothing provisions for the child, or a lack of involvement in the child's education or independent living skills. When documented efforts to address these issues do not remove the concerns, DHS has the right to impose adverse contract actions or decline use of the facility;

(89) is reimbursed paid by OKDHS/DHS at a fixed daily rate for the total number of beds specified in the OKDHS/DHS contract. The fixed daily rate is a blend of Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and (910) submits Form 04CB002E for reimbursement payment to CFSD—Administrative—Services/CWS Contracting and Acquisition Unit.

- (d) Children served in Level D+ and Level E placements.
  - (1) The primary goal of Level D+ and Level E services is the remediation of emotional or behavioral disorders or behavioral problems through a focus on clinical interventions.
  - (2) Level D+ placements are less restrictive treatment intensive placements than Level E placements or psychiatric inpatient care and are available for children with severe emotional disorders or behavioral disorders.
  - (3) Children served in Level D+ placements exhibit a wide range of serious/severe—emotional disturbances and behavioral disorders as described in OAC 317:30-5-240.1, but are less physically or sexually aggressive than children served in Level E placements.
  - (4) Level E placements are the most restrictive treatment intensive placements available for children outside of a psychiatric facility.
  - (5) In general, children served are male or female:
    - (A) 12-13 to 18 years of age in Level D+ and Level E placements; and,
    - (B) 13 to 18 years of age in Level E placements. Each contractor serves a specifically defined target population of children.
  - (6) The contractor receives referrals for the placement of children from CFSD Placement Section/CWS SPPU through the contract/CW facility liaison.
- (e) Children served in Level E placements designated for victims of sexual exploitation.
  - (1) The primary goal of a Level E facility designated for victims of sexual exploitation is to address the unique needs of survivors and assist victims in gaining an understanding of the victimization process, empower survivors, and prepare children for reintegration into a family or a successful adulthood living environment.
  - (2) Services provided in designated Level E facilities for victims of sexual exploitation include a protected environment, specified cognitive behavioral therapy, individualized therapeutic services, and positive behavioral supports.
  - (3) Per Section 1-9-123 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-123), DHS immediately reports to law enforcement, and in no case later than 24 hours, after receiving information on a child or youth who has

been identified as sex trafficking victim, per 10 O.S. § 1-1-105.

**SUBCHAPTER 13. OTHER CHILD WELFARE SERVICES AND MEDICAL SERVICES FOR CHILDREN IN OUT-OF-HOME CARE**

**PART 5. CLOTHING PURCHASES**

**340:75-13-45. Clothing purchases for children**

- (a) **Clothing accompanies child.** The Child Welfare (CW) worker obtains the child's clothing, and any other items that have personal meaning to the child, from the parent(s) at the time of initial placement in out-of-home care. Clothing purchased for or accompanying the child belongs to that child. The CW worker and placement provider ensure the clothing accompanies the child if/when the child moves from one placement to another.
- (b) **Clothing purchase authorization amounts.** The amounts designated as clothing authorizations are set out in Oklahoma Department of Human Services (~~OKDHS~~)(DHS) Appendix C-20, Children and Family Services Division/Child Welfare Services Rates Schedule, as amended from time-to-time, as approved by the Oklahoma Commission for Human Services/DHS Director.
- (c) **Use of Supplemental Security Income (SSI) or Social Security Administration (SSA) funds before clothing authorizations.** A child who is a recipient of SSI or SSA benefits is not eligible to receive clothing authorizations. Instead a spend-down must be completed against the child's trust account or the payee must supply the clothing with the SSI or SSA benefits.
- (d) **Types and uses of clothing authorizations.**
  - (1) **One-time startup authorization.**
    - (A) A one-time startup authorization is may be issued for a child at initial placement into:
      - (i) foster family care;
      - (ii) paid and non-paid kinship care;
      - (iii) therapeutic foster care (TFC); and
      - (iv) emergency foster care (EFC) after the child has been in care 30 days a kinship home that is not receiving foster care maintenance payments.
    - (B) Another one-time startup authorization may be issued when OKDHS/DHS subsequently obtains custody of the child and the child reenters any of the placements listed in OAC 340:75-13-45(1)(A) places a child into another kinship home that is not receiving foster care maintenance payments.
  - (2) **Emergency clothing authorizations.** Authorized staff in each county may provide emergency clothing authorizations not more than four times in any twelve-month period. An emergency clothing authorization may not be issued within 90-calendar days of the issuance of a one-time startup authorization or a previous emergency clothing authorization.

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- (A) The child's CW ~~worker~~specialist requests an emergency clothing authorization four times a year for a child placed in a:
- (i) non-paid kinship home;
  - (ii) non-funded group home; or
  - (iii) ~~Disabilities Services Division (DDSD) and CW grand staffed placement, such as therapeutic community home, home with daily living supports, and agency companion home; or~~
  - (iv) psychiatric facility, such as an acute or residential treatment center (RTC), in-state or out-of-state.
- (B) Emergency authorizations may be provided for a child:
- (i) ~~initially placed into voluntary foster care, excluding voluntary care after the age of 18;~~
  - (ii) ~~residing in youth services shelters without adequate clothing;~~
  - (iii) ~~residing in OKDHS operated shelters in need of special sizes or articles of clothing not available in bulk purchase stock;~~
  - (iv) ~~who lost clothing as a result of being absent without leave (AWOL) or due to a disaster, such as fire, flood, and similar natural disasters;~~
  - (v) ~~placed into a new foster home who has been in continuous custody without sufficient clothing provided by the previous placement provider;~~
  - (vi) ~~leaving out of home care for independent living status;~~
  - (vii) ~~returning from placement through Interstate Compact on the Placement of Children (ICPC), without sufficient clothing, into out-of-home placement;~~
  - (viii) ~~placed for adoption without sufficient clothing. This does not include a child who is in a foster home where the foster parent is adopting the child;~~
  - (ix) ~~who, due to special size or hard to fit clothing needs, requires additional clothing purchases;~~
  - (xiii) ~~residing in an OKDHSa DHS operated group home; and, if when applicable, her child; and~~
  - (xiv) ~~placed directly from inpatient psychiatric care into a DDSD—Developmental Disabilities Services (DDS) home prior to the availability of Supplemental Security Income (SSI) benefits;~~
  - (v) placed in maternity residential services; and
  - (vi) on a case-by-case basis for exigent circumstances and with prior approval by the Child Welfare Services Operations and Business Processes Section Financial Operations administrator.
- (3) **Clothing authorization process.** The designated staff at the local OKDHS~~DHS~~ office processes clothing authorizations through the AS400 Finance Division system. The authorization is provided to the placement provider who purchases the clothing through a vendor who accepts OKDHS~~DHS~~ authorizations. The vendor submits the authorization to OKDHS~~DHS~~ for payment.
- (4) **Clothing.**
- (A) The foster parent is responsible for providing adequate clothing for the child based on the child's needs, such as a minimum of a week's worth of clothing that is appropriate for the season and well-fitting. The foster parent maintains an inventory of clothing utilizing Form DCFS-11804FC004E, Clothing Inventory. ~~After the one-time startup authorization, the~~The clothing allowance is included in the monthly foster care ~~reimbursement~~maintenance payment for a child who is in OKDHS~~DHS~~ custody and placed in a:
- (i) foster family home;
  - (ii) paid kinship home; or
  - (iii) specialized community home.
- (B) ~~Clothing is made available to a child while placed in EFC per the OKDHS contract and the clothing remains with the EFC agency.~~
- (C) The clothing allowance is included in the daily ~~reimbursement~~foster care maintenance payment rates per the OKDHS~~DHS~~ contract for:
- (i) TFC; and
  - (ii) funded OKDHS~~DHS~~ group homes and maternity homes.
- (D) ~~Clothing is purchased with SSI or Social Security Administration (SSA) benefits for a child who is in OKDHS~~DHS custody and placed in a DDSD~~DDS~~ foster home or non-paid kinship home.
- (5) **Interstate Compact on the Placement of Children (ICPC) placements.** The clothing allowances for a child in OKDHS~~DHS~~ custody placed in foster care out-of-state through ICPC are:
- (A) ~~included in the receiving state's monthly reimbursement; or~~
  - (B) ~~reimbursed by OKDHS when not included in the receiving state's monthly reimbursement. The foster parent may spend the equivalent of the monthly allowance, per OKDHS Appendix C 20. The foster parent obtains store receipts with the store's name and address that clearly identifies the items purchased. The foster parent sends the receipts to Children and Family Services Division Administrative Services Unit, P.O. Box 25352, Oklahoma City, OK 73125. Finance Division issues a warrant to the foster parent.~~
- (6) **Allowable clothing purchases.** Allowable purchases must meet the child's needs and include:
- (A) clothing;
  - (B) shoes; and
  - (C) disposable diapers.
- (7) **Disallowable clothing purchases.** The items not appropriate to purchase with clothing authorizations are any non-clothing item, such as:
- (A) ~~hair accessories~~any food item;
  - (B) ~~jewelry~~athletic equipment;
  - (C) cosmetics or personal grooming supplies;
  - (D) ~~athletic equipment~~hair accessories;
  - (E) ~~any food item~~haircuts;

- (F) ~~haircuts~~jewelry;
- (G) ~~toys~~non-prescription medication or supplies;
- (H) school supplies; and
- (I) ~~non-prescription medication or supplies~~toys.

**SUBCHAPTER 16. ~~MENTAL~~BEHAVIORAL  
HEALTH TREATMENT SERVICES**

**PART 1. INPATIENT ~~MENTAL~~BEHAVIORAL  
HEALTH TREATMENT SERVICES**

**340:75-16-29. Definitions**

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

"Acute psychiatric facility" per Oklahoma Administrative Code 317:30-5-95.22 means a facility that provides inpatient ~~mental~~behavioral health treatment including assessment, medical management, and monitoring to ~~patients~~children requiring intensive ~~treatment~~short-term, intensive treatment and stabilization. ~~The acute~~Acute psychiatric facility:

- (A) ~~may be located~~is delivered in either a hospital or non-hospital setting psychiatric unit of a general hospital or a free-standing psychiatric hospital;
- (B) is secure; and
- (C) may use:
  - (i) physical, ~~mechanical~~, or drug restraint ordered by ~~the~~a physician, ~~along in~~ conjunction with treatment modalities; and
  - (ii) seclusion.

"Age-appropriate or developmentally-appropriate" per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) means:

- (A) activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
- (B) in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child.

"Behavioral health" means mental health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

"Corrective action plan (CAP)" means steps, actions, or strategies taken to correct or address behaviors or conditions associated with abuse, neglect, or areas of concern related to an individual employee of a facility.

"Designated agent" means the entity contracted with the Oklahoma Health Care Authority (OHCA) to provide certain

services to meet federal and state statutory obligations of the OHCA.

"Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings used for the lawful custody and treatment of children.

"Facility action step (FAS)" means all actions, steps, or strategies to correct or address areas of concern identified within a facility including, but not limited to, the culture of care, services, or contract compliance.

"Facility services plan (FSP)" means a yearly, progressive document specific to each facility identifying issues that impact child safety within the facility's culture of care including, but not limited to, hiring, training, supervision, services, or contract compliance. The FSP includes all CAPs and FASS related to the specific facility.

"Inpatient review" means the process of conducting a formal evaluation by phone to determine whether a child requires acute psychiatric or residential treatment center (RTC) inpatient mental health treatment based on the medical necessity criteria established by OHCA.

"Inpatient reviewer" means the person who makes the determination whether a child in the custody of the Oklahoma Department of Human Services (OKDHS) meets the medical necessity criteria for acute psychiatric inpatient care or RTC treatment services.

"Institution" means a residential facility offering care and treatment for more than 20 residents.

"Medical necessity review" means an assessment of current and recent behaviors and symptoms to determine whether an admission for inpatient ~~mental illness~~behavioral health or drug or alcohol dependence treatment constitutes the least restrictive level of care necessary. The review is performed by a licensed ~~mental~~behavioral health professional.

"Minor" means any unmarried person younger than 18 years of age.

"Minor in need of treatment" means a person younger than 18 years of age who is in need of treatment, per ~~Section 5-502 of Title 43A of the Oklahoma Statutes~~43A O.S. § 5-502, and who:

- (A) has a demonstrable mental illness or who is drug or alcohol dependent and as a result of that mental illness or dependency is expected within the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person and ~~has~~ engaged in one or more recent overt acts or made significant recent threats that substantially support that expectation; or
- (B) has a demonstrable mental illness or is drug or alcohol dependent of sufficient severity to cause substantial impairment or disability in at least two of the major areas of functioning in the minor's:
  - (i) family relations;
  - (ii) school performance;
  - (iii) social interactions; or
  - (iv) ability to perform independently the basic tasks of personal hygiene, hydration and nutrition;

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(v) self-protection. A determination regarding the ability of the minor to perform independently, such tasks is based upon the age of the minor and the reasonable and appropriate expectation of the minor's ability to perform such tasks.

**"Normalcy"** means the emotional developmental growth of the child is encouraged by allowing the child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, cultural, and social activities using a reasonable and prudent parent standard.

**"Notice to comply"** means a formal written notice sent to a facility to indicate a CAP or FAS was not completed within agreed upon timeframes.

**"Oklahoma Health Care Authority (OHCA)"** means the state agency that administers medical programs reimbursed by the Title XIX Medicaid program; and is responsible for the establishment of medical necessity criteria and prior and continued authorization that determine whether an inpatient ~~mental health treatment~~ psychiatric service facility is reimbursed by Title XIX Medicaid.

**"Plan for immediate safety"** means actions taken to immediately control any significant and clearly observable condition that is present and endangering or threatening to endanger a child in a residential facility.

**"Prior-authorization"** means pre-approval by OCHA or its designated agent for inpatient behavioral health treatment for a child in Oklahoma Department of Human Services custody for an approved length of stay.

**"Reasonable and prudent parent standard"** means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard is used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities, per 10A O.S. § 1-1-105.

(A) For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care has been placed, a representative of a group home where a child has been placed, or a designated official for a residential child care facility where a child in foster care has been placed.

(B) Each facility must assure that at least one employee is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally-appropriate activities. The authorized facility employee is provided with training on how to use and apply the reasonable and prudent parent standard.

**"Residential child care facility"** means a 24-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives.

**"Residential treatment center (RTC)"** means a facility that provides residential ~~mental~~ behavioral health treatment to ~~residents~~ children who need longer term, more intensive treatment, and a more highly structured environment than is

available in a family environment or other community-based alternatives. The RTC:

(A) may be located in ~~either~~ a hospital or non-hospital setting;

(B) must provide adequate supervision for residents because the RTC is not a secure facility; and

(C) may use:

(i) physical, ~~mechanical~~, or drug restraint ordered by ~~the~~ a physician, ~~along in conjunction~~ with treatment modalities; and

(ii) seclusion.

**"Restraint"** means a physical method or drug used to manage the child's behavior or restrict the child's freedom of movement and is not the standard treatment or dosage for the child's condition per OAC 317:30-5-95.

**"Seclusion"** means the involuntary confinement of a child alone in a room or area from which leaving is prevented and may only be used for management of behavior that jeopardizes the immediate safety of the child or others per OAC 317:30-5-95.

**"Written plan of compliance"** means the formal accountability process for facilities that when not adhered to within 30-calendar days, results in adverse contract actions.

### 340:75-16-31. Individualized treatment plan of care

~~Within ten~~Per Section 5-513 of Title 43A of the Oklahoma Statutes, within 10-calendar days after the ~~order authorizing continued admission of a minor for inpatient mental health treatment~~ behavioral health services, the facility ensures that an individualized ~~treatment~~ plan of care is submitted to the court. The child is involved in determining the ~~treatment~~ plan of care when possible. The child's parent(s) and the ~~Child Welfare assigned child welfare (CW) worker~~ specialist are involved to the maximum extent consistent with the treatment needs of the child.

(1) The court reviews the case every 30-calendar days as long as the child receives inpatient treatment. The assigned CW ~~worker~~ specialist ensures the court receives a written report from the facility regarding the child's progress within three-calendar days prior to any review hearing.

(2) The assigned CW ~~worker~~ specialist has on-site, face-to-face interaction with the child in acute and residential ~~mental inpatient~~ behavioral health treatment, ~~in accordance with~~ per Oklahoma Administrative Code 340:75-6-48.

### 340:75-16-35. Responsibilities of the inpatient mental health ~~treatment~~ behavioral health services Child Welfare (CW) facility liaison

(a) The county director or designee designates a Child Welfare (CW) worker to be a CW specialist from the Child Welfare Services (CWS) Specialized Placements and Partnerships Unit is assigned to the ~~mental health care treatment~~ each CWS contracted inpatient behavioral health service facility.

(b) The CW facility liaison responsibilities include:

- (1) assessing and ensuring the safety of children receiving acute and residential behavioral health services per Oklahoma Administrative Code 340:75-11-239;
- (2) having on-site interaction with the child at the ~~mental health treatment inpatient~~ behavioral health service facility at least every 31 days; and
- (3) immediately notifying the child's assigned CW county of jurisdiction worker specialist when the child is absent without leave (AWOL) and ensuring the appropriate authorities are notified per OAC 340:75-6-48.3 from the facility without permission. The child's CW specialist follows protocol and completes runaway notifications, per Oklahoma Administrative Code (OAC) 340:75-6-48.3.

[OAR Docket #16-370; filed 4-6-16]

**TITLE 777. STATEWIDE VIRTUAL  
CHARTER SCHOOL BOARD  
CHAPTER 15. OKLAHOMA  
SUPPLEMENTAL ONLINE COURSE  
CERTIFICATION**

[OAR Docket #16-342]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**  
777:15-1-1 through 777:15-1-9 [NEW]

**AUTHORITY:**  
Statewide Virtual Charter School Board; Oklahoma Charter Schools Act; 70 O.S., §3-145.3

**ADOPTION:**  
March 8, 2016

**APPROVED BY GOVERNOR:**  
March 28, 2016

**EFFECTIVE:**  
Immediately upon Governor's approval

**EXPIRATION:**  
Effective through September 14, 2017 unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**  
n/a

**INCORPORATIONS BY REFERENCE:**  
n/a

**FINDING OF EMERGENCY:**  
These rules are necessary in order to comply with Oklahoma Statute Title 70, §3-145.3, which directs the Statewide Virtual Charter School Board (SVCSB) to make publicly available a list of supplemental online courses which it has reviewed and certified; and to collaborate with the Office of Management and Enterprise Services (OMES) to negotiate with online course providers to offer a state rate price to school districts for supplemental online courses. These rules establish policy and procedures necessary to implement the 70-3-145.3 directive.

**ANALYSIS:**  
These rules provide the structure for online course providers to become vendors who agree to an established state rate for online courses provided to Oklahoma school districts offering supplemental online courses to their students pursuant to 70-1-111. They further establish a protocol for course providers to have their courses reviewed and certified as high quality courses publically listed in the Oklahoma Online Course Catalog.

**CONTACT PERSON:**  
Dr. Rebecca Wilkinson (405) 522-0717, Rebecca.Wilkinson@sde.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):**

**777:15-1-1. Purpose**  
The Statewide Virtual Charter School Board (SVCSB) makes publicly available a list of supplemental online courses which it has reviewed and certified to ensure that the courses are high quality options and are aligned with the subject matter standards approved by the State of Oklahoma. In conjunction with the Office of Management and Enterprise Services (OMES), the SVCSB negotiates with online course providers to offer a state rate price to school districts for supplemental online courses. These rules have been adopted for the purpose of implementing policy and procedures pursuant to Oklahoma Statute Title 70, Section 3-145.3.

**777:15-1-2. Definitions**  
The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:  
**"Course provider"** means an entity that meets eligibility requirements and provides an online course to Oklahoma school districts.

**"Course review"** means the process conducted by content and pedagogical experts to ensure courses recommended for certification by the SVCSB meet the established standards.

**"Oklahoma Online Course Catalog"** means a publicly available listing of courses certified by the SVCSB available through approved Course Providers.

**"Online course"** means an educational course in which instruction and content are delivered primarily over the Internet. A student and teacher are in different locations for a majority of the student's instructional period, most instructional activities take place in an online environment, the online instructional activities are integral to the academic program, extensive communication between a student and a teacher and among students is emphasized, and a student is not required to be located on the physical premises of a public school district. An online course is the equivalent of what would typically be taught in one semester.

**"Receiver district"** means an Oklahoma public school district that has students enrolled in the district who take one or more online courses.

**777:15-1-3. Application for course certification**  
**(a)** To have a course(s) listed in the Oklahoma Online Course Catalog, Course Providers must first be approved as vendors through the Oklahoma Management and Enterprise System (OMES). Potential vendors must respond to the Request for Proposals (RFP) released by the SVCSB through OMES and provide all required documentation according to the deadline listed in the RFP solicitation. Specifically, applicants must submit:

- (1) Completed "Responding Bidder Information" OMES/ISD (Information Services Division) Procurement Form 076ISD.

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- (2) Completed "Certification for Competitive Bid and Contract" OMES-Form-CP- 004.
  - (3) Signed Amendment(s), if any.
  - (4) Voluntary Product Accessibility Template (VPAT)
  - (5) Any exceptions to solicitation terms and conditions.
  - (6) Pricing
  - (7) Response to Course Review Requirements
- (b) Once the solicitation period has closed, all submitted materials will be reviewed for compliance by the SVCSB and OMES. Entities meeting the minimum criteria established in the RFP will be approved as vendors for the State of Oklahoma.

### **777:15-1-4. Pricing**

Each course offered through the Oklahoma Online Course Catalog must be offered at a price that does not exceed the lowest price at which the course is offered for use or sale to any state, public school, or school district in the United States. The price of any course or item or service for the course must automatically be reduced to the extent that, and at the same time as, the price is reduced or offered for a lesser fee elsewhere in the United States. A course or item or service for the course must be provided free of charge or at a price discount to the same extent that it is provided to any state, public school, or school district anywhere in the United States.

### **777:15-1-5. Course review requirements**

- (a) Online Course Providers must supply the following upon submission of a course for consideration in the Oklahoma Online Course Catalog:
- (1) The name of the institution or organization providing the online content
  - (2) Course title and subject code (using appropriate course title and subject code as established by the Oklahoma State Department of Education's approved Subject Codes for the appropriate academic year)
  - (3) Number of students who may be admitted to the course per instructor
  - (4) Objectives that clearly state, in measureable terms, what the students will know or be able to do at the end of the course
  - (5) Explanation of the alignment between Oklahoma content standards and course content and assignments
  - (6) Protocols established to monitor student engagement and course progression, including guidelines to address non-responsive students
  - (7) Description of procedures for reporting students' course progression, grade and other student information to the local school district
  - (8) Instructor credentials and qualifications
  - (9) Course accreditation status
  - (10) Course syllabus that includes: (a) course title, (b) course subject code, (c) course description, (d) course credits; (e) state content standards addressed in the course; (f) student learning outcomes; (g) assignments/assessments; (h) instructional strategies and student

expectations, including any synchronous attendance requirements; (i) time requirements; (j) grading policy; (k) contact policies for communication between teacher and students and teacher and parents; (n) resources and materials required; (o) technology requirements, including the Learning Management System (LMS) utilized; (p) accommodation and accessibility statement; (q) course outline (i.e. list of units/modules in sequential order).

- (b) At the time of the course review, guest access to the course will be required for the reviewers. If substantive changes are made to a course since its last certification, it must be submitted for review regardless of its current status in the review cycle. Only courses certified by the Statewide Virtual Charter School Board will be accepted into the Oklahoma Online Course Catalog.

(c) Course Providers of Advanced Placement (AP) courses must provide the results of their College Board AP Course Audit and Authorization. No other course evaluation will be conducted for AP Courses. Online Providers must provide evidence annually of AP Authorization Renewal.

### **777:15-1-6. Course review and certification process**

- (a) All approved vendors will have the online courses they submitted as part of the RFP reviewed according to the schedule adopted by the SVCSB and published on the SVCSB website.
- (b) Course reviews will be conducted by content experts and pedagogical experts selected by the SVCSB. Courses will be evaluated using rubrics to determine alignment with the current academic standards approved by the State of Oklahoma and the International Association for K-12 Online Learning (iNACOL) National Standards for Quality Online Courses. The rubric published in the most current National Standards for Quality Online Courses will be used as part of the Course Review, along with a rubric to measure the presence of each of the approved Oklahoma academic standards for the content area. Online Course Providers of Advanced Placement (AP) courses must provide the results of the AP Course Audit and Authorization. No other course evaluation will be conducted for AP Courses. Online Providers must provide evidence annually of AP Authorization Renewal.
- (c) Once the course review is complete, results of the evaluation will be presented to the Statewide Virtual Charter School Board (SVCSB). The SVCSB will consider the evidence and vote whether to certify or not certify the course. The decision will be made on a simple majority vote. If the SVCSB votes to not certify a course, the Course Provider will be notified of the reasons the course was not certified. The Course Provider may revise the course and resubmit for additional Course Review and certification consideration. Resubmitted courses will be reviewed after all submitted courses have undergone an initial review. Courses approved will be certified for a five year period. After which, Course Providers must apply for renewal. Certified courses will be placed in the Oklahoma Online Course Catalog available on the SVCSB website.

**777:15-1-7. Certified courses remaining in good standing**

To remain in good standing and have a course(s) continuously listed in the Oklahoma Online Course Catalog through the entirety of the approval period, Course Providers agree to:

- (1) Maintain their vendor status
- (2) Notify the SVCSB of any additions, deletions or changes to certified courses by completing the online form located on the SVCSB website.
- (3) Serve all enrolled students, regardless of number enrolled in a section so that Receiver Districts have reliable course options for students.
- (4) Provide online instructors who are 1) certified in Oklahoma or another state to teach in the content area of the course offered; or 2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. Additionally, the Course Provider shall supply certification or applicable credentialing documentation to the SVCSB as part of the course review process and upon the hire of any new instructors for any certified course. The Course Provider shall be responsible for such obligation regardless of whether instructors are employees of the Course Provider, independent contractors, or employees of a third-party course vendor. Course Providers shall take all steps necessary to verify the qualifications of non-employee instructors.
- (5) Notify SVCSB in writing within five working days if for any reason an online instructor no longer meets the requirements to teach a course offered. The name and credentials of the replacement instructor must also be provided at that time.
- (6) Refer only to courses currently certified and listed in the Oklahoma Online Course Catalog as "Statewide Virtual Charter School Board approved."
- (7) Own, secure, and/or maintain licensure and copyright for all courses offered in the Oklahoma Online Course Catalog. The Course Provider shall indemnify and defend the SVCSB and participating schools from all claims of infringement of intellectual property rights. The Course Provider shall also obtain from all third-party owners or licensors of copyright or other intellectual property rights of a course an agreement to indemnify and defend the SVCSB and participating schools from all claims of infringement of intellectual property rights owned or licensed by such third-party owners or licensors. The Course Provider shall supply an executed copy of such indemnity agreements to the SVCSB upon approval of the course for inclusion in the Oklahoma Online Course Catalog.
- (8) Maintain a current course syllabus including key information such as examinations requiring proctoring and other supporting information (see syllabus requirements in Course Review Requirements).
- (9) Course Providers of Advanced Placement (AP) courses must provide evidence annually of AP Authorization Renewal.

(10) Refrain from significantly modifying or changing courses without prior notice and approval from the SVCSB. Course Providers shall provide written notice of any planned modification in sufficient detail for SVCSB Course Reviewers to determine whether the course continues to satisfy all requirements. Failure to obtain written approval shall result in removal of the course from the approved catalog.

(11) Ensure that each certified course is maintained throughout the duration that the course is offered and continues to meet the current academic standards approved by the State of Oklahoma; the International Association for K-12 Online Learning (iNACOL) National Standards for Quality Online Courses; and Oklahoma's Information Technology Accessibility Standards.

(12) Employ the appropriate course title and subject code as established by the Oklahoma State Department of Education's approved Subject Codes for the appropriate academic year for the purpose of data collection.

(13) Report aggregated district student success data to the SVCSB each semester in the requested format and by the timeline set. The SVCSB does not collect individual student information. By June 30 of each year, the Course Provider will report the following district aggregate student success data to the SVCSB:

- (A) Total number of students
- (B) Courses taken
- (C) Number of students in each course
- (D) Completion rate (number and percent) of each course (i.e. X#/60% of students enrolled in X successfully completed the course)

**777:15-1-8. Process for course certification renewal**

Courses that remain in good standing are certified for a period of five years. Course Providers may apply for renewal of their course certification six months prior to the completion of the course approval period. Course Providers will notify the SVCSB of their intent to apply for renewal by submitting all documents listed in the Course Review Requirements. Course Providers who have maintained their "good standing" status throughout the course approval period will have their courses reviewed and considered for certification following a similar procedure as their initial Course Review and Certification Process. District aggregate student success data will be considered in renewal decisions. Additionally, the SVCSB may survey districts to collect satisfaction data and those data may also be considered in renewal decisions. Course Providers who have not maintained a "good standing" status must provide documentation explaining the lapse in "good standing" status and the protocols that are in place to prevent such a lapse in the future.

**777:15-1-9. SVCSB responsibilities**

The SVCSB shall:

- (1) Ensure that all courses listed in the Oklahoma Online Course Catalog are reviewed according to the stated requirements.

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(2) Notify the Course Providers of changes in current academic standards approved by the State of Oklahoma; the International Association for K-12 Online Learning (iNACOL) National Standards for Quality Online Courses; and Oklahoma's Information Technology Accessibility Standards, or other standards that prompt the need for course revisions. Such notification is a courtesy and

does not negate the responsibility of the Course Providers to maintain currency with regard to these standards.

(3) Maintain accurate information in the Oklahoma Online Course Catalog.

*[OAR Docket #16-342; filed 3-31-16]*

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# 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

### 1:2016-8A.

#### AMENDED EXECUTIVE ORDER 2016-08

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution hereby declare the following:

1. Due to Moderate Drought conditions existing in north-west Oklahoma and the Panhandle, and the severe wildfires beginning March 21, 2016, and continuing, there is hereby declared a disaster emergency caused by wildfires and drought in Alfalfa, Blaine, Creek, Dewey, Garfield, Grant, Harper, Logan, Major, Woods, and Woodward County that threatens the lives and property of the people of this State and the public's peace, health, and safety.

This declaration may be amended as conditions warrant.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.
3. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.
4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.
5. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 6th day of April 2016.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #16-381; filed 4-6-16]*

### 1:2016-10.

#### EXECUTIVE ORDER 2016-10

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, and pursuant to 49 C.F.R. Part 390.23, hereby declare that because there is a State of Emergency continuing in the State of Oklahoma. Due to drought conditions and severe wildfires occurring across the state, it is necessary to assist and expedite all efforts of wildfire relief. In order to accommodate this need and to provide assistance to the citizens of the State Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits to oversized vehicles under Title 47 whose sole purpose is transportation of materials and supplies used for wildfire relief;
2. The requirements under parts 390 through 399 pursuant to part 390.23 of Federal Motor Carriers Safety Administration Regulations;
3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and
4. The requirements for licensing/registration as required by the Oklahoma Tax Commission.

Due to the on-going State of Emergency resulting from the drought conditions and wildfires that began March 21, 2016, and are continuing, this Executive Order shall be effective until

## Executive Orders

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the end of thirty (30) days after the filing of this Executive Order.

Declaration of this emergency provides relief from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance for the immediate restoration of essential services (such as electrical, sewer, water, and telecommunications) or essential supplies (such as feed, food, and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

Copies of this Executive Order shall be distributed to the Oklahoma Corporation Commission, the Oklahoma Tax Commission, and the Commission of Public Safety, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 6th day of April 2016.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #16-382; filed 4-6-16]*

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**1:2016-11.**

### EXECUTIVE ORDER 2016-11

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. Tuesday, April 19, 2016, in memory of those killed and injured in the bombing of the Alfred P. Murrah Federal Building on April 19, 1995.

We shall never forget the one hundred sixty-eight individuals who lost their lives, including nineteen children, or the more than eight hundred and fifty others who were injured. The people of Oklahoma will always remember the courage and compassion of those from around the world who were involved in the rescue and recovery and the tremendous outpouring of goodwill by countless others.

This Executive Order shall be forwarded to the Division of Capital Assets Management, which shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 11<sup>th</sup> day of April, 2016.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #16-383; filed 4-11-16]*

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