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Mary Fallin, Governor
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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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 25. AEROSPACE AND AVIATION EDUCATION GRANT PROGRAM

[OAR Docket #17-196]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

25:25-1-2. [AMENDED]

25:25-1-3. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 14, 2017

[OAR Docket #17-196; filed 3-15-17]

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

[OAR Docket #17-184]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

40:1-1-1. Purpose [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-184; filed 3-13-17]

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

[OAR Docket #17-185]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

40:20-1-3. Collection, transfers, and retention of blood
specimens ~~of blood~~ [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-185; filed 3-13-17]

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

[OAR Docket #17-186]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

40:25-1-2. Approved evidential breath-alcohol
measurement devices~~analyzers~~ [AMENDED]

40:25-1-3. Approved dry gas canisters~~Alcoholic breath~~
~~simulators and reference methods~~ [AMENDED]

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

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-186; filed 3-13-17]

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

[OAR Docket #17-187]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

40:50-1-1.1. Definitions [AMENDED]

40:50-1-6.1. Removal requirements [AMENDED]

40:50-1-8. Ignition interlock technician [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-187; filed 3-13-17]

Submissions to Governor and Legislature

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 55. SCREENING DEVICES

[OAR Docket #17-188]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Alcohol Screening Devices [NEW]

40:55-1-1. Approved devices [NEW]

40:55-1-2. Operating procedure [NEW]

40:55-1-3. Calibration check and calibration [NEW]

Subchapter 2. Drug Screening Devices [NEW]

40:55-2-1. Approved method [NEW]

40:55-2-2. Approved devices [NEW]

40:55-2-3. Use, precautions, and maintenance [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-188; filed 3-13-17]

TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION CHAPTER 10. ZONING REGULATIONS FOR CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT

[OAR Docket #17-230]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Chapter 10. Zoning Regulations for Capitol-Medical
Center Improvement and Zoning District [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 17, 2017

[OAR Docket #17-230; filed 3-20-17]

TITLE 165. CORPORATION COMMISSION CHAPTER 10. OIL & GAS CONSERVATION

[OAR Docket #17-202]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Administration

Part 1. General Provisions

165:10-1-4. Citation effective date [AMENDED]

165:10-1-7. Prescribed forms [AMENDED]

Subchapter 3. Drilling, Developing, and Producing

Part 3. Completions

165:10-3-10. Well completion operations [AMENDED]

Part 5. Operations

165:10-3-25. Completion Reports [AMENDED]

Subchapter 5. Underground Injection Control

165:10-5-5. Application for approval of enhanced recovery
injection and disposal operations [AMENDED]

165:10-5-6. Testing and monitoring requirements for
enhanced recovery injection wells and disposal wells
[AMENDED]

165:10-5-7. Monitoring and reporting requirements for
wells covered by 165:10-5-1 [AMENDED]

165:10-5-10. Transfer of authority to inject [AMENDED]

165:10-5-15. Application for permit for simultaneous
injection well [AMENDED]

Subchapter 7. Pollution Abatement

Part 3. Storage and Disposal of Fluids

165:10-7-19. Land application of water-based fluids
from earthen pits, tanks and pipeline construction
[AMENDED]

165:10-7-26. Land application of contaminated soils
and petroleum hydrocarbon based drill cuttings
[AMENDED]

165:10-7-33. Use of truck wash pits [AMENDED]

Subchapter 9. Commercial Disposal Facilities

165:10-9-1. Use of commercial pits [AMENDED]

165:10-9-2. Commercial soil farming [AMENDED]

165:10-9-3. Commercial disposal well surface facilities
[AMENDED]

165:10-9-4. Commercial recycling facilities [AMENDED]

Subchapter 11. Plugging and Abandonment

165:10-11-3. Duty to plug and abandon [AMENDED]

165:10-11-6. Plugging and plugging back procedures
[AMENDED]

Appendix F. Schedule B Fines [REVOKED]

Appendix F. Schedule B Fines [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-202; filed 3-15-17]

TITLE 165. CORPORATION COMMISSION CHAPTER 20. GAS & HAZARDOUS LIQUID PIPELINE SAFETY

[OAR Docket #17-214]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Safety Regulations for Gas Pipelines

Part 5. Minimum Safety Standards for Gas

- 165:20-5-21. Adoption of federal safety regulations [AMENDED]
- Subchapter 7. Safety Regulations for Hazardous Liquids
- 165:20-7-1. Adoption of federal safety and reporting regulations [AMENDED]
- Subchapter 13. Enforcement
- Part 1. General
- 165:20-13-1. Scope and fines [AMENDED]
- Subchapter 15. Regulations for Grants to Aid State Pipeline Safety Programs
- 165:20-15-1. Regulations for grants to aid state pipeline safety programs [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-214; filed 3-16-17]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 30. MOTOR CARRIERS,
PRIVATE CARRIERS AND
TRANSPORTATION NETWORK
COMPANIES**

[OAR Docket #17-213]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 165:30-1-2. Definitions [AMENDED]
- Subchapter 3. Intrastate Motor Carriers
- Part 3. License Requirements
- 165:30-3-11. Insurance [AMENDED]
- 165:30-3-13. Deleterious Substance Transport Permit [AMENDED]
- Subchapter 6. Transportation Network Companies
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- 165:30-6-3. TNC Permit renewals [AMENDED]
- Part 3. Conducting Operations
- 165:30-6-19. Compliance with laws and regulations [AMENDED]
- Subchapter 7. Procedural Rules
- 165:30-7-5. Forms [AMENDED]
- 165:30-7-6. Applications and requests [AMENDED]
- Subchapter 19. Registration Pursuant to the International Registration Plan
- 165:30-19-2. Definitions [AMENDED]
- 165:30-19-3. Registration [AMENDED]
- 165:30-19-7. Operational records [AMENDED]
- 165:30-19-8. Maintenance and availability of operational records [AMENDED]
- 165:30-19-12. Supplemental application [AMENDED]
- 165:30-19-14. Audits [AMENDED]
- Subchapter 21. International Fuel Tax Agreement
- 165:30-21-2. Definitions [AMENDED]

- 165:30-21-13. Reporting requirements [AMENDED]
- 165:30-21-17. Incorporating the International Fuel Tax Agreement [AMENDED]
- 165:30-21-18. Operational records [NEW]
- 165:30-21-19. Maintenance and availability of operational records [NEW]
- 165:30-21-20. Audits [NEW]
- Subchapter 26. Nonconsensual Wrecker and Towing Services
- Part 3. Response to Nonconsensual Towing Rate Complaints
- 165:30-26-14. Nonconsensual towing rate complaints and audits [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-213; filed 3-16-17]

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

[OAR Docket #17-215]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 165:55-1-2. Jurisdiction [AMENDED]
- 165:55-1-3. Application of rules [AMENDED]
- 165:55-1-4. Definitions [AMENDED]
- 165:55-1-6. Relief from rules [AMENDED]
- 165:55-1-8. Supremacy [AMENDED]
- 165:55-1-16. Universal service [AMENDED]
- Subchapter 3. Certificates, Reports, and Records
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- 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]
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- 165:55-3-22. Records to be provided to the Commission [AMENDED]
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- 165:55-5-1. Tariffs and/or Terms of Service required [AMENDED]
- Subchapter 7. Directories, Telephone Numbers and Customer-Provided Equipment
- 165:55-7-1. Telephone directories [AMENDED]
- 165:55-7-2. Telephone numbers and changes [AMENDED]

Submissions to Governor and Legislature

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165:55-9-5. Billing disputes [AMENDED]
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165:55-11-7. Written correspondence [AMENDED]
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165:55-11-12. Notice of Disconnection and Notice of Suspension [AMENDED]
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165:55-23-2. ETC Designation [AMENDED]
165:55-23-3. Records to be provided to the Commission [AMENDED]
165:55-23-9. Billing disputes [AMENDED]
165:55-23-11. Minimum service standards and Supported Services [AMENDED]
165:55-23-12. Lifeline eligibility requirements [AMENDED]
165:55-23-15. Lifeline program [AMENDED]
165:55-23-17. Link-up program on Tribal Lands [AMENDED]
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165:55-23-54. Notice of service interruptions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-215; filed 3-17-17]

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

[OAR Docket #17-216]

RULEMAKING ACTION:

Submission to Governor and Legislature

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165:59-1-2. Jurisdiction [AMENDED]
165:59-1-3. Application of rules [AMENDED]
165:59-1-4. Definitions [AMENDED]
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165:59-3-16. Designation of eligible telecommunications carriers for unserved areas [AMENDED]
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165:59-3-32. Audits of the Fund [AMENDED]
165:59-3-34. Resolution of disputes regarding contributions to the OUSF and OLF [AMENDED]
165:59-3-36. Resolution of other disputes [AMENDED]
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165:59-3-66. Procedures for OUSF administrative preapproval request [NEW]
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165:59-3-69. [RESERVED]
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165:59-7-5. Toll-free calling to not-for-profit hospitals [REVOKED]
165:59-7-6. Telemedicine access for eligible healthcare entities [AMENDED]
165:59-7-7. Toll-free calling to public schools and public libraries [REVOKED]
165:59-7-8. Internet access to public schools and libraries [AMENDED]
165:59-7-9. County seats [REVOKED]
165:59-7-10. Other sources of funds [AMENDED]
165:59-7-13. Reselling of Special Universal Services Prohibited [AMENDED]
165:59-7-15. Provision of Special Universal Services [AMENDED]
165:59-7-17. Disclosure on bill regarding provided Special Universal Services [AMENDED]
165:59-7-18. [RESERVED]
165:59-7-19. Competitive Bidding [NEW]
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165:59-9-3. Oklahoma Lifeline Service Program [AMENDED]
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165:59-9-6. Retention of Lifeline eligibility records [AMENDED]
Part 3. Administration of the Oklahoma Lifeline Fund
165:59-9-11. Administration of the Fund [AMENDED]

165:59-9-13. Audits [AMENDED]
165:59-9-15. Violations [AMENDED]
165:59-9-17. Reporting requirements [AMENDED]
Part 5. Contributions and Reimbursements
165:59-9-21. Contributions to the Oklahoma Lifeline Fund [AMENDED]
165:59-9-23. Amount of contribution [AMENDED]
165:59-9-25. Procedures for requesting reimbursement from the OLF [AMENDED]
165:59-9-27. Recovery of contribution [AMENDED]
165:59-9-29. Resolution of disputes regarding contributions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-216; filed 3-17-17]

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED ESTABLISHMENTS

[OAR Docket #17-248]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Part 1. Initial School Licensing
Subchapter 3. Licensure of Schools
175:10-3-3 [AMENDED]
Part 3. Student Registration and Entrance Requirements
175:10-3-16 [AMENDED]
Part 5. Equipment and Curriculum Requirements
175:10-3-34 [AMENDED]
175:10-3-37 [AMENDED]
175:10-3-38 [AMENDED]
175:10-3-39 [AMENDED]
175:10-3-41 [AMENDED]
175:10-3-42 [AMENDED]
175:10-3-43 [AMENDED]
175:10-3-44 [AMENDED]
175:10-3-45 [AMENDED]
175:10-3-46 [AMENDED]
Part 7. General Operations and Licensing Requirements
175:10-3-55 [AMENDED]
175:10-3-60 [AMENDED]
Subchapter 7. Sanitation, Disinfection and Safety Standards for Establishments and Schools
175:10-7-4 [AMENDED]
175:10-7-6 [AMENDED]
175:10-7-18 [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2017

[OAR Docket #17-248; filed 3-20-17]

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 20. MASSAGE THERAPY

[OAR Docket #17-205]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [NEW]
175:20-1-1 [NEW]
Subchapter 3. Advisory Board on Massage Therapy [NEW]
175:20-3-1 [NEW]
Subchapter 5. Licensure of Massage Therapists [NEW]
175:20-5-1 [NEW]
175:20-5-2 [NEW]
175:20-5-3 [NEW]
175:20-5-4 [NEW]
175:20-5-5 [NEW]
175:20-5-6 [NEW]
Subchapter 6. Continuing Education [NEW]
175:20-7-1 [NEW]
Subchapter 9. Standards of Professional Conduct [NEW]
175:20-9-1 [NEW]
175:20-9-2 [NEW]
175:20-9-3 [NEW]
175:20-9-4 [NEW]
Subchapter 11. Grounds for Discipline [NEW]
175:20-11-1. [NEW]
Subchapter 13. Complaints and Hearings [NEW]
175:20-13-1 [NEW]
Subchapter 15. Fee Schedule [NEW]
175:20-15-1 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2017

[OAR Docket #17-205; filed 3-15-17]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 25. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #17-231]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Position Allocation and Employee Classification System
Part 5. Audits of Positions
260:25-5-51 [AMENDED]
260:25-5-56 [AMENDED]
Subchapter 7. Salary and Payroll
Part 1. Salary and Rate of Pay
260:25-7-6 [AMENDED]
260:25-7-13 [AMENDED]
260:25-7-14 [AMENDED]
Subchapter 9. Recruitment and Selection
Part 9. Classified Appointments
260:25-9-102 [AMENDED]
Subchapter 11. Employee Actions
Part 3. Probationary Employees
260:25-11-36 [AMENDED]
Part 5. Promotions
260:25-11-51 [AMENDED]
260:25-11-53 [AMENDED]
260:25-11-55 [AMENDED]
Part 7. Transfers and Voluntary Demotions
260:25-11-71 [AMENDED]
Part 11. Other Transactions
260:25-11-110 [AMENDED]
Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
260:25-15-45 [AMENDED]
Subchapter 17. Performance Evaluation and Career Enhancement Programs
Part 7. Carl Albert Public Internship Program
260:25-17-74 [AMENDED]
Part 15. Workforce Education Program [NEW]
260:25-17-140 [NEW]
260:25-17-141 [NEW]
260:25-17-142 [NEW]
260:25-17-143 [NEW]
260:25-17-144 [NEW]
260:25-17-145 [NEW]
260:25-17-146 [NEW]
Subchapter 25. Oklahoma State Employees' Direct Deposit Rules
Part 1. General Provisions
260:25-25-2 [AMENDED]
260:25-25-6 [AMENDED]
260:25-25-14 [AMENDED]
260:25-25-16 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 17, 2017

[OAR Docket #17-231; filed 3-20-17]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 45. EMPLOYEES GROUP INSURANCE DEPARTMENT - ADMINISTRATIVE AND GENERAL PROVISIONS**

[OAR Docket #17-232]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Grievance Panel ~~Authority and Hearing~~ Procedures
- 260:45-5-1. ~~Access to Grievance Panel; request~~ Request for hearing [AMENDED]
- 260:45-5-2. Notice of hearing [AMENDED]
- 260:45-5-3. Prehearing conference [AMENDED]
- 260:45-5-4. ~~The grievance hearing~~ Grievance hearings conducted by the three [3] member Grievance Panel [AMENDED]
- 260:45-5-5. Continuance; disposition; Attorney representation [AMENDED]
- 260:45-5-6. Certificate of mailing [AMENDED]
- 260:45-5-7. Final order; appeals [AMENDED]
- 260:45-5-8. Scheduling of hearings [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 17, 2017

[OAR Docket #17-232; filed 3-20-17]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 50. EMPLOYEES GROUP INSURANCE DEPARTMENT - HEALTH, DENTAL, VISION AND LIFE PLANS**

[OAR Docket #17-233]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Purpose and Definitions
- 260:50-1-2. [AMENDED]
- Subchapter 3. Administration of Plans
- 260:50-3-8. [AMENDED]
- 260:50-3-15. [AMENDED]
- 260:50-3-18. [AMENDED]
- 260:50-3-20. [AMENDED]
- Subchapter 5. Coverage and Limitations
- Part 3. The Plans
- 260:50-5-10. [AMENDED]
- Part 13. Coordination of Health and Dental Benefits
- 260:50-5-45. [AMENDED]
- Subchapter 9. Cobra Health Insurance Continuation

260:50-9-1. [AMENDED]
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 17, 2017

[OAR Docket #17-233; filed 3-20-17]

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

[OAR Docket #17-260]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Definitions, Purpose and Application
- 300:35-1-1 [AMENDED]
- 300:35-1-2 [AMENDED]
- 300:35-1-4 [AMENDED]
- 300:35-1-5 [AMENDED]
- 300:35-1-6 [AMENDED]
- Subchapter 3. General Provisions
- 300:35-3-2 [AMENDED]
- 300:35-3-3 [AMENDED]
- 300:35-3-5 [AMENDED]
- 300:35-3-9 [AMENDED]
- 300:35-3-10 [AMENDED]
- 300:35-3-11 [AMENDED]
- 300:35-3-12 [AMENDED]
- 300:35-3-14 [AMENDED]
- 300:35-3-15 [AMENDED]
- Subchapter 5. Boating Safety Rules
- 300:35-5-3 [AMENDED]
- 300:35-5-8 [AMENDED]
- 300:35-5-10 [AMENDED]
- 300:35-5-11 [NEW]
- Subchapter 7. Vessels
- 300:35-7-1 [AMENDED]
- 300:35-7-2 [AMENDED]
- 300:35-7-4 [AMENDED]
- 300:35-7-6 [AMENDED]
- 300:35-7-12 [AMENDED]
- Subchapter 9. Sanctioned Events
- 300:35-9-1 [AMENDED]
- 300:35-9-2 [AMENDED]
- Subchapter 11. Permits for Wharves, Landings, Buoys, Breakwaters and Docking Facilities
- 300:35-11-1 [AMENDED]
- 300:35-11-3 [AMENDED]
- 300:35-11-4 [AMENDED]
- 300:35-11-6 [AMENDED]
- 300:35-11-7 [AMENDED]
- 300:35-11-8 [AMENDED]
- 300:35-11-11 [AMENDED]

Submissions to Governor and Legislature

300:35-11-12 [AMENDED]
300:35-11-13 [AMENDED]
300:35-11-14 [NEW]
Subchapter 13. Permits for Dikes, Excavations, Dredgings, Erosion Control Devices, Retaining Walls, and Shoreline Stabilization
300:35-13-1 [AMENDED]
300:35-13-3 [AMENDED]
300:35-13-6 [AMENDED]
Subchapter 15. Commercial Use of the Lakes and Lands of GRDA
300:35-15-2 [AMENDED]
Subchapter 17. Raw Water Permits
300:35-17-1 [AMENDED]
300:35-17-4 [AMENDED]
Subchapter 21. Administration of Rules and Hearings
300:35-21-3 [AMENDED]
300:35-21-6 [AMENDED]
300:35-21-7 [AMENDED]
300:35-21-8 [AMENDED]
Subchapter 23. Four-Wheel Vehicles, Off-Road Vehicles and All Terrain Vehicles
300:35-23-1 [AMENDED]
300:35-23-2 [AMENDED]
300:35-23-4 [AMENDED]
300:35-23-5 [AMENDED]
300:35-23-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-260; filed 3-23-17]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICES SERVICE

[OAR Docket #17-254]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. License Classifications and Associated Fees for Consumer Health Services
310:250-3-1. Food ~~service~~ establishments' permits fees [AMENDED]
310:250-3-2. Drug operational permits [AMENDED]
310:250-3-3. Lodging establishment operational permits [AMENDED]
310:250-3-4. Late renewal [AMENDED]
310:250-3-5. Radiation producing machine permits [AMENDED]

310:250-3-6. Public bathing places [AMENDED]

310:250-3-7. Application fee [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2017

[OAR Docket #17-254; filed 3-23-17]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 615. AMBULATORY SURGICAL CENTERS

[OAR Docket #17-255]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
310:615-1-3. General considerations [AMENDED]
310:615-1-3.1. Submission of plans and specifications and related requests for services [AMENDED]
310:615-1-3.2. Preparation of plans and specifications [AMENDED]
310:615-1-5. Self-certification of plans [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2017

[OAR Docket #17-255; filed 3-23-17]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING

[OAR Docket #17-256]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Physical Plant Design
310:663-7-3. Submission of plans and specifications and related requests for services [NEW]
310:663-7-4. Preparation of plans and specifications [NEW]
310:663-7-5. Self-certification of plans [NEW]
310:663-7-6. Exceptions and temporary waivers [NEW]
Subchapter 15. Resident Rights and Responsibilities
310:663-15-4. Prohibited restrictions and fees [NEW]
Subchapter 19. Administration, Records and Policies
310:663-19-1. Incident reports [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2017

[OAR Docket #17-256; filed 3-23-17]

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

[OAR Docket #17-257]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 41. General Construction Provisions

310:667-41-1. General [AMENDED]

Subchapter 47. Submittal Requirements

310:667-47-1. Submission of plans and specifications and related requests for services [AMENDED]

310:667-47-2. Preparation of plans and specifications [AMENDED]

310:667-47-10. Self-certification of plans [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2017

[OAR Docket #17-257; filed 3-23-17]

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

[OAR Docket #17-258]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Physical Plant

310:675-5-18. Design and construction [AMENDED]

310:675-5-22. Exceptions and temporary waivers [NEW]

310:675-5-23. Submission of plans and specifications and related requests for services [NEW]

310:675-5-24. Preparation of plans and specifications [NEW]

310:675-5-25. Self-certification of plans [NEW]

Subchapter 7. Administration

301:675-7-5.1. Reports to state and federal agencies [AMENDED]

310:675-7-6.1. Complaints [AMENDED]

310:675-7-12.1. Incident Internal facility incident reports [AMENDED]

Subchapter 11. Intermediate Care Facilities of 16 Beds and Less for the Mentally Retarded Individuals With

Intellectual Disabilities (16 Beds and Less (ICF/MR-16) (ICF/IID-16)

310:675-11-5. Physical plant [AMENDED]

310:675-11-5.1. Plans and specifications requirements applicable to ICF/IID-16 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2017

[OAR Docket #17-258; filed 3-23-17]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 680. RESIDENTIAL CARE
HOMES**

[OAR Docket #17-259]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Licensure Requirements

310:680-3-3. Applications [AMENDED]

310:680-3-6. Records and reports [AMENDED]

310:680-3-9. Complaints [AMENDED]

310:680-3-14. Appropriate occupancy [AMENDED]

Subchapter 5. Construction Requirements and Physical Plant

310:680-5-6. Building elements [AMENDED]

310:680-5-7. Resident rooms [AMENDED]

310:680-5-9. Submission of plans and specifications and related requests for services [NEW]

310:680-5-10. Preparation of plans and specifications [NEW]

310:680-5-11. Self-certification of plans [NEW]

Subchapter 7. Environmental Health and Sanitary Requirements

310:680-7-5. Housekeeping [AMENDED]

Subchapter 11. Staffing Requirements

310:680-11-1. Requirements [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2017

[OAR Docket #17-259; filed 3-23-17]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 2. GRIEVANCE PROCEDURES
AND PROCESS**

[OAR Docket #17-272]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

317:2-1-16. [NEW]
(Reference APA WF # 16-16A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-272; filed 3-24-17]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS**

[OAR Docket #17-281]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

317:2-1-2. [AMENDED]
(Reference APA WF # 16-28B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-281; filed 3-24-17]

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

[OAR Docket #17-270]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-5. [AMENDED]
(Reference APA WF # 16-03)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-270; filed 3-24-17]

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

[OAR Docket #17-271]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacies
317:30-5-72.1. [AMENDED]
317:30-5-78. [AMENDED]
317:30-5-87. [AMENDED]
(Reference APA WF # 16-13)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-271; filed 3-24-17]

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

[OAR Docket #17-273]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. Long Term Care Facilities
317:30-5-136. [NEW]
(Reference APA WF # 16-16B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-273; filed 3-24-17]

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

[OAR Docket #17-274]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

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

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-47. [AMENDED]

Part 35. Rural Health Clinics

317:30-5-361. [AMENDED]

Part 75. Federally Qualified Health Centers

317:30-5-664.10. [AMENDED]

(Reference APA WF # 16-18)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-274; filed 3-24-17]

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

[OAR Docket #17-276]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 55. Respite Care

317:30-5-518. [AMENDED]

(Reference APA WF # 16-24A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-276; filed 3-24-17]

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

[OAR Docket #17-278]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 85. Advantage Program Waiver Services

317:30-5-761. [AMENDED]

317:30-5-762. [AMENDED]

317:30-5-763. [AMENDED]

317:30-5-764. [AMENDED]

(Reference APA WF # 16-25A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-278; filed 3-24-17]

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

[OAR Docket #17-280]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-19. [REVOKED]

317:30-3-19.1. [REVOKED]

317:30-3-19.3. [NEW]

317:30-3-19.4. [NEW]

317:30-3-19.5. [NEW]

(Reference APA WF # 16-28A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-280; filed 3-24-17]

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

[OAR Docket #17-282]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-17. [AMENDED]

Part 3. General Medical Program Information

317:30-3-44. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-95.24. [AMENDED]

317:30-5-96.5. [AMENDED]

Part 35. Rural Health Clinics

317:30-5-355.1. [AMENDED]

Part 37. Advanced Practice Nurse

317:30-5-375. [AMENDED]

Part 61. Home Health Agencies

317:30-5-546. [AMENDED]

Submissions to Governor and Legislature

Part 75. Federally Qualified Health Centers

317:30-5-661.1. [AMENDED]

Part 108. Nutrition Services

317:30-5-1076. [AMENDED]

(Reference APA WF # 16-29)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-282; filed 3-24-17]

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

[OAR Docket #17-284]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-21. [AMENDED]

Part 3. General Medical Program Information

317:30-3-43. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 4. Long Term Care Hospitals

317:30-5-63. [AMENDED]

Part 9. Long Term Care Facilities

317:30-5-120. [AMENDED]

317:30-5-121. [AMENDED]

317:30-5-122. [AMENDED]

317:30-5-123. [AMENDED]

317:30-5-124. [AMENDED]

317:30-5-125. [AMENDED]

317:30-5-127. [AMENDED]

317:30-5-128. [REVOKED]

317:30-5-129. [AMENDED]

317:30-5-131.2. [AMENDED]

317:30-5-132. [AMENDED]

317:30-5-133. [AMENDED]

317:30-5-133.1. [AMENDED]

(Reference APA WF # 16-31A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-284; filed 3-24-17]

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

[OAR Docket #17-286]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-40. [AMENDED]

317:30-5-49. [AMENDED]

Part 23. Podiatrists

317:30-5-260. [AMENDED]

Part 29. Renal Dialysis Facilities

317:30-5-305. [AMENDED]

Part 45. Optometrists

317:30-5-430. [AMENDED]

Part 87. Birthing Centers

317:30-5-890. [AMENDED]

(Reference APA WF # 16-32)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-286; filed 3-24-17]

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

[OAR Docket #17-287]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 83. Residential Behavior Management Services

317:30-5-742.2. [AMENDED]

(Reference APA WF # 16-33)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-287; filed 3-24-17]

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

[OAR Docket #17-288]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-696. [AMENDED]

317:30-5-698. [AMENDED]

317:30-5-700.1. [AMENDED]

(Reference APA WF # 16-34)

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

March 24, 2017

[OAR Docket #17-288; filed 3-24-17]

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

[OAR Docket #17-289]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-11. [AMENDED]

Part 21. Outpatient Behavioral Health Agency Services

317:30-5-241. [AMENDED]

317:30-5-241.1. [AMENDED]

317:30-5-241.6. [AMENDED]

(Reference APA WF # 16-35)

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

March 24, 2017

[OAR Docket #17-289; filed 3-24-17]

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

[OAR Docket #17-290]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-2.1. [AMENDED]

317:30-3-4.1. [AMENDED]

317:30-3-30. [AMENDED]

(Reference APA WF # 16-36)

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

March 24, 2017

[OAR Docket #17-290; filed 3-24-17]

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

[OAR Docket #17-275]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals

Part 5. Determination of Medical Eligibility for ICF/IID, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals

317:35-9-48.1. [AMENDED]

(Reference APA WF # 16-19)

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

March 24, 2017

[OAR Docket #17-275; filed 3-24-17]

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

[OAR Docket #17-279]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 15. Personal Care Services

317:35-15-2. [AMENDED]

317:35-15-4. [AMENDED]

317:35-15-8. [AMENDED]

317:35-15-8.1. [AMENDED]

317:35-15-10. [AMENDED]

317:35-15-13.1. [AMENDED]

317:35-15-13.2. [AMENDED]

317:35-15-14. [AMENDED]

Submissions to Governor and Legislature

Subchapter 17. Advantage Waiver Services

317:35-17-1. [AMENDED]

317:35-17-3. [AMENDED]

317:35-17-5. [AMENDED]

317:35-17-14. [AMENDED]

317:35-17-18. [AMENDED]

317:35-17-22. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-2. [AMENDED]

(Reference APA WF # 16-25B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-279; filed 3-24-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #17-285]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals

Part 1. Services

317:35-9-4. [AMENDED]

Part 5. Determination of Medical Eligibility for ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals

317:35-9-45. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-8. [AMENDED]

317:35-19-9. [AMENDED]

(Reference APA WF # 16-31B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-285; filed 3-24-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 40. DEVELOPMENTAL DISABILITIES SERVICES

[OAR Docket #17-277]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

317:40-1-1. [AMENDED]

Subchapter 5. Member Services

Part 9. Service Provisions

317:40-5-103. [AMENDED]

317:40-5-112. [AMENDED]

Subchapter 7. Employment Services Through Home and Community-based Services Waivers

317:40-7-2. [AMENDED]

317:40-7-6. [AMENDED]

317:40-7-12. [AMENDED]

317:40-7-13. [AMENDED]

Subchapter 9. Self-Directed Services

317:40-9-1. [AMENDED]

(Reference APA WF # 16-24B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-277; filed 3-24-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

CHAPTER 45. INSURE OKLAHOMA

[OAR Docket #17-283]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

317:45-1-2. [AMENDED]

317:45-1-3. [AMENDED]

Subchapter 7. Insure Oklahoma ESI Employer Eligibility

317:45-7-2. [AMENDED]

Subchapter 9. Insure Oklahoma ESI Employee Eligibility

317:45-9-1. [AMENDED]

Subchapter 11. Insure Oklahoma IP

Part 3. Insure Oklahoma IP Member Health Care Benefits

317:45-11-10. [AMENDED]

317:45-11-11. [AMENDED]

Part 5. Insure Oklahoma IP Member Eligibility

317:45-11-20. [AMENDED]

317:45-11-23. [AMENDED]

(Reference APA WF # 16-30)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2017

[OAR Docket #17-283; filed 3-24-17]

**TITLE 330. OKLAHOMA HOUSING
FINANCE AGENCY
CHAPTER 20. FINANCING PROJECTS FOR
RESIDENTIAL MULTIFAMILY RENTAL
PROPERTY [REVOKED]**

[OAR Docket #17-249]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions and Administration [REVOKED]
- 330:20-1-1 [REVOKED]
- 330:20-1-2 [REVOKED]
- 330:20-1-3 [REVOKED]
- Subchapter 3. Applications [REVOKED]
- 330:20-3-1 [REVOKED]
- 330:20-3-2 [REVOKED]
- Subchapter 5. Submission Requirements and Procedure [REVOKED]
- 330:20-5-1 [REVOKED]
- 330:20-5-2 [REVOKED]
- Subchapter 7. OHFA Fees [REVOKED]
- 330:20-7-1 [REVOKED]
- 330:20-7-2 [REVOKED]
- 330:20-7-3 [REVOKED]
- 330:20-7-4 [REVOKED]
- Subchapter 9. Agency Requirements-Multifamily [REVOKED]
- 330:20-9-1 [REVOKED]
- 330:20-9-2 [REVOKED]
- 330:20-9-3 [REVOKED]
- Subchapter 11. Evaluation Considerations [REVOKED]
- 330:20-11-1 [REVOKED]
- 330:20-11-2 [REVOKED]
- 330:20-11-3 [REVOKED]
- 330:20-11-4 [REVOKED]
- Subchapter 13. Compliance and Reporting Requirements [REVOKED]
- 330:20-13-1 [REVOKED]
- 330:20-13-2 [REVOKED]
- 330:20-13-3 [REVOKED]
- Subchapter 15. Sale, Transfer/Assumption [REVOKED]
- 330:20-15-1 [REVOKED]
- 330:20-15-2 [REVOKED]
- APPENDIX A. [REVOKED]
- APPENDIX B. [REVOKED]
- APPENDIX C. [REVOKED]

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

March 23, 2017

[OAR Docket #17-249; filed 3-23-17]

**TITLE 330. OKLAHOMA HOUSING
FINANCE AGENCY
CHAPTER 35. LOW-INCOME HOUSING
TAX CREDIT PROGRAM RULES
[REVOKED]**

[OAR Docket #17-250]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions [REVOKED]
- 330:35-1-1 [REVOKED]
- 330:35-1-2 [REVOKED]
- 330:35-1-3 [REVOKED]
- 330:35-1-4 [REVOKED]
- Subchapter 3. Low Income Housing Tax Credits [REVOKED]
- 330:35-3-1 [REVOKED]
- 330:35-3-2 [REVOKED]
- 330:35-3-3 [REVOKED]
- 330:35-3-4 [REVOKED]
- 330:35-3-5 [REVOKED]
- 330:35-3-6 [REVOKED]
- 330:35-3-7 [REVOKED]
- 330:35-3-8 [REVOKED]
- 330:35-3-9 [REVOKED]
- 330:35-3-10 [REVOKED]
- 330:35-3-11 [REVOKED]
- 330:35-3-12 [REVOKED]
- 330:35-3-13 [REVOKED]
- Subchapter 5. Allocation Procedure [REVOKED]
- 330:35-5-1 [REVOKED]
- 330:35-5-2 [REVOKED]
- 330:35-5-3 [REVOKED]
- 330:35-5-4 [REVOKED]
- 330:35-5-5 [REVOKED]
- 330:35-5-6 [REVOKED]
- 330:35-5-7 [REVOKED]
- APPENDIX A. [REVOKED]
- APPENDIX B. [REVOKED]

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

March 23, 2017

[OAR Docket #17-250; filed 3-23-17]

**TITLE 330. OKLAHOMA HOUSING
FINANCE AGENCY
CHAPTER 36. AFFORDABLE HOUSING
TAX CREDIT PROGRAM**

[OAR Docket #17-251]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

Subchapter 1. General Provisions
330:36-1-4 [AMENDED]
330:36-1-9 [AMENDED]
Subchapter 2. Allocation Procedures
330:36-2-1 [AMENDED]
330:36-2-2 [AMENDED]
330:36-2-3 [AMENDED]
330:36-2-5 [AMENDED]
330:36-2-9 [AMENDED]
330:36-2-11 [AMENDED]
330:36-2-16 [AMENDED]
330:36-2-17 [AMENDED]
Subchapter 4. Development Applications and Selection
330:36-4-1 [AMENDED]
330:36-4-2 [AMENDED]
330:36-4-2.1 [AMENDED]
330:36-4-3 [AMENDED]
Subchapter 6. Program Administration
330:36-6-1 [AMENDED]
330:36-6-3 [AMENDED]
330:36-6-5 [AMENDED]
Subchapter 10. Credit Assistance/stimulus Legislation
330:36-10-15 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 23, 2017

[OAR Docket #17-251; filed 3-23-17]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 60. HOUSING TRUST FUND PROGRAM

[OAR Docket #17-252]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
330:60-1-1 [AMENDED]
330:60-1-3 [AMENDED]
330:60-1-4 [AMENDED]
330:60-1-7 [AMENDED]
Subchapter 3. Funds
330:60-3-1 [AMENDED]
330:60-3-2 [AMENDED]
330:60-3-3 [AMENDED]
330:60-3-4 [AMENDED]
330:60-3-5 [AMENDED]
330:60-3-6 [AMENDED]
330:60-3-7 [AMENDED]
330:60-3-8 [AMENDED]

Subchapter 5. Applications and Selection
330:60-5-1 [AMENDED]
330:60-5-2 [AMENDED]
330:60-5-3 [AMENDED]
330:60-5-4 [AMENDED]
Subchapter 7. Program Administration
330:60-7-1 [AMENDED]
330:60-7-2 [AMENDED]
330:60-7-3 [AMENDED]
330:60-7-4 [AMENDED]
330:60-7-5 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

March 23, 2017

[OAR Docket #17-252; filed 3-23-17]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 75. NATIONAL HOUSING TRUST FUND PROGRAM

[OAR Docket #17-253]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [NEW]
330:75-1-1 [NEW]
330:75-1-2 [NEW]
330:75-1-3 [NEW]
330:75-1-4 [NEW]
330:75-1-5 [NEW]
330:75-1-6 [NEW]
330:75-1-7 [NEW]
330:75-1-8 [NEW]
330:75-1-9 [NEW]
Subchapter 3. Funds [NEW]
330:75-3-1 [NEW]
330:75-3-2 [NEW]
330:75-3-3 [NEW]
330:75-3-4 [NEW]
330:75-3-5 [NEW]
330:75-3-6 [NEW]
Subchapter 5. Project Application and Selection [NEW]
330:75-5-1 [NEW]
330:75-5-2 [NEW]
Subchapter 7. Program Administration [NEW]
330:75-7-1 [NEW]
330:75-7-2 [NEW]
330:75-7-3 [NEW]
330:75-7-4 [NEW]
330:75-7-5 [NEW]
330:75-7-6 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE.

March 23, 2017

[OAR Docket #17-253; filed 3-23-17]

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

[OAR Docket #17-217]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 28. Office of Administrative Hearings: Child Support

340:2-28-57 [NEW]

(Reference WF 17-02)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-217; filed 3-17-17]

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

[OAR Docket #17-218]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Office of Client Advocacy

Part 1. Administration

340:2-3-2 [AMENDED]

Part 3. Investigations

340:2-3-34 [AMENDED]

340:2-3-36 [AMENDED]

340:2-3-38 [AMENDED]

Part 5. Grievances

340:2-3-45 through 340:2-3-46 [AMENDED]

340:2-3-51 through 340:2-3-53 [AMENDED]

Part 9. Advocacy Programs

340:2-3-71 [AMENDED]

340:2-3-74 [AMENDED]

(Reference WF 17-07)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-218; filed 3-17-17]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

[OAR Docket #17-219]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-3 through 340:10-2-4 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 1. Resources

340:10-3-5 through 10-3-6 [AMENDED]

Part 3. Income

340:10-3-32 [AMENDED]

340:10-3-40 [AMENDED]

Part 5. Assistance Payments

340:10-3-57 [AMENDED]

Part 7. Transitional Benefits

340:10-3-75 [AMENDED]

Subchapter 18. Conditions of Eligibility for Support Service Funds for Child Only Cases

340:10-18-1 [AMENDED]

(Reference WFs 16-09 and 17-08)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-219; filed 3-17-17]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

[OAR Docket #17-220]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-14 [AMENDED]

(Reference WF 17-10)

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-220; filed 3-17-17]

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

[OAR Docket #17-221]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Scope and Applicability
340:25-1-1.1 [AMENDED]
340:25-1-2 [AMENDED]
340:25-1-3.1 [AMENDED]
 - Subchapter 3. Commissioned Peace Officers
340:25-3-3 [AMENDED]
 - Subchapter 5. Operational Policies
 - Part 9. Disclosure of Information
340:25-5-67.1 [AMENDED]
 - Part 15. Case Initiation, Case Management, and Case Closure
340:25-5-114 [AMENDED]
340:25-5-117 through 340:25-5-118 [AMENDED]
 - Part 17. Past Support
340:25-5-140.2 [REVOKED]
 - Part 19. Locate Services
340:25-5-155 [AMENDED]
 - Part 20. Medical Support
340:25-5-169 [AMENDED]
 - Part 22. Review and Modification
340:25-5-198.2 [AMENDED]
 - Part 23. Enforcement
340:25-5-200 [AMENDED]
340:25-5-200.3 [AMENDED]
340:25-5-211.1 [AMENDED]
340:25-5-213 [AMENDED]
 - Part 37. Recovery
340:25-5-312 [AMENDED]
 - Part 38. Title IV-D and Non-Title IV-D Central Case Registry Information
340:25-5-340 through 340:25-5-340.1 [AMENDED]
 - Part 39. Accounting and Distribution
340:25-5-350.1 [AMENDED]
340:25-5-351 [AMENDED]
- (Reference WF 17-05)**

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-221; filed 3-17-17]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 40. CHILD CARE SUBSIDY PROGRAM

[OAR Docket #17-222]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
340:40-1-2 through 340:40-1-3 [AMENDED]
340:40-1-5 [AMENDED]
- Subchapter 3. Initial Application
340:40-3-1 [AMENDED]
- Subchapter 7. Eligibility
340:40-7-3 [AMENDED]
340:40-7-5 through 340:40-7-9 [AMENDED]
340:40-7-11 through 340:40-7-12 [AMENDED]
- Subchapter 9. Procedures Relating to Case Changes
340:40-9-1 through 340:40-9-2 [AMENDED]
- Subchapter 13. Child Care Rates and Provider Issues
340:40-13-3 [AMENDED]
340:40-13-5 [AMENDED]

(Reference WFs 16-03, 16-08 and 17-11)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-222; filed 3-17-17]

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

[OAR Docket #17-223]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
340:50-1-5 [AMENDED]
340:50-1-8 through 340:50-1-9 [AMENDED]
- Subchapter 3. Application Process
340:50-3-2 [AMENDED]
- Subchapter 5. Non-Financial Eligibility Criteria
- Part 1. Household Definition
340:50-5-5 [AMENDED]
340:50-5-7 [AMENDED]
340:50-5-7.1 [NEW]
340:50-5-10.1 [AMENDED]
- Part 5. Students, Strikers, Resident Farm Laborers, Migrant Households, Sponsored Aliens, and School Employees
340:50-5-48 [AMENDED]
- Part 7. Related Provisions

340:50-5-64 [AMENDED]
Part 9. Work Registration
340:50-5-88 [AMENDED]
340:50-5-97 [REVOKED]
Subchapter 7. Financial Eligibility Criteria
Part 3. Income
340:50-7-22 [AMENDED]
340:50-7-29 through 340:50-7-31 [AMENDED]
Part 5. Determination of Income
340:50-7-45 through 340:50-7-46 [AMENDED]
Subchapter 9. Eligibility and Benefit Determination
Procedures
340:50-9-1 [AMENDED]
340:50-9-5 [AMENDED]
Subchapter 11. Special Procedures
Part 1. Households Entitled to Expedited Service
340:50-11-1 [AMENDED]
Part 12. Categorically Eligible Households
340:50-11-111 [AMENDED]
340:50-11-113 [AMENDED]
Subchapter 15. Overpayments and Fraud
Part 1. Overpayments
340:50-15-1 [AMENDED]
340:50-15-3 through 340:50-15-4 [AMENDED]
340:50-15-6 [AMENDED]
Part 3. ~~Fraud~~Intentional Program Violation
340:50-15-25 [AMENDED]
(Reference APA WFs 16-10 and 17-12)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 16, 2017

[OAR Docket #17-223; filed 3-17-17]

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

[OAR Docket #17-224]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Eligibility for Benefits
340:65-3-2.1 [AMENDED]
340:65-3-5 through 340:65-3-6 [AMENDED]
340:65-3-7 and 340:65-3-8 [AMENDED]
(Reference WFs 16-05 and 17-09)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-224; filed 3-17-17]

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

[OAR Docket #17-225]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Child Protective Services
Part 1. Purpose, Definitions, and Hotline Protocol
340:75-3-120 [AMENDED]
340:75-3-130 [AMENDED]
Part 5. Investigative Findings and Appeals
340:75-3-530 [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 Services 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
340:75-6-50 [AMENDED]
Part 11. Permanency Planning and Placement Service
340:75-6-85.2 [AMENDED]
340:75-6-85.5 [AMENDED]
340:75-6-89 [AMENDED]
340:75-6-91 [AMENDED]
Subchapter 7. ~~Foster~~Resource Home Care
Part 6. ~~Foster~~Resource Home Care Support Services
340:75-7-65 [AMENDED]
Subchapter 8. Therapeutic Foster Care and Developmental
Disabilities Services
Part 1. Therapeutic Foster Care
340:75-8-6 through 340:75-8-7 [AMENDED]
340:75-8-12 [AMENDED]
Subchapter 11. Child Welfare Community-Based
Residential Services
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 through 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 1. Eligibility for Substitute Care Services and Claims
for Payment

Submissions to Governor and Legislature

340:75-13-9 [AMENDED]
Part 5. Clothing Purchases
340:75-13-45 [AMENDED]
Subchapter 16. Behavioral Health Treatment Services
Part 1. Inpatient Behavioral Health Treatment Services
340:75-16-29 [AMENDED]
340:75-16-31 [AMENDED]
340:75-16-35 [AMENDED]

(Reference WF 17-06 and 15-01)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-225; filed 3-17-17]

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

[OAR Docket #17-226]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Administration
Part 1. General Administration
340:100-3-1 [AMENDED]
340:100-3-6 [REVOKED]
340:100-3-10 [REVOKED]
Part 3. Administration
340:100-3-27 [AMENDED]
340:100-3-38.1 through 340:100-3-38.5 [AMENDED]
340:100-3-38.10 [AMENDED]
340:100-3-38.12 through 340:100-3-38.13 [AMENDED]
Subchapter 5. Client Services
Part 3. Service Provisions
340:100-5-22.1 [AMENDED]
340:100-5-22.6 [AMENDED]
340:100-5-36 [NEW]
Subchapter 6. Group Home Regulations
Part 11. Program Standards
340:100-6-55 [AMENDED]
Part 19. Involuntary Transfer or Discharge of Service Recipient
340:100-6-85 [AMENDED]
Part 21. Resident Rights and Responsibilities
340:100-6-95 [AMENDED]
(Reference WF 15-04)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-226; filed 3-17-17]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 105. AGING SERVICES

[OAR Docket #17-227]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 11. State Long-Term Care Ombudsman Program
Part 37. State Long-Term Care Ombudsman Program
340:105-11-231 through 340:105-11-233 [AMENDED]
340:105-11-233.1 [NEW]
340:105-11-234 [AMENDED]
340:105-11-234.1 through 340:105-11-234.2 [NEW]
340:105-11-235 [AMENDED]
340:105-11-235.1 [NEW]
340:105-11-236 through 340:105-11-237 [AMENDED]
340:105-11-237.1 through 340:105-11-237.2 [NEW]
340:105-11-238 through 340:105-11-240 [AMENDED]
340:105-11-242 through 340:105-11-243 [AMENDED]
340:105-11-243.1 [NEW]
340:105-11-245 [AMENDED]
340:105-11-248 [AMENDED]
340:105-11-251 through 340:105-11-252 [AMENDED]
340:105-11-254 [REVOKED]
340:105-11-255 [AMENDED]

(Reference WF 17-01)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-227; filed 3-17-17]

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

[OAR Docket #17-228]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-6 [AMENDED]
340:110-1-9 [AMENDED]
340:110-1-9.3 [AMENDED]
340:110-1-15 [AMENDED]
Part 3. Licensing Services - Residential Care and Agencies
340:110-1-45 [AMENDED]
340:110-1-47.2 [AMENDED]
340:110-1-54 [AMENDED]
Subchapter 3. Licensing Standards for Child Care Facilities

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
340:110-3-309 [AMENDED]
(Reference WF 17-04)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 16, 2017

[OAR Docket #17-228; filed 3-17-17]

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

[OAR Docket #17-229]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- Part 1. Licensing Services - Child Care
340:110-1-17 [AMENDED]
- Subchapter 3. Licensing Standards for Child Care Facilities
- Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes
340:110-3-85 through 340:110-3-86 [AMENDED]
- 340:110-3-86.1 [NEW]
- 340:110-3-88 [AMENDED]
- 340:110-3-89.1 [AMENDED]
- 340:110-3-91.1 [AMENDED]
- 340:110-3-93 [AMENDED]
- 340:110-3-97.1 [AMENDED]
- 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
340:110-3-278 through 340:110-3-280 [AMENDED]
- 340:110-3-281.1 through 340:110-3-281.2 [AMENDED]
- 340:110-3-284 [AMENDED]
- 340:110-3-284.1 [AMENDED]
- 340:110-3-284.2 [AMENDED]
- 340:110-3-289 [AMENDED]
- 340:110-3-296 [AMENDED]
- 340:110-3-301 [AMENDED]
- 340:110 Appendix EE. Oklahoma Director's Credential [REVOKED]
- 340:110 Appendix EE. Oklahoma Director's Credential [NEW]

(Reference WFs 16-02, 16-06, and 16-07)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 16, 2017

[OAR Docket #17-229; filed 3-17-17]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 10. PEACE OFFICER CERTIFICATION**

[OAR Docket #17-206]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 390:10-1-5 [AMENDED]
- 390:10-1-8 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 16, 2017

[OAR Docket #17-206; filed 3-16-17]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING**

[OAR Docket #17-207]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Basic Academy Programs
390:15-1-21 [NEW]
- Subchapter 3. Collegiate Officer Program
390:15-3-8 [AMENDED]
- 390:15-3-9 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 16, 2017

[OAR Docket #17-207; filed 3-16-17]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 20. RESERVE OFFICER CERTIFICATION AND TRAINING**

[OAR Docket #17-208]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 390:20-1-6 [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-208; filed 3-16-17]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION

[OAR Docket #17-209]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

390:25-1-3 [AMENDED]

390:25-1-8 [AMENDED]

390:25-1-14 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-209; filed 3-16-17]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY

[OAR Docket #17-210]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. License Requirements

390:35-5-1 [AMENDED]

390:35-5-2 [AMENDED]

390:35-5-2.1 [NEW]

390:35-5-3 [AMENDED]

390:35-5-4 [AMENDED]

390:35-5-9 [AMENDED]

390:35-5-13 [AMENDED]

Subchapter 7. Application Procedure

390:35-7-4 [AMENDED]

390:35-7-7 [AMENDED]

390:35-7-8 [NEW]

Subchapter 9. Violations and Investigations

390:35-9-4 [AMENDED]

Subchapter 11. Insurance and Bond Requirements

390:35-11-3 [AMENDED]

Subchapter 13. Use of Firearms

390:35-13-2 [AMENDED]

Subchapter 15. Training Requirements

390:35-15-8 [AMENDED]

APPENDIX C [REVOKED]

APPENDIX D [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-210; filed 3-16-17]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 45. RETIRED PEACE OFFICER FIREARMS PERMITS

[OAR Docket #17-211]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

390:45-1-3 [AMENDED]

390:45-1-5 [AMENDED]

390:45-1-6 [AMENDED]

390:45-1-7 [AMENDED]

390:45-1-7.1 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-211; filed 3-16-17]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 60. REGULATING BAIL ENFORCERS

[OAR Docket #17-212]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

390:60-1-5 [AMENDED]

Subchapter 7. Disciplinary Actions

390:60-7-2 [AMENDED]

Subchapter 11. Restrictions

390:60-11-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-212; filed 3-16-17]

**TITLE 428. LONG-RANGE CAPITAL PLANNING COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #17-234]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Chapter 1. Administrative Operations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 17, 2017

[OAR Docket #17-234; filed 3-20-17]

**TITLE 428. LONG-RANGE CAPITAL PLANNING COMMISSION
CHAPTER 10. ADMINISTRATION OF THE STATE CAPITAL IMPROVEMENT PLANNING ACT**

[OAR Docket #17-235]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. State Capital Plan [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 17, 2017

[OAR Docket #17-235; filed 3-20-17]

**TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #17-190]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Board Organization and Administration

505:1-3-1. General Board purpose and method of operation [AMENDED]

505:1-3-2. Powers and duties of Board [AMENDED]

505:1-3-3. Board composition and officers [AMENDED]

505:1-3-4. Board meetings [AMENDED]

505:1-3-5. Official Board records [AMENDED]

505:1-3-7. Availability of Board rules, regulations, policy statements [AMENDED]

505:1-3-8. Office of the Board is deemed to be the Office of the Secretary-Treasurer [AMENDED]

Subchapter 5. Rulemaking and Declaratory Rulings

505:1-5-2. Petition for rulemaking [AMENDED]

505:1-5-3. Notice [AMENDED]

505:1-5-4. Rulemaking hearing [AMENDED]

505:1-5-7. Request for declaratory ruling [AMENDED]

Subchapter 7. Individual Proceedings

505:1-7-2. Filing of papers [AMENDED]

505:1-7-4. Notice to parties [AMENDED]

505:1-7-5. Service of notice [AMENDED]

505:1-7-6. Time of hearing; request for extension [AMENDED]

505:1-7-8. Record of hearing [AMENDED]

505:1-7-9. Findings of fact [AMENDED]

505:1-7-14. Requests for disqualification [AMENDED]

505:1-7-15. Rehearing, reopening or reconsideration [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2017

[OAR Docket #17-190; filed 3-13-17]

**TITLE 505. BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 10. LICENSURE AND REGULATION OF OPTOMETRISTS**

[OAR Docket #17-189]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

505:10-1-1. Purpose [AMENDED]

505:10-1-2. Forms and instructions [AMENDED]

505:10-1-3. Sample of official forms [REVOKED]

Subchapter 3. Licensing Procedures

505:10-3-1. Application for license [AMENDED]

505:10-3-2. Examination of candidates [AMENDED]

Subchapter 5. Regulation of Licensees

505:10-5-1. Minimum standard of sanitation, hygiene and professional surroundings [AMENDED]

505:10-5-6. Requirement of registering intent to dispense dangerous drugs and controlled dangerous substances [AMENDED]

505:10-5-7. Practice in two locations [AMENDED]

505:10-5-11. Authorized post-graduate educational work [AMENDED]

505:10-5-13. Acts constituting unprofessional conduct [AMENDED]

505:10-5-14. Release of contact lenses prescription [AMENDED]

Subchapter 7. Complaints, Regulations and Renewals

Submissions to Governor and Legislature

505:10-7-2. Complaints against licensees [AMENDED]
**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 13, 2017

[OAR Docket #17-189; filed 3-13-17]

**TITLE 550. OKLAHOMA POLICE PENSION
AND RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #17-203]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Petition Procedures

550:1-5-7 [AMENDED]

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

March 15, 2017

[OAR Docket #17-203; filed 3-15-17]

**TITLE 550. OKLAHOMA POLICE PENSION
AND RETIREMENT SYSTEM
CHAPTER 10. RETIREMENT AND
PENSION BENEFIT PROGRAM**

[OAR Docket #17-204]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

550:10-1-6 [NEW]

550:10-1-7 [NEW]

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

March 15, 2017

[OAR Docket #17-204; filed 3-15-17]

**TITLE 612. STATE DEPARTMENT OF
REHABILITATION SERVICES
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #17-197]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

612:1-1-6. Description of forms and instructions issued by the Department for public use [AMENDED]

Subchapter 3. Administrative Components of the Department

612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]

612:1-3-10. Final signature authority [AMENDED]

Subchapter 5. Program Divisions Within the Department

612:1-5-1. Overview of the department [AMENDED]

612:1-5-3. Division of ~~Vocational Rehabilitation for the Blind & Visually Impaired~~ Visual Services (DVRBVIDVS) [AMENDED]

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

March 13, 2017

[OAR Docket #17-197; filed 3-15-17]

**TITLE 612. STATE DEPARTMENT OF
REHABILITATION SERVICES
CHAPTER 10. VOCATIONAL
REHABILITATION AND VOCATIONAL
REHABILITATION FOR THE BLIND &
VISUALLY IMPAIRED VISUAL SERVICES**

[OAR Docket #17-198]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

612:10-1-1. Purpose [AMENDED]

612:10-1-2. Definitions [AMENDED]

612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]

612:10-1-3.1. Procedural exceptions [AMENDED]

612:10-1-3.2. Pilot projects [AMENDED]

612:10-1-5. Confidentiality [AMENDED]

612:10-1-6. Due process [AMENDED]

612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]

Subchapter 3. Client Participation in Cost of Services

612:10-3-2. Consideration of comparable services and benefits [AMENDED]

612:10-3-3. Client participation in services cost and financial status determination [AMENDED]

612:10-3-4. Services exempt from client participation in service costs [AMENDED]

Subchapter 7. Vocational Rehabilitation and ~~Vocational Rehabilitation for the Blind & Visually Impaired~~ Visual Services [AMENDED]

Part 1. Scope of Vocational Rehabilitation and ~~Vocational Rehabilitation for the Blind & Visually Impaired~~ Visual Services [AMENDED]

612:10-7-1. Overview of Vocational Rehabilitation and ~~Vocational Rehabilitation for the Blind & Visually Impaired~~ Visual Services [AMENDED]
612:10-7-2. Field staff responsibilities [AMENDED]
612:10-7-3. Client responsibilities [AMENDED]
Part 3. Case Processing Requirements
612:10-7-21.1. Processing incoming referrals [AMENDED]
612:10-7-21.2. Information and referral system [AMENDED]
612:10-7-24.2. Assessment for determining eligibility [AMENDED]
612:10-7-24.3. Trial Work Experience and Extended Evaluation [AMENDED]
612:10-7-25.1. Order of selection [AMENDED]
612:10-7-31. Transfer of cases [AMENDED]
Part 5. Case Status and Classification System
612:10-7-50. Eligibility Status [AMENDED]
612:10-7-51. Individualized Plan for Employment [AMENDED]
612:10-7-56. Employment [AMENDED]
Part 9. Actions Requiring Review and Approval
612:10-7-87. Actions requiring supervisor's approval [AMENDED]
Part 11. Physical and Mental Restoration Services
612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]
Part 13. Supportive Services
612:10-7-130. Maintenance [AMENDED]
Part 15. Training
612:10-7-142. General guidelines for training services [AMENDED]
612:10-7-149. College and university training [AMENDED]
612:10-7-150. Continued eligibility for college or university training [AMENDED]
612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
612:10-7-158. Training for individuals in custody of the Department of Corrections [AMENDED]
612:10-7-161. Public and private vocational schools [AMENDED]
612:10-7-162. Textbooks, supplies, training tools and equipment [AMENDED]
612:10-7-170. Work experience, internship and apprenticeship [NEW]
Part 17. Supportive Employment Services
612:10-7-183. Ongoing support services [AMENDED]
612:10-7-184. Extended services [AMENDED]
Part 19. Special Services for Individuals who are Blind, Deaf, or have other Severe Disabilities
612:10-7-199. Reader/recording services [AMENDED]
612:10-7-201. Rehabilitation teaching services [AMENDED]
612:10-7-203. Orientation and Mobility (O & M) [AMENDED]

612:10-7-205. Services to persons who are deaf-blind [AMENDED]
612:10-7-206. Assistive technology services for individuals with visual impairments [AMENDED]
Part 21. Purchase of Equipment, Occupational Licenses and Certifications
612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]
Part 25. Transition from School to Work Program
612:10-7-245. Definitions [AMENDED]
Subchapter 9. Rehabilitation Teaching Services
Part 3. Case Processing and Recording
612:10-9-17. Application Status [AMENDED]
Subchapter 11. Independent Living Services for Older and Individuals who are Blind
Part 1. Scope of Services
612:10-11-7. Administrative review [AMENDED]
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 13, 2017

[OAR Docket #17-198; filed 3-15-17]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 15. OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED (OLBPH)**

[OAR Docket #17-199]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

612:15-1-3. Library functions and legal basis [AMENDED]

Subchapter 5. Library Loan Policy

612:15-5-2. Suspension procedures [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2017

[OAR Docket #17-199; filed 3-15-17]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 20. SPECIAL SCHOOLS**

[OAR Docket #17-200]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

Subchapter 3. General Operating Procedures for the Schools

Part 1. General Educational Policies

612:20-3-5. Departmental resources [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2017

[OAR Docket #17-200; filed 3-15-17]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

[OAR Docket #17-201]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. General Provisions

612:25-2-5. Definitions [AMENDED]

Subchapter 4. The State Licensing Agency

Part 1. Organization and General Operation Standards

612:25-4-1. Organization of the State Licensing Agency [AMENDED]

Part 3. Business Enterprise Program Training

612:25-4-14. Training for new or potential licensed managers [AMENDED]

Part 11. Business Enterprise Program Auditing and Due Process [AMENDED]

612:25-4-73. Due Process [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2017

[OAR Docket #17-201; filed 3-15-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #17-236]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Public Policy

Part 1. General Provisions

710:1-3-2 [AMENDED]

Part 7. Taxpayer Payments

710:1-3-48 [AMENDED]

Part 11. Public Records

710:1-3-71 [AMENDED]

Subchapter 5. Practice and Procedure

Part 3. Description of Administrative Review and Hearings

710:1-5-13 [AMENDED]

Part 8. Settlement of Tax Liability

710:1-5-89 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 15, 2017

[OAR Docket #17-236; filed 3-20-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 10. AD VALOREM

[OAR Docket #17-237]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

710:10-1-3 [AMENDED]

710:10-1-4 [AMENDED]

Subchapter 2. Business Personal Property Valuation Schedules

710:10-2-1 [AMENDED]

710:10-2-5 [AMENDED]

Subchapter 3. Equalization Study

Part 1. General Provisions

710:10-3-1 [AMENDED]

710:10-3-18 [AMENDED]

710:10-3-20 [AMENDED]

Part 3. Data Collection

710:10-3-27 [AMENDED]

Part 5. Authorities and Methodology

710:10-3-61 [REVOKED]

Subchapter 5. Homestead Exemption

710:10-5-1 [AMENDED]

710:10-5-2 [AMENDED]

710:10-5-3 [AMENDED]

710:10-5-4 [AMENDED]

710:10-5-8 [REVOKED]

710:10-5-9 [REVOKED]

710:10-5-10 [AMENDED]

710:10-5-11 [AMENDED]

710:10-5-12 [AMENDED]

710:10-5-13 [AMENDED]

Subchapter 6. Storm Shelter Exemption

710:10-6-1 [AMENDED]

710:10-6-6 [AMENDED]

710:10-6-8 [AMENDED]

710:10-6-9 [AMENDED]

Subchapter 7. Manufacturing Facilities

710:10-7-2.2 [AMENDED]

710:10-7-4 [AMENDED]
710:10-7-5 [AMENDED]
710:10-7-11 [AMENDED]
Subchapter 8. Exemption for Certain Oil and Gas Property upon Which Oklahoma Gross Production Tax is Paid
710:10-8-1 [AMENDED]
710:10-8-2 [AMENDED]
Subchapter 9. Manufactured Homes
710:10-9-1 [AMENDED]
710:10-9-3 [AMENDED]
710:10-9-7 [AMENDED]
710:10-9-14 [AMENDED]
710:10-9-20 [AMENDED]
710:10-9-26 [AMENDED]
Subchapter 10. Visual Inspection Plan
Part 1. General Provisions
710:10-10-1 [AMENDED]
Part 3. Planning and Organization
710:10-10-10 [AMENDED]
710:10-10-12 [AMENDED]
Part 5. Direction and Guidance
710:10-10-27 [AMENDED]
710:10-10-28 [AMENDED]
Part 7. Controls and Evaluation
710:10-10-44 [AMENDED]
Subchapter 11. Reimbursements and Assistance to Counties
710:10-11-12 [AMENDED]
Subchapter 13. Valuation Exclusion for Desulphurization Equipment
710:10-13-3 [AMENDED]
710:10-13-8 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 10, 2017

[OAR Docket #17-237; filed 3-20-17]

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

[OAR Docket #17-238]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Alcoholic Beverages
710:20-3-5 [AMENDED]
Subchapter 5. Mixed Beverages
710:20-5-2 [AMENDED]
710:20-5-8 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-238; filed 3-20-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 22. BOATS AND MOTORS**

[OAR Docket #17-239]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
710:22-1-15 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 14, 2017

[OAR Docket #17-239; filed 3-20-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 25. COIN OPERATED VENDING DEVICES**

[OAR Docket #17-240]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

710:25-1-4 [AMENDED]
710:25-1-10 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-240; filed 3-20-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 45. GROSS PRODUCTION**

[OAR Docket #17-241]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Payment; Remittance; Refunds
710:45-3-11 [AMENDED]
Subchapter 9. Exemptions and Exclusions
Part 1. General Provisions
710:45-9-2 [AMENDED]

Submissions to Governor and Legislature

Part 5. Horizontally Drilled Production Wells

710:45-9-24 [AMENDED]

Part 17. Economically At-Risk Leases

710:45-9-80 [AMENDED]

710:45-9-81 [AMENDED]

710:45-9-82 [AMENDED]

710:45-9-83 [AMENDED]

710:45-9-84 [AMENDED]

Subchapter 11. Transporters

710:45-11-2 [AMENDED]

710:45-11-8 [AMENDED]

Subchapter 13. Refiners and Processors

710:45-13-1 [AMENDED]

Subchapter 15. Reclaimers and Reclaiming Operations

710:45-15-2 [AMENDED]

710:45-15-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2017

[OAR Docket #17-241; filed 3-20-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #17-242]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

710:50-1-3 [REVOKED]

Subchapter 3. Returns and Reports

Part 1. General Information

710:50-3-3 [AMENDED]

710:50-3-4 [AMENDED]

710:50-3-8 [AMENDED]

710:50-3-9 [NEW]

Part 5. Filing Status; Elections; Accounting Periods and Methods

710:50-3-35 [AMENDED]

710:50-3-45 [AMENDED]

Part 7. Other Required Reporting

710:50-3-54 [AMENDED]

Subchapter 9. Refunds

710:50-9-3 [AMENDED]

710:50-9-4 [Revoked]

710:50-9-8 [AMENDED]

710:50-9-10 [AMENDED]

Subchapter 13. Estimated Tax

710:50-13-6 [AMENDED]

Subchapter 15. Oklahoma Taxable Income

Part 3. Exemptions

710:50-15-30 [AMENDED]

Part 5. Other Adjustments to Income

710:50-15-50 [AMENDED]

710:50-15-62 [AMENDED]

Part 7. Credits against Tax

710:50-15-71 [AMENDED]

710:50-15-74 [AMENDED]

710:50-15-76 [AMENDED]

710:50-15-83 [AMENDED]

710:50-15-90 [AMENDED]

710:50-15-103 [AMENDED]

710:50-15-104 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2017

[OAR Docket #17-242; filed 3-20-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 55. MOTOR FUEL

[OAR Docket #17-243]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 4. Motor Fuel Tax

Part 1. Licenses

710:55-4-102 [AMENDED]

Part 2. Reports [NEW]

710:55-4-106 [NEW]

Subchapter 7. Special Fuels Tax

710:55-7-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 15, 2017

[OAR Docket #17-243; filed 3-20-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #17-244]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Registration and Licensing

Part 1. General Provisions

710:60-3-22 [AMENDED]

710:60-3-25 [AMENDED]

Part 7. Noncommercial Vehicles

710:60-3-70 [AMENDED]

Part 11. Other Vehicles

710:60-3-112 [AMENDED]
Part 13. Manufactured Homes
710:60-3-130 [AMENDED]
Subchapter 5. Motor Vehicle Titles
Part 1. General Provisions
710:60-5-1 [AMENDED]
710:60-5-4 [AMENDED]
Part 5. Certificates of Title
710:60-5-55. Junked titles [AMENDED]
Part 7. Transfer of Title
710:60-5-77 [AMENDED]
710:60-5-79 [NEW]
Part 11. Liens
710:60-5-111 [AMENDED]
Subchapter 7. Motor Vehicle Excise Tax
710:60-7-3 [AMENDED]
Subchapter 9. Motor Vehicle License Agents/Agencies
Part 7. Specific Reporting Duties
710:60-9-72 [AMENDED]
Part 9. Specific Fiscal Duties
710:60-9-94 [AMENDED]
Part 11. Agency Operation
710:60-9-120 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 16, 2017

[OAR Docket #17-244; filed 3-20-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 65. SALES AND USE TAX**

[OAR Docket #17-245]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
710:65-1-8 [AMENDED]
Subchapter 7. Duties and Liabilities
710:65-7-8 [AMENDED]
Subchapter 11. Credits and Refunds
710:65-11-1 [AMENDED]
Subchapter 13. Sales and Use Tax Exemptions
Part 13. Contractors Refund; Change of Rates
710:65-13-70 [AMENDED]
Part 29. Manufacturing
710:65-13-155 [AMENDED]
Part 31. Medicine, Medical Appliances, and Health Care
Entities and Activities
710:65-13-170 [AMENDED]
710:65-13-171 [AMENDED]
Part 43. Social, Charitable, and Civic Organizations and
Activities

710:65-13-356 [AMENDED]
Subchapter 19. Specific Applications and Examples
Part 31. "P"
710:65-19-268 [AMENDED]
Subchapter 21. Use Tax
710:65-21-8 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 13, 2017

[OAR Docket #17-245; filed 3-20-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 90. WITHHOLDING**

[OAR Docket #17-246]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
710:90-1-13 [AMENDED]
Subchapter 3. Returns and Payments
710:90-3-11 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 15, 2017

[OAR Docket #17-246; filed 3-20-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY**

[OAR Docket #17-247]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Used Tire Recycling
710:95-5-2 [AMENDED]
710:95-5-8 [AMENDED]
Subchapter 9. Professional Licensing Compliance Review
710:95-9-3 [AMENDED]
Subchapter 11. State Employees Compliance Review
710:95-11-2 [AMENDED]
710:95-11-3 [AMENDED]
710:95-11-4 [AMENDED]
Subchapter 17. Prepaid Wireless Fee
710:95-17-3 [AMENDED]
710:95-17-5 [AMENDED]
710:95-17-7 [AMENDED]

Submissions to Governor and Legislature

710:95-17-9 [AMENDED]
710:95-17-10 [NEW]
710:95-17-11 [AMENDED]
710:95-17-13 [AMENDED]
710:95-17-15 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2017

[OAR Docket #17-247; filed 3-24-17]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 2. INFORMAL AND FORMAL PROCEDURES

[OAR Docket #17-261]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Informal Procedures - Consumer Complaints
765:2-1-4 [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 21, 2017

[OAR Docket #17-261; filed 3-23-17]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 4. TERM OF LICENSES

[OAR Docket #17-262]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

765:4-1-3 [AMENDED]
765:4-1-4 [NEW]
765:4-1-5 [NEW]
765:4-1-6 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 21, 2017

[OAR Docket #17-262; filed 3-23-17]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 10. USED MOTOR VEHICLE DEALERS

[OAR Docket #17-263]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Operation
765:10-3-5 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 21, 2017

[OAR Docket #17-263; filed 3-23-17]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 13. TEMPORARY LICENSE PLATES

[OAR Docket #17-264]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Design
765:13-3-5 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 21, 2017

[OAR Docket #17-264; filed 3-23-17]

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.

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 35. REGULATION OF PRIVATE
SECURITY INDUSTRY**

[OAR Docket #17-291]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 5. License Requirements

390:35-5-2.1. Renewals and continuing education [NEW]

DATES:

Adoption:

March 14, 2017

Submission of adopted rules to Governor and Legislature:

March 16, 2017

Withdrawn:

March 24, 2017

ADDITIONAL INFORMATION:

We are withdrawing proposed rule 390:35-5-2.1. due to an error in formatting. There are no substantial changes that were being proposed in this rule. The proposed changes will be submitted during next year's rule making process.

[OAR Docket #17-291; filed 3-24-17]

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 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

[OAR Docket #17-265]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Conditions of Eligibility - Need

Part 1. Resources

340:10-3-5 through 340:10-3-6 [AMENDED]

Part 3. Income

340:10-3-40 [AMENDED]

(Reference 16-09)

AUTHORITY:

Director of Human Services; Sections 162, 230.52, and 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes; and Sections 529A and 2503 of Title 26 of the United States Code.

ADOPTION:

January 10, 2017

APPROVED BY GOVERNOR:

February 27, 2017

EFFECTIVE:

March 1, 2017

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The amendments are proposed in order to comply with legislation effective January 1, 2017, regarding Oklahoma Achieving a Better Life Experience (ABLE) Program accounts. Educational income is excluded and treatment of loans is clarified to align with proposed Supplemental Nutrition Assistance Program and Child Care Subsidy Program rules.

GIST/ANALYSIS:

The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) exclude from income and resource consideration money deposited into or withdrawn, from a qualified ABLE Program account per federal and state regulations; (2) remove outdated information and staff instructions regarding stocks and bonds; (3) remove from Oklahoma Administrative Code (OAC) 340:10-3-5 disregarded resources duplicated as disregarded income in OAC 340:10-3-40; (4) exclude all educational income unless it serves the same purpose as TANF; (5) add information regarding how to verify loans received on a recurrent basis; (6) add clarifying and plain language for enhanced understanding; and (7) update terminology and a legal citation.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE MARCH 1, 2017 AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 3. CONDITIONS OF ELIGIBILITY - NEED

PART 1. RESOURCES

340:10-3-5. Personal property

(a) This subsection describes personal property and how it is considered in determining eligibility for Temporary Assistance for Needy Families (TANF).

(1) **Household goods and equipment.** Items essential to day-to-day living, such as clothing, furniture, and other similarly essential items of limited value, are excluded as resources.

(2) **Livestock and equipment used in a business enterprise.** A person's equity in livestock, equipment, or inventory of merchandise in a business enterprise is considered as a resource only ~~if when~~ the person is not actively engaged in the business enterprise. Equity is not counted ~~if when~~ the person actively participates in the business or is only temporarily inactive, for example, the person is incapacitated and can reasonably expect and has plans to resume the business enterprise. Equity is established on the basis of oral or written information which the person has at hand and counsel with persons who have specialized knowledge about the particular resources.

(3) **Livestock and home produce used for home consumption.** Any livestock or produce grown and used by the assistance unit for home consumption is exempt.

(4) **Cash savings and bank accounts.** ~~Money on hand or in a savings account is considered as a resource. The person's statement that he or she has no money on hand or on deposit is sufficient unless there are indications to the contrary. Available cash and money in a financial institution is considered as a resource. The person's~~

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statement that he or she does not have cash on hand or in a financial institution is sufficient unless there are indications to the contrary. When there is information to the contrary or when the person does not have records to verify the amount on deposit, verification is obtained from bank records. Section 167.1 of Title 56 of the Oklahoma Statutes (O.S. 56 § 167.1) provides that financial records obtained for the purpose of establishing eligibility for assistance or services must be furnished without cost to the person or the Oklahoma Department of Human Services (~~(OKDHS)~~(DHS).

(A) Checking accounts may or may not represent savings. Current bank statements are evaluated with the person to establish what, if any, portion of the account represents savings. Any income deposited during the current month is not considered.

(B) ~~Accounts owned jointly~~Jointly-owned accounts are considered available to the person unless it can be established what part of the account actually belongs to each of the owners, the money is separated, and the joint account is dissolved.

(C) Per 56 O.S. § 4001.1, money and assets deposited into or withdrawn from an individual savings or trust account owned by the designated beneficiary of the account and established to pay qualified disability expenses are excluded under the Oklahoma Achieving a Better Life Experience (ABLE) Program or an ABLE program in any other state for the purpose of determining eligibility to receive, or the amount of, any assistance or benefits from local or state means-tested programs. A person may have only one ABLE account. The client must provide documents to verify that the account meets exemption criteria before the funds are exempted from resource and income consideration. When verified, the exclusion applies to money:

(i) deposited in the account up to the annual federal gift tax exclusion per Section 2503(b) of Title 26 of the United States Code. Any money deposited in the account in a calendar year that is in excess of the annual federal gift tax exclusion is considered a countable resource and income in the month deposited; or

(ii) withdrawn to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

(5) **Insurance policies and prepaid funeral benefits.**

(A) **Life insurance policies.** The cash surrender value (CSV) less any loans or unpaid interest of life insurance policies owned by members included in the TANF cash assistance is counted as a resource. Dividends ~~which that~~ accrue and remain with the insurance company increase the amount of the resource. Dividends paid to a person are considered as income. Assignment of the face value of a life insurance policy to fund a prepaid burial contract is not counted as a resource. In this instance, the amount of the face value

of the life insurance is evaluated according to (C) or, ~~if when~~ applicable, (D) of this paragraph.

(B) **Burial spaces.** The value of a burial space for each family member whose needs are included in the cash assistance or whose income and resources are considered when computing the cash assistance is excluded from resources.

(C) **Burial funds.** Revocable burial funds not in excess of \$1500 for each person included in the assistance unit are excluded as a resource ~~if when~~ the funds are specifically set aside for the burial arrangements of the person. Any amount in excess of \$1500 for each person included in the assistance unit is considered as a resource. Burial policies ~~which that~~ require premium payments and do not accumulate cash value are not considered prepaid burial policies.

(i) ~~Burial~~The term burial funds means a prepaid ~~funeral~~burial contract or ~~burial~~ trust with a funeral home or burial association ~~which that~~ is set aside to pay for the person's burial expenses.

(ii) The face value of a life insurance policy, when properly assigned by the owner to a funeral home or burial association, may be used for purchasing burial funds as described in (i) of this subparagraph.

(iii) The burial fund exclusion must be reduced by the face value of life insurance policies owned by the person and by the amounts in an irrevocable trust or other irrevocable arrangement.

(iv) Interest earned or appreciation on the value of any excluded burial funds is excluded ~~if when~~ left to accumulate and become a part of the burial fund.

(v) ~~If When~~ the person did not purchase the prepaid burial contract or trust, even ~~if when~~ the person's money was used for the purchase, the person is not the owner and the prepaid burial funds ~~cannot be~~ not considered a resource to the person.

(D) **Irrevocable burial contract.** Oklahoma law provides that a purchaser of a prepaid ~~funeral~~burial contract may elect to make the contract irrevocable. Irrevocability becomes effective 30-calendar days after the contract is signed.

(i) ~~If When~~ the irrevocable election was made prior to July 1, 1986, and the person received assistance on July 1, 1986, the full amount of the irrevocable contract is excluded as a countable resource. This exclusion applies only ~~if when~~ the person does not add to the amount of the contract. Interest accrued on the contract is not considered as added. Any break in assistance requires that the contract be evaluated at the time of reapplication.

(ii) ~~If When~~ the effective date for the irrevocable election or application for assistance is July 1, 1986, or later, the amount in any combination of an irrevocable contract, revocable prepaid burial contract or trust, and the cash value of unassigned life

insurance policies cannot exceed \$10,000. When the principal amount exceeds \$10,000, the person is ineligible for assistance. Accrued interest is not counted as a part of the \$10,000 limit, regardless of when it is accrued.

(iii) For an irrevocable contract to be valid, the election to make it irrevocable must be made by the purchaser or the purchaser's guardian or a person with power of attorney for the purchaser.

(E) **Medical insurance.** When a person has medical insurance ~~whether directly purchased or available in conjunction with employment, the available benefits are applied toward the payments made to the medical expense for which the benefits are paid. If an assignment of the insurance is not made to the vendor and payment is made~~ provider or directly to the person, and the payment must be ~~payments are applied to the cost of medical services, they are excluded from resource consideration.~~ Any amount remaining after payment for medical services is considered a resource.

(6) **Stocks, bonds, mortgages, and notes.** The person's equity in stocks ~~and~~ bonds, including United States Savings Bonds, Series A through EE, ~~is~~ mortgages, and notes are considered a resource ~~as resources.~~

(A) The current market value less encumbrances is the equity of stocks or bonds.

(B) ~~Except for a bond which has been held beyond the maturity date, the current value is the redemption value listed in the table on the back of the bond for the anniversary date most recently reached.~~

~~(C) If the bond has been held beyond maturity date, it has continued to draw interest.~~

~~(D) The amount which that can be realized from notes, mortgages, and similar instruments, if when offered for immediate sale, constitutes a resource.~~

(7) **Non-negotiable resources.** Installment payments received on a note, mortgage, and similar instruments, for which a buyer cannot be found, are considered as monthly income.

(8) **Vehicles, pickups, and trucks.** For each ~~auto-~~ ~~mobile, pickup, truck, motorcycle, or other~~ vehicle, the market value of each year's make and model is established on the basis of the average trade-in value listed in the National Automobile Dealers Association (NADA) books, other blue books, or one of the Internet Web sites that provide data on the market value of used vehicles at no cost to the user. In the event ~~When the person and worker cannot agree on the value of~~ states the vehicle is worth less than the average trade-in value, the person secures written appraisals by ~~from~~ two persons familiar with current values. The appraisals must state the appraised value of the vehicle and why it is worth less than the average trade-in value. ~~If~~ When there is a substantial unexplained divergence ~~difference~~ between these ~~the~~ appraisals or between the blue book value and one or more of these ~~the~~ appraisals, the worker and the person jointly arrange for a third person familiar with current values and acceptable

to both, to establish the true market value to be established by an appraisal made by a third person who is familiar with current values and acceptable to both the person and worker of the vehicle.

(A) **Exempt vehicles.** ~~One automobile, pickup, truck, motorcycle, or other~~ The equity value of up to \$5,000 in one vehicle used for the primary source of transportation for each assistance unit not to exceed an equity of \$5,000 is exempt ~~exempt~~ from resource consideration. The amount of the equity in excess of \$5,000 is considered against the resource limit.

(B) **Other vehicles and personal property.** The equity in other ~~automobiles, pickups, and trucks as well as other~~ vehicles and personal property including boats, travel trailers, motorcycles, motor homes, and campers, ~~and similar items~~ is considered a resource ~~against the resource limit.~~ The current market value less encumbrances ~~on the vehicle~~ is the equity. Only encumbrances that ~~can be~~ are verified are considered in computing equity.

(9) **Lump sum payments.** A lump sum settlement ~~which that~~ compensates for the loss of a resource, such as an automobile, may be disregarded in the amount used to replace the loss.

(A) The person is given a reasonable amount of time to replace the loss not to exceed 30 ~~calendar~~ days. Extension beyond 30 ~~calendar~~ days may be justified in special instances when completion of the transaction is beyond the person's control.

(B) Any amount remaining after the replacement of the loss is considered as income.

(C) Income tax refunds, except for the portion ~~that represents~~ representing an earned income tax credit (EITC), must be treated as a resource and considered available to the person upon receipt. Per the Tax Relief, Unemployment Insurance Authorization, and Job Creation Act of 2010, {Public Law 111-312}, EITC payments received after December 31, 2009, as a result of filing a federal or state tax return are exempt as a resource for 12 months following receipt.

(D) Retirement benefits received as a lump sum payment at termination of employment are considered a resource. These benefits are not treated as income because the retirement contribution was regarded as income in the month earned and withheld by the employer.

(10) **Individual Development Accounts (IDAs).** IDAs are dedicated savings accounts that are used for a qualified purpose, such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the IDA administrative entity.

(A) IDAs are managed by community organizations and accounts are held at local financial institutions.

(B) Cash deposits and interest accrued from the deposits made by a person in an IDA up to \$2,000 are not considered as income or resources in determining TANF eligibility.

Emergency Adoptions

(C) The account deposits must be made from earned income, EITCs, or tax refunds.

(11) **Saving For Education, Entrepreneurship, and Downpayment (SEED) Initiative accounts.** SEED accounts are dedicated savings accounts for persons age 13 through 18 years of age that are used for a qualified purpose, such as purchasing a first home, education or job training expenses, capitalizing a small business, or other purposes designated by the administrative entity. SEED accounts are managed by community organizations and accounts are held at local financial institutions. Cash deposits and interest accrued from the deposits made by a person in a SEED account up to \$2,000 are not considered as income or resources in determining TANF eligibility.

(b) This subsection describes resources disregarded in determining need. Disregarded resources are:

(1) ~~food benefit allotments under the Food and Nutrition Act of 2008~~ income disregarded per Oklahoma Administrative Code 340:10-3-40;

(2) ~~any payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;~~

(3) ~~education grants, including work study, scholarships, and similar grants, if receipt is contingent upon the student regularly attending school. The student's classification, graduate or undergraduate, is not a factor;~~

(4) ~~loans, regardless of use, if a bona fide debt or obligation to pay can be established. Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from an individual or financial institution in the loan business. The borrower's acknowledgment of obligation to repay, with or without interest, is considered to indicate that the loan is bona fide. If the loan agreement is not written, Form 08AD103E, Loan Verification, is completed by the borrower attesting the loan is bona fide and signed by the lender verifying the date and amount of loan;~~

(5) ~~Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed per capita by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount. Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded. Any income from mineral leases or tribal business investments is disregarded as long as the payments are paid per capita. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;~~

(6) ~~special allowances for school expenses made available upon petition, in writing, from funds held in trust for the student;~~

(7) ~~trusts of a child(ren) included in a TANF benefit if it is determined by the worker when the funds are to~~

~~be used for educational purposes for the child(ren). Any court-established trust must be examined to determine if the court has restricted the trust for other purposes. The worker/client must verify at application and redetermination/renewal if funds have been/were withdrawn. Any funds withdrawn/Withdrawn funds are treated as lump sum unearned income unless it can be/is documented/documentation shows the funds were used for the child(ren)'s educational purposes;~~

(8) ~~any accounts, stocks, bonds, or other resources held under the control of a third party if/when the funds are designated for educational purposes for a child(ren) eligible for TANF, even if the/when a child(ren)'s name is on the account and the third party holder is required to access the funds;~~

(9) ~~benefits from state and community programs originating from Title III and Title V are disregarded. Both Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA as amended 2000;~~

(10) ~~unearned income received, such as needs-based payments, cash assistance, compensation in lieu of wages, or allowances from programs funded by the Workforce Investment Act (WIA), including Job Corps income. This includes WIA earned income received as wages;~~

(11) ~~payments for supportive services or reimbursement of out of pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE), and any other programs pursuant to the National and Community Service Trust Act of 1993 (NCSTA);~~

(12) ~~payments to volunteers under the NCSTA, such as Americorps VISTA;~~

(13) ~~the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;~~

(14) ~~any portion of payments made under the Alaska Native Claims Settlement Act to an Alaska Native which are exempt from taxation under the Settlement Act;~~

(15) ~~Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;~~

(16) ~~refunds of federal and state EITC received after December 31, 2009 as a result of filing a federal or state tax return are exempt as a resource for 12 months following receipt per the Tax Relief, Unemployment Insurance Authorization, and Job Creation Act of 2010, [Public Law 111-312];~~

(17) ~~payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);~~

(18) ~~payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries~~

- or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;
- (19) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code (U.S.C.), and comparable disaster assistance provided by state, local governments, and disaster assistance organizations;
- (20) interests of individual Indians in trust or restricted lands. However, any disbursements from the trust or restricted lands are considered as income;
- (21) a migratory farm worker's out-of-state homestead if the farm worker's intent is to return to the homestead after the temporary absence;
- (22) a non-recurring lump sum Supplemental Security Income (SSI) retroactive payment, made to a TANF recipient, in the month paid and the next following month. The amount remaining in the second month after the month of receipt is a countable resource;
- (23) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry who were detained in internment camps during World War II;
- (24) payments made to persons because of their status as victims of Nazi persecution;
- (25) payments made from the crime victims compensation program as amended in section 1403 of the Victims of Crime Act of 1984, Section 10602 of Title 42 of the U.S.C.;
- (26) reimbursements made to a foster care parent(s);
- (27) payments as described in Section 1823(c) of Title 38 of the U.S.C. provided to certain persons who are children of Vietnam War veterans;
- (28) funds in education accounts established under Section per Sections 529 and 530 of the Internal Revenue Code or exempted by Section 4000 of Title 56 of the Oklahoma State Statutes O.S. 56 § 4000; and
- (29) child support collected from a child support tax intercept for the month received. The amount remaining in the second month after the month of receipt is a countable resource.

340:10-3-6. Trust accounts

~~Monies held in trust for an individual~~ When a person applying for or receiving Temporary Assistance for Needy Families (TANF) ~~must have~~ has monies held in trust, a decision regarding the availability of the funds ~~determined~~ must be made. Funds held in trust are considered available ~~both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. In this circumstance, a decision regarding availability is made by the worker.~~ Funds may also be held in trust and under the control of someone other than the TANF parent or caretaker relative, such as the courts, agencies, other individuals, or the Bureau of Indian Affairs (BIA). The availability of these funds is determined by using the procedures described in (1) ~~and (2)~~ through (3) of this Section.

(1) **Funds held in trust by courts, agencies, or other individuals.** ~~Certain information~~ The applicant or recipient must be obtained ~~provide trust documents at the time of application or at the time it is learned a~~ when the worker becomes aware of the existence of a trust ~~is in existence. This information must~~ Documents include a copy of the trust instrument, ~~when applicable, and~~ a copy of all relevant court documents including ~~that may include~~ a Journal Entry, Order, Settlement Agreement, and documentation as to date, amount, and purpose ~~reflecting~~ of any prior disbursements.

(A) **Release of trust by written petition or written request.** The availability of the trust can only be determined after the TANF payee sends a written petition to the court ~~for the release of the total funds has been made~~ or a written request ~~is made~~ to the trustee ~~if~~ when the trust is not in a court supervised account for the release of the total funds. ~~The individual is instructed in writing to petition the court in writing or submit a written request to the trustee for release of the total amount of the funds in the trust account.~~

(i) The worker sends a written notice to the TANF caretaker ~~relative informs~~ payee informing him or her to:

(I) file the written petition with the court or submit a written request ~~must be filed with the court or submitted to the trustee~~ within 30-calendar days from the date of the notice;

(II) provide a copy to the worker; and ~~that~~

(III) failure to do so results in case denial or closure due to the county not being able to determine ~~as~~ benefit eligibility cannot be determined. ~~A copy of the petition or request must be submitted by the caretaker relative to the worker.~~

(ii) Upon receipt of a copy of the petition or request, the trust account at issue is considered unavailable. ~~The caretaker relative is instructed~~ worker instructs the TANF payee to provide the worker with a copy of the court or trustee's response when received.

(iii) ~~When the TANF caretaker relative complies timely with~~ payee submits the petition or request timely but ~~cannot~~ does not get a response from the court or trustee, the worker offers assistance, ~~such as writing with the client's permission, to write a letter, with his or her written permission, to the court or trustee.~~

(iiiiv) When the court or trustee's response to the petition or request is explicit as to the availability of funds, the worker takes appropriate action. ~~Otherwise, the information is submitted under cover memo to~~ When the response is not explicit, the worker asks Adult and Family Support Services Division (AFSSD) TANF Section staff to make a decision regarding the availability of funds. ~~If~~ When necessary, AFS TANF staff obtains a decision ~~is obtained~~ from the Legal Division Services about the availability of the funds held in trust.

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(iv) A decision regarding trust availability is rendered in one of two ways. The trust monies are considered:

(I) ~~Trust is not available. The trust monies are considered unavailable to the child(ren) and further review is not needed unless the trust instrument is amended; or~~

(II) ~~Trust is available. The trust monies are considered available as a resource in determining eligibility.~~

(B) ~~Periodic review~~renewal. If the funds are ~~Funds determined to be unavailable to the individual, they person are excluded as a resource at that time. However, at~~ until the next redetermination ~~renewal or reapplication. At renewal, the worker obtains information from the court or trustee regarding any modification to the trust instrument and any disbursements. Any disbursements—Disbursements~~ are considered as income the month received. If ~~When modification or disbursements have~~ did not occur ~~occur, the funds continue to be considered as unavailable until the next renewal is due.~~

(2) **Funds held in trust by BIA.** Interests of individual Indians in trust or restricted lands are not considered a resource in determining eligibility for assistance under the Social Security Act or any other federal or federally-assisted program.

(3) **Funds held in trust in an Achieving a Better Life Experience (ABLE) Program account.** Funds held in a trust account owned by the designated beneficiary of the account and established to pay qualified disability expenses under the Oklahoma Achieving a Better Life Experience (ABLE) Program or an ABLE program in any other state are excluded under the Oklahoma ABLE program or an ABLE program in any other state is excluded for the purpose of determining eligibility to receive, or the amount of, any assistance or benefits from local or state means-tested programs per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or the Achieving a Better Life Experience Act of 2014, Section 529A of Title 26 of the United States Code (26 U.S.C. § 529A). The applicant or recipient must provide documents to verify that the trust account meets exemption criteria before the funds in the trust account are exempted from resource and income consideration. When verified, the exclusion applies to money:

(A) deposited in the account up to the annual federal gift tax exclusion per 26 U.S.C. § 2503(b). Any money deposited in the account in a calendar year in excess of the annual federal gift tax exclusion is considered a countable resource and income in the month deposited; or

(B) withdrawn to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

340:10-3-40. Income disregards

Income that is disregarded in determining eligibility for Temporary Assistance for Needy Families (TANF) is:

(1) the food benefit allotment under the Food and Nutrition Act of 2008;

(2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(3) educational assistance including grants, work study, scholarships, fellowships, educational loans on which payment is deferred, veterans education benefits, and the like ~~if receipt is contingent upon the student regularly attending school and the money received is intended to offset the costs of education and expenses as identified by the institution, school, program, or other grantor. If the money is not intended to be a reimbursement and is a gain to the client, it is considered income.~~ When the educational assistance is serving the same purpose as TANF cash assistance, such as when the client receives a stipend for living expenses, the stipend is countable income. The student's classification as a graduate or undergraduate is not a factor;

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established.

(A) Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan was from a person or financial institution in the loan business.

(B) ~~If~~ When the loan was from a person(s) not in the loan business, the ~~borrower's client's~~ acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide.

(C) ~~If~~ When the loan agreement is not written, the client and lender must complete and sign Form 08AD103E, Loan Verification, must be completed by the borrower or a written statement, attesting that the loan is bona fide and signed by the lender verifying the date and amount of loan.

(D) ~~When copies of written agreements or Form 08AD103E are not available, detailed case documentation must include information that the loan is bona fide and how the debt amount and date of receipt was verified~~ the client receives loans on a recurrent or regular basis from the same source to meet expenses, the client and lender must sign an affidavit that states the payments are loans that must be repaid or that payments will be made in accordance with an established repayment schedule;

(5) Indian payments, including judgment funds or funds held in trust, distributed per capita by the Secretary of the Interior, Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior. For purposes of this paragraph, per capita is defined as each tribal member receiving an equal amount.

(A) Any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is disregarded.

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- (B) Any income from mineral leases or from tribal business investments is disregarded as long as the payments are paid per capita.
- (C) Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;
- (6) special allowance(s) for school expenses made available upon petition in writing from trust funds of the student;
- (7) income from trusts of a child(ren) included in a TANF benefit ~~if it is determined by when~~ the worker determines that funds are to be used for educational purposes for ~~the a~~ child(ren). Any court established trust must be examined to determine if the court ~~has~~ restricted the trust for other purposes. The worker must verify at application and ~~redetermination~~ renewal if funds ~~have been~~ were withdrawn. Any funds withdrawn are treated as lump sum unearned income unless it ~~can be~~ is documented the funds were used for ~~the a~~ child(ren)'s educational purposes;
- (8) income from accounts, stocks, and bonds held under the control of a third party ~~if when~~ the funds are designated for educational purposes for a child(ren) in a TANF benefit even when ~~the a~~ child(ren)'s name is on the account and the third-party holder is required to access the funds;
- (9) benefits from state and community programs on aging from Title III and Title V. Title III and Title V are under the Older Americans Act (OAA) of 1965 amended by Public Law (P.L.) 100-175 to become the OAA, as amended 2000. Each state and various organizations receive ~~some~~ Title V funds. These organizations include:
- (A) Experience Works;
 - (B) National Council on Aging;
 - (C) National Council of Senior Citizens;
 - (D) American Association of Retired Persons (AARP);
 - (E) ~~United States (US)~~ U.S. Forest Service;
 - (F) National Association for Spanish Speaking Elderly;
 - (G) National Urban League;
 - (H) National Council on Black Aging; and
 - (I) National Council on Indian Aging;
- (10) unearned income received by a child(ren) in a TANF benefit, such as a needs based payment, cash assistance, compensation in lieu of wages, or allowance from a program funded by the Workforce ~~Investment Act (WIA)~~ Innovation and Opportunity Act (WIOA) of 2014, including Job Corps income and ~~WIA~~ earned income received as wages;
- (11) payments for supportive services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE);
- (12) payments to volunteers under the National and Community Service Trust Act of 1993 (NCSTA), such as AmeriCorps VISTA;
- (13) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;
- (14) any portion of payments, made under the Alaska Native Claims Settlement Act to an Alaska Native that are exempt from taxation under the Settlement Act;
- (15) any income of an adult or a child(ren) in the family group living in the home and receiving Supplemental Security Income (SSI) is not considered in determining the TANF benefit. ~~His or her individual~~ The individual's income is considered by the Social Security Administration in determining eligibility for SSI and includes any payment made by ~~the~~ Developmental Disabilities Services ~~Division~~ through the Family Support Assistance Payment Program on behalf of a child(ren) receiving SSI and any other earned or unearned income of the person;
- (16) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the US Housing Act of 1937, as amended;
- (17) earnings of a child(ren) in a TANF benefit who is a full-time student;
- (18) government rental or housing subsidies by governmental agencies, ~~for example, such as~~ Housing and Urban Development (HUD) which are received in-kind or in cash for rent, mortgage payments, or utilities;
- (19) reimbursements from an employer, the Department of Labor, or the Bureau of Indian Affairs, for out-of-pocket expenditures and allowances for travel, training, meals, or supplies including uniforms, to the extent the funds are used for expenses directly related to such travel, training, meals, or supplies;
- (20) Low Income Home Energy Assistance Program (LIHEAP) payments for energy assistance and payments for emergency situations under Emergency Assistance to Needy Families with Children;
- (21) refunds of federal or state Earned Income Tax Credit (EITC) received after December 31, 2009, as a result of filing a federal or state tax return are exempt as income for 12 months following receipt per the Tax Relief, Unemployment Insurance Authorization, and Job Creation Act of 2010, ~~[Public Law 111-312]~~;
- (22) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- (23) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;
- (24) federal major disaster and emergency assistance provided by Section 5515(d) of Title 42 of the United States Code ~~(U.S.C.)~~ 42 U.S.C. § 5515(d) and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;
- (25) interests of individual Indians in trust or restricted lands;

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- (26) income up to \$2,000 per calendar year received by individual Indians ~~that is~~ derived from leases or other uses of individually-owned trust or restricted lands. Any remaining disbursements from the trust or the restricted lands are considered unearned income;
- (27) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry who were detained in internment camps during World War II;
- (28) payments made to persons because of their status as victims of Nazi persecution;
- (29) interest accrued from ~~the~~ deposits made by ~~an~~ person into an Individual Development Account (IDA) up to \$2,000;
- (30) stipends paid to students participating in the Indian Vocational Education Program (IVEP) through the Carl D. Perkins Vocational and Applied Technology Education Act;
- (31) payments made from the crime victims compensation program as amended in ~~section~~ Section 1403 of the Victims of Crime Act of 1984, ~~Section 10602 of Title 42 of the United States Code (42 U.S.C. § 10602)~~;
- (32) reimbursements made to a foster care parent(s) or a potential foster care parent(s);
- (33) payments as described in ~~Section 1823(e) of Title 38 of the U.S.C.~~ 38 U.S.C. § 1823(c) provided to certain persons who are children of Vietnam War veterans;
- (34) allowances, stipends, earnings, compensation in lieu of wages, or other payments made for participation in ~~WIAWIOA~~ or other federally-funded grants and workforce training programs paid to persons of all ages and student status; ~~and~~
- (35) child support judgments or arrearage payments received for a child no longer age-eligible for the TANF cash benefit; ~~and~~
- (36) money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or a qualified ABLE Program account set up in any other state per the ABLE Act of 2014, 26 U.S.C. § 529A is excluded as income or a resource when the client:
- (A) provides documents to verify the account meets exemption criteria;
- (B) verifies money deposited in the account does not exceed the annual federal gift tax exclusion amount per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year that is in excess of the annual federal gift tax exclusion amount is considered as countable income in the amount deposited; and
- (C) verifies withdrawals from the account were used to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

[OAR Docket #17-265; filed 3-23-17]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[OAR Docket #17-266]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-11 [AMENDED]

(Reference WF 17-13)

AUTHORITY:

Director of Human Services; Section 162 and 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes; Sections 529A and 2503 of Title 26 of the United States Code (26 U.S.C. § 529A), and 42 U.S.C. §§ 8621 and 8624.

ADOPTION:

March 2, 2017

APPROVED BY GOVERNOR:

March 7, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rules are proposed to comply with legislation, effective January 1, 2017, regarding Oklahoma Achieving a Better Life Experience (ABLE) Program accounts. Income changes are made to better align with Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) rules and to provide clients and employees with clear, concise, and updated rules reflecting current processes to facilitate the accurate delivery of benefits and services to persons who are in need.

GIST/ANALYSIS:

The proposed revisions to Chapter 20, Subchapter 1 amends the rule to: (1) change the income standard for LIHEAP from net to gross income; (2) reorder information and add additional taglines; (3) add clarifying information regarding when income must be calculated and how to calculate earned income and income of an ineligible alien; (4) define unearned income; (5) change how self-employment income and business expenses are computed; (6) exempt all educational assistance income; (7) update language regarding income exclusions to better align with SNAP and TANF rules; (8) exclude money deposited into or withdrawn from a qualified ABLE Program account from income and resource consideration per State Statute and federal regulations; and (9) add LIHEAP benefit amount information.

CONTACT PERSON:

Dena Thayer at 405-521-4326

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

SUBCHAPTER 1. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

340:20-1-11. Income and liquid resources

- (a) Income. All gross earned and unearned income received by the household, except for ~~those~~ income sources ~~shown~~

~~in~~exclusions per (b) of this Section, ~~received by the household~~ is considered in determining financial eligibility. ~~When the household receives income more than once per month, income is converted to a monthly amount and rounded to the nearest dollar. When a household member's income is reduced due to recoupment of an overpayment or garnishment, the gross amount before the recoupment or garnishment is considered.~~

~~(1) **Gross income standard.** Eligible~~The income of eligible households must ~~meet~~not exceed the gross income standard less the earned income deduction as shown ~~on~~per Oklahoma Department of Human Services (~~OKDHS~~)(DHS) Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size.

~~(1) Income received on an annual basis is prorated over 12 months to determine the average monthly income.~~

~~(A) When the household includes one or more ineligible aliens, part of the ineligible alien(s)' income is considered in determining gross income for the other household members. Refer to (4) of this subsection to determine the countable portion of the ineligible alien(s)' income. The ineligible alien(s) is not considered in household size when determining the gross income standard for the other household members.~~

~~(B) When all household members and their income are included in Supplemental Nutrition Assistance Program food benefits, Temporary Assistance for Needy Families or State Supplemental Payment cash assistance, or Child Care Subsidy benefits, the gross income used to establish eligibility for the other program is used to determine eligibility for Low Income Home Energy Assistance Program benefits. When some, but not all, household members are included in other benefits, the gross income of the household member(s) whose income was not verified must be determined for the application month per (2) and (3) of this subsection.~~

~~(C) When the household does not receive other benefits, the household's gross income for the application month is calculated to determine income eligibility per (2) and (3) of this subsection.~~

~~(2) If the income is not received on a regular monthly basis, refer to OAC 340:10-3-31.~~**Earned income.** Earned income is income a household member receives in the form of wages, commission, self-employment, or training allowances, and for which he or she puts forth labor. When all household members' earned income is not established for another program and a household member works for an employer, gross earned income is calculated for the application month. When a household member is self-employed or a contract employee, the household member's income is averaged over 12 months to determine the average gross monthly income.

~~(A) When the household member receives an hourly wage, has not received all earned income for the month by the application date, and his or her income fluctuates, the last 30-calendar days of income~~

is used to anticipate income for the pay periods not yet received. When the household member:

- ~~(i) receives an extra paycheck in the application month due to a third or fifth week and the income is ongoing, the last 30-calendar days of income is used to determine countable monthly income instead of counting the extra paycheck; or~~
- ~~(ii) started a new job and the amount of the first paycheck is not known, the earnings are not considered.~~

~~(B) When the household member's income does not fluctuate, income received during the month prior to the application month may be used.~~

~~(C) When the household member derives his or her annual income by contract or self-employment in a period of time shorter than one year or receives an annual salary, the income is divided over a 12-month period to determine countable monthly income.~~

~~(D) To arrive at the monthly gross earned income when the household member is self-employed and:~~

- ~~(i) filed an income tax return on the self-employment income for the most recent tax year, the gross self-employment income, including capital gains, shown on the income tax return is divided by 12 or the number of months the business was in operation when the business operated less than 12 months; or~~
- ~~(ii) did not file an income tax return for the most recent tax year, the gross self-employment income, including capital gains, shown on the household member's business records is divided by 12 or the number of months the business was in operation when the business operated less than 12 months.~~

~~(3) Total income is rounded to the nearest dollar.~~**Unearned income.** Unearned income is income a household receives that is not in the form of wages, self-employment, or training allowances, and for which a person does not put forth labor. Unearned income received or expected to be received during the month of application is considered unless it is excluded per (b) of this Section.

~~(4) When a person's income is reduced due to recoupment of an overpayment or garnishment, the gross amount before the recoupment or garnishment is considered.~~

~~(5) Countable income is computed as outlined in (A) through (D) of this paragraph.~~

~~(A) For each employed household member, subtract the earned income deduction as shown on OKDHS Appendix C 7 (.pdf, 1 pp, 52 KB). If the employed household member is self-employed, business expenses are allowed as described at (a)(6) of this Section.~~

~~(B) Add the unearned income of all household members.~~

~~(C) Subtract all applicable deductions as shown in (e) of this Section.~~

~~(D) The remaining amount is the amount considered available to the household members eligible for~~

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the Low Income Home Energy Assistance Program (LIHEAP).

(6) When a household member is self-employed, the net income as shown on the tax return is used as the income for this person.

(A) When the household did not file an income tax return on its self-employment income for the most recent year, the worker uses (i) through (iii) of this subparagraph to determine the net monthly self-employment income.

(i) The gross self-employment income, including capital gains, is computed using the client's self-employment business records.

(ii) If the client declares they incurred business expenses, the worker then subtracts 50% of the gross self-employment income as business expenses. If the household did not incur business expenses, a business expense deduction is not given.

(iii) The worker divides the net self-employment income by the number of months to be averaged per OAC 340:50-7-30.

(B) The monthly net self-employment income is added to all other earned income received by the household. **Income calculation for an ineligible alien.** An ineligible alien is a person who does not meet the eligibility criteria described in Oklahoma Administrative Code (OAC) 340:20-1-8.

(7) When an ineligible alien is part of an eligible household, the earned and unearned gross income of the ineligible alien and his or her ineligible dependents is calculated in the same manner as it is for other household members. The countable portion of his or her the ineligible alien's income is computed as outlined in per (A) through (E) of this paragraph and added to household income for the eligible members before determining if the household meets the gross income standard per Appendix C-7. An ineligible alien is a person who does not meet the eligibility criteria described in OAC 340:20-1-8.

(A) For each employed household member, subtract Subtract the earned income deduction as shown on OKDHS per Appendix C-7 for each employed ineligible alien.

(B) Add the unearned income of the ineligible alien.

(C) Subtract the need standard on OKDHS per DHS Appendix C-1, Schedule of Maximum Income, Resource, and Payment Standards Schedule IX, for the appropriate number of persons. Persons counted for the need standard are the ineligible alien and his or her ineligible alien dependents who:

- (i) are claimable for federal personal income taxes;
- (ii) live in the same household; and
- (iii) are not included in the household size when determining the gross income standard or the LIHEAP benefit level because they are ineligible aliens for the eligible household members.

(D) Subtract all applicable deductions as shown in per (c) of this Section for the ineligible alien(s).

(E) The remaining amount is the amount considered available to added to the countable income of the household members eligible for LIHEAP.

(b) **Income exclusions.** In determining income, exclude Exclude from countable income:

(1) the food benefit amount under the Food and Nutrition Act of 2008;

(2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(3) educational assistance including grants, work study, scholarships, fellowships, educational loans on which payment is deferred, veteran's education benefits, and the like are exempt if receipt is contingent upon the student regularly attending school and the money received is intended to offset the costs of education and expenses as identified by the institution, school, program, or other grantor. If the money is not intended to be a reimbursement and is a gain to the client, it is considered income. The student's classification, whether graduate or undergraduate, is not a factor;

(4) loans, regardless of use, if when a bona fide debt or obligation to pay can be established.

(A) Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan is from a person or financial institution in the loan business.

(B) If When the loan is from a person(s) not in the loan business, the borrower's acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide;

(5) Indian per capita payments including distributed from judgment awards or trust funds or funds held in trust and distributed per capita by the Secretary of the Interior Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior made pursuant to Public Law (P.L.) 98-64.

(A) Exclude any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds.

(B) Exclude per capita payments, for example, such as Osage tribe headrights of Osage tribe, income from mineral leases, or other tribal business ventures, as long as when they meet the distribution requirements as stated in this paragraph.

(C) Consider as income, interest or income derived from the principal or produced by purchases made with the funds after distribution.

(D) The per capita exclusion applies per person rather than per family;

(6) special allowance for school expenses made available upon petition in writing from trust funds of the student;

(7) benefits from Statestate and Community Programs community programs on Aging aging from Title

~~III and Title V. Income from the Older American Community Service Employment Act [Title VI], including American Association of Retired Persons (AARP) and Green Thumb organizations as well as employment positions allocated at the discretion of the Governor of Oklahoma, is counted as earned income. Title III and Title V are under the Older Americans Act (OAA) of 1965, amended by P.L. 100-175 to become the OAA, as amended in 2000. Each state and various organizations receive Title V funds. These organizations include:~~

- ~~(A) Experience Works;~~
- ~~(B) National Council on Aging;~~
- ~~(C) National Council of Senior Citizens;~~
- ~~(D) American Association of Retired Persons (AARP);~~
- ~~(E) U.S. Forest Service;~~
- ~~(F) National Association for Spanish Speaking Elderly;~~
- ~~(G) National Urban League;~~
- ~~(H) National Council on Black Aging; and~~
- ~~(I) National Council on Indian Aging;~~

~~(8) unearned income received by a child receiving Temporary Assistance for Needy Families (TANF), such as a needs based payment, cash assistance, allowances, stipends, earnings, compensation in lieu of wages, or allowance, from a program funded by the grants, and other payments made for participation in Workforce Investment Innovation and Opportunity Act (WIA) including Job Corps income, and WIA earned income received as wages, not to exceed six months in any calendar year (WIOA) of 2014, or other federally-funded workforce training program to persons of all ages and student status with the exception of income paid to persons 19 years of age and older for on-the-job training. This income is treated as any other earned income;~~

~~(9) payments for supportive services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE);~~

~~(10) payments to volunteers under the Domestic Volunteer Service Act of 1973, allowances, or earnings to persons participating in programs under Title I of the National and Community Service Act, such as University Year for Action (UYA), Senior Companion Program, AmeriCorps Volunteers in Service to America (VISTA), unless the gross amount of VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater, and other AmeriCorps Programs;~~

~~(11) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;~~

~~(12) any portion of payments, made under the Alaska Native Claims Settlement Act to an Alaska native, which are exempt from taxation under the Settlement Act;~~

~~(13) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;~~

~~(14) earnings of a minor dependent child who is a full-time student;~~

~~(15) rental or housing subsidies by governmental agencies, for example, such as the United States Department of Housing and Urban Development (HUD), received in-kind or in cash for rent, mortgage payments, or utilities;~~

~~(16) reimbursements from an employer for out-of-pocket expenditures and allowances for travel or training to the extent the funds are used for expenses directly related to such travel or training. Uniform allowances are excluded if when the uniform is uniquely identified with the company name or logo. Any amount the employer adds to the employee's gross income as a benefit allowance to pay for a reimbursable expense, such as insurance or dependent care is excluded. When the monthly benefit allowance exceeds the monthly expense and the employer includes the excess in the employee's pay each month, the worker counts the excess benefit allowance as earned income;~~

~~(17) advance payments of Earned Income Tax Credit (EITC) received as part of a paycheck or EITC refunds of EITC as a result of filing a federal income tax return;~~

~~(18) refunds of state EITC as a result of filing a state income tax return;~~

~~(19) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the ~~IN RE~~ In Re Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y.) are not considered as income or as a resource in determining eligibility for or the amount of the benefit;~~

~~(20) payments received for Emergency Assistance to Needy Families with Children;~~

~~(21) payments made by others on the household's behalf;~~

~~(22) in-kind benefits received by an employee from an employer in lieu of wages or in conjunction with wages;~~

~~(23) payments made under the Radiation Exposure Compensation Act (P.L. 101-426) enacted October 15, 1990;~~

~~(24) federal major funds distributed by Federal Emergency Management Assistance (FEMA) due to a disaster and/or emergency assistance provided under the Disaster Relief Act of 1974, and to persons directly affected by the event. This exclusion also applies to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President of the United States;~~

~~(25) interests of individual Native Americans in trust or restricted lands;~~

~~(26) income up to \$2,000 per calendar year received by individual Native Americans, which that is derived from leases or other uses of an individually-owned trust or restricted lands. Any remaining disbursements from~~

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the trust or the restricted lands are considered as unearned income;

(27) payments made to persons because of their status as victims of Nazi persecution;

(28) monetary allowances as ~~described in~~ Section 1823(c) of Title 38 of the United States Code (~~USC~~(U.S.C.)) provided to certain persons who are children of Vietnam War veterans; and

(29) Family Support Assistance Payment Program payments paid to persons by the ~~OKDHS~~DHS Developmental Disabilities Services ~~Division (DDSD)~~; and

(30) money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or a qualified ABLE Program account set up in any other state per the ABLE Act of 2014, 26 U.S.C. § 529A, is excluded as income when the client:

(A) provides documents to verify the account meets exemption criteria;

(B) verifies money deposited in the account does not exceed the annual federal gift tax exclusion amount per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year in excess of the annual federal gift tax exclusion amount is considered as countable income in the amount deposited; and

(C) verifies withdrawals from the account are used to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

(c) **Income deductions.** ~~Certain~~When applicable, subtract deductible expenses per (1) through (3) of this paragraph from the gross income may be applied when applicable, such as. Deductible expenses may include:

(1) ~~out of pocket~~verified non-reimbursed medical expenses paid by persons ~~age 60 and years of age or older~~ or persons considered disabled per OAC 340:50-5-4 ~~and 340:50-7-31(b)(3)~~;

(2) legally binding child support paid by a household member to or for a non-household member when verified, including payments made to a third party on behalf of the non-household member; and

(3) the earned income deduction as ~~shown on~~ OKDHS per DHS Appendix C-7 for each employed household member. In addition, if ~~when~~ a household member is self-employed, see ~~(a)(6) of this Section~~ for deduct 50 percent of the household member's gross self-employment ~~deductions~~income for incurred business expenses. When the household member did not incur business expenses, he or she is not eligible for a business expense deduction.

(d) **Benefit amount.** Refer to Appendix C-7-A, Estimated Low Income Home Energy Assistance Program (LIHEAP) Benefit Level for all Households, to determine the LIHEAP benefit amount. The LIHEAP benefit amount is based on household size, excluding ineligible aliens, the household's

net income after applicable deductions are subtracted per (c) of this Section, and the primary energy source.

(e) **Resources.** Liquid resources, such as cash on hand, checking or savings accounts, certificates of deposits, and/or stocks or bonds, cannot exceed the allowable resource level as ~~shown on~~ OKDHS per Appendix C-7. The applicant's statement is accepted as verification unless the information ~~received~~ is inconsistent or questionable.

[OAR Docket #17-266; filed 3-23-17]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 40. CHILD CARE SUBSIDY PROGRAM

[OAR Docket #17-267]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Eligibility
340:40-7-12 [AMENDED]
(Reference WF 16-08)

AUTHORITY:

Director of Human Services; Sections 162 and 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes; Section 529A and 2503 of Title 26 of the United States Code, and Public Law 113-186, Child Care and Development Block Grant of 2014.

ADOPTION:

January 10, 2017

APPROVED BY GOVERNOR:

February 27, 2017

EFFECTIVE:

March 1, 2017

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The amendments are proposed in order to comply with legislation effective January 1, 2017, regarding Oklahoma Achieving a Better Life Experience (ABLE) Program accounts. Educational income is excluded and treatment of loans is clarified to align with proposed Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families (TANF) changes.

GIST/ANALYSIS:

The proposed amendments to Chapter 40, Subchapter 7 amend the rule to: (1) add clarifying information regarding loans; (2) exclude all educational income; and (3) exclude from income and resource consideration money deposited into or withdrawn, from a qualified ABLE Program account per federal and state regulations.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE MARCH 1, 2017 AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 7. ELIGIBILITY

340:40-7-12. Sources of excluded income

Only the income listed in this Section is excluded in determining a household's eligibility for a child care benefit. No other income is excluded.

(1) **Lump sum payments.** One-time lump sum payments are excluded as income. Recurring lump sum payments are excluded as a countable income source unless specifically mentioned per Oklahoma Administrative Code (OAC) 340:40-7-11 as a countable source of income.

(2) **In-kind income.** In-kind income is excluded as income. In-kind income is defined as any gain or benefit that is not in the form of money paid directly to the household. This includes non-monetary or in-kind benefits, such as meals, clothing, public housing, or produce from a garden.

(3) **Money received from the sale of property.** Money received from the sale of property, such as stocks, bonds, or a house, or a car is excluded. This exclusion does not apply when the person is engaged in the business of selling such property.

(4) **Bank or trust account withdrawals.** Money withdrawn from a bank or trust account is excluded as income even when used to meet current living expenses.

(5) **Capital gains.** The proceeds from the sale of capital goods or equipment are excluded.

(6) **Household income for certain children adopted through Oklahoma Department of Human Services (DHS).** The income of all household members is exempt for a child only when conditions in (A) through (E) are met. The:

(A) child was adopted through DHS or a federally-recognized Indian tribe, as defined by the Federal and Oklahoma Indian Child Welfare Acts, by the parent applying for benefits;

(B) adoptive parent applying for benefits must provide:

(i) a fully executed Form 04AN002E, Adoption Assistance Agreement, listing child care as an adoption assistance benefit for the child;

(ii) Form 04AN033E, Post Adoption Child Care Referral;

(iii) the Final Decree of Adoption; and

(iv) a form of identity;

(C) adoptive parent and child are Oklahoma residents of Oklahoma;

(D) child is 5 years of age or younger. When a child turns 6 years of age during the 12-month eligibility period, household income remains exempt until the next renewal; and

(E) adoptive parent meets an allowable need factor as defined in per OAC 340:40-7-7 and OAC 340:40-7-8 and provides proof. In a two-parent family, both parents must meet an allowable need factor.

(7) **Household income when at least one child attends an Early Head Start-Child Care (EHS-CC) Partnership grant program.** The household income is exempt for all children in care when at least one child attends an EHS-CC Partnership grant program and the

household meets income guidelines per DHS Appendix C-4, Child Care Eligibility/~~Co-payment~~Copayment Chart.

(8) **Earnings of children.** Earnings~~Exclude~~ the earnings of a person 17 years of age and younger who is considered a child in the case is excluded as long as the child is attending school regularly. The exclusion continues to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment resumes following the break. When the child is a minor parent and the payee, the minor parent's earnings are treated as adult income.

(9) **Irregular income.** Any income received too infrequently or irregularly to be reasonably anticipated is not counted unless it is in excess of \$30 per calendar quarter.

(10) **Reimbursements.** Reimbursements for past or future expenses not exceeding actual expenses are excluded.

(11) **Tax refunds.** Federal~~Exclude~~ federal or state income tax refunds, including the state and federal Earned Income Tax Credit (EITC), and advance payments of federal EITC are excluded.

(12) **Money received for third parties.** Money received and used for the care and maintenance of a third party who is not a household member is excluded.

(13) **Loans.** All loans, including loans from private as well as commercial institutions, are excluded as income. Verification the incomeWhen the household states someone is loaning the household money to meet expenses, a statement signed by both parties is required indicating the payment is a loan is required and must be repaid. When the household states it receives loans on a recurrent or regular basis from the same source, the lender must sign an affidavit stating the payments are loans that must be repaid or that payments will be made in accordance with an established repayment schedule.

(14) **Grants.** Grants obtained and used under conditions that preclude their use for current living costs are excluded.

(15) **Educational assistance.** Educational assistance is excluded when receipt is contingent upon the student regularly attending school.

~~(A) Examples of educational assistance include as income and includes, but is not limited to:~~

~~(i) work study;~~

~~(ii) scholarships;~~

~~(iii) fellowships;~~

~~(iv) educational loans when payment is deferred; and~~

~~(v) veteran's/veterans' education benefits.~~

~~(B) The educational assistance must be intended to offset the costs of education and expenses as identified by the institution, school, program, or other grantor.~~

~~(C) When the educational assistance is not intended to be a reimbursement and is a gain to the client, it is considered income.~~

(16) **Stipends.** Stipends paid to students participating in the Indian Vocational Education Program through the Carl D. Perkins Vocational and Applied Technology Education Act are excluded as income.

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(17) **Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).** Payment for supportive services or reimbursement of out-of-pocket expenses made to volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in SCORE and ACE is excluded as income.

(18) **Government rent or housing subsidies.** Government rent or housing subsidies by government agencies received in-kind or in cash for rent, mortgage payments, or utilities ~~is~~are excluded as income.

(19) **Foster care payments.** Foster care payments received for a foster child in state or tribal custody are excluded as income.

(20) **Title IV E of the Social Security Act or State Adoption Subsidy.** Federal or state funded adoption subsidy payments made to adoptive parents are excluded as income.

(21) **Victims of Crime Act of 1984.** Payments made from the crime victims' compensation program as amended in Section 1402 of the Victims of Crime Act of 1984 and per Section 10602 of Title 42 of the United States Code (42 U.S.C. § 10602) are excluded as income. ~~{42 USC 10602}~~

(22) **Family Support Assistance Payment Program.** Family Support Assistance Payment Program payments paid to persons by the DHS Developmental Disabilities Services are excluded as income.

(23) **Vendor payments.** Vendor payments made directly to the household's creditors, ~~or~~—a person, or an organization providing a service to the household, are excluded as income unless a court order or other legally binding agreement specifies the money is to be paid directly to the client.

(24) **Money received by another household for a household member.**

(A) When a child spends part of the month in two separate households and receives countable income, the worker considers the portion of the income received by the household applying for or receiving a child care benefit as income and excludes the remainder.

(B) When a minor parent is the payee and lives with ~~one of his or her parents~~ a parent or caretaker, child support received for the minor parent is considered income for the parent or caretaker and not considered for the minor parent's child care benefit.

(25) **Money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account.** Money deposited into or withdrawn from a qualified ABLE Program account per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or a qualified ABLE Program account set up in any other state per the ABLE Act of 2014 (26 U.S.C. § 529A) is excluded as income when the client:

(A) provides documents to verify the account meets exemption criteria;

(B) verifies money deposited in the account does not exceed the annual federal gift tax exclusion

amount per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year that is in excess of the annual federal gift tax exclusion amount is considered as countable income in the amount deposited; and

(C) verifies withdrawals from the account were used to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

(2526) **Income excluded by federal law.** Income excluded by federal law is defined as:

(A) payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(B) payments received:

(i) under the Alaska Native Claims Settlement Act, ~~{Public Law (P.L.) 92-203, § 21(a)}~~;

(ii) under the Sac and Fox Indian Claims Agreement, ~~{P.L. 94-189}~~;

(iii) from the disposition of funds to the Grand River Band of Ottawa Indians ~~per {P.L. 94-540}~~;

(iv) by members of the Confederated Tribes of the Mescalero Reservation ~~per {P.L. 95-433}~~;

(v) under the Maine Indian Claims Settlement Act of 1980 to members of the Passamaquoddy and the Penobscot Nation, ~~{P.L. 96-420}~~; or

(vi) by an individual as a lump sum or a periodic payment via the Cobell Settlement per the Claims Resolution Act of 2010, ~~{P.L. 111-291}~~;

(C) any payment to volunteers under Title II, Retired and Senior Volunteer Program, Foster Grandparents and others, of the Domestic Volunteer Services Act of 1973, ~~{P.L. 93-113}~~ as amended. Payments under Title I of that Act, Volunteers in Service To America, University Year for Action, and Urban Crime Prevention Program, to volunteers are excluded only ~~if~~when the monthly amount, ~~when~~ converted to an hourly rate, is less than the Oklahoma minimum wage;

(D) income derived from submarginal land of the United States held in trust for certain Indian tribes ~~per {P.L. 94-114, See Section 6}~~;

(E) Indian per capita payments distributed from judgment awards and trust funds made ~~pursuant to~~ per P.L. 98-64. Also excluded is any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds. Any per capita payments, headrights of the Osage tribe, income from mineral leases or other tribal business ventures are excluded as long as the payments are paid per capita. Any interest or income derived from the funds after distribution is considered as any other income. The per capita exclusion applies per person rather than per family;

(F) income up to \$2,000 per year received by individual Indians, ~~which is~~ derived from leases or other

uses of individually-owned trust or restricted lands, is not counted as income. The income exclusion applies to calendar years beginning January 1, 1994. Any remaining disbursements from the trust or restricted lands are considered as income;

(G) allowances, stipends, earnings, compensation in lieu of wages, grants, and other payments made for participation in the Workforce ~~Investment~~Innovation and Opportunity Act (WIA)(WIOA) or other federally funded workforce training program to persons of all ages and student status with the exception of income paid to persons 19 years of age and older for on-the-job training. This income is treated as any other earned income. ~~Refer to per~~ OAC 340:40-7-11(b)(4);

(H) payments, allowances, or earnings to persons participating in programs under Title I of the National and Community Service Trust Act of 1993. Title I includes three Acts: Serve-America, The Community Service, Schools and Service-Learning Act of 1990, the American Conservation and Youth Service Corps Act of 1990, and the National and Community Service Act. Most of the payments are made as a weekly stipend or for educational assistance. The Higher Education Service-Learning Program and the AmeriCorps Umbrella Program come under this Title. This includes AmeriCorps income;

(I) payments or allowances made under any federal law for the purpose of energy assistance, Low Income Home Energy Assistance Program (LIHEAP), and utility payments and reimbursements made by the Department of Housing and Urban Development (HUD) and the Farmers Home Administration (FmHA);

(J) the amount of the mandatory salary reduction of military service personnel used to fund the G.I. Bill;

(K) all funds paid to persons under the Community Service Employment Program under Title V, P.L. 100-175. This program is authorized by the Older Americans Act. Each ~~State~~state and various organizations receive some Title V funds. These organizations include:

- (i) Experience Works, formerly Green Thumb;
- (ii) National Council on Aging;
- (iii) National Council of Senior Citizens;
- (iv) American Association of Retired Persons;
- (v) United States (U.S.) Forest Service;
- (vi) National Association for Spanish Speaking Elderly;
- (vii) National Urban League;
- (viii) National Council on Black Aging; and
- (ix) National Council on Indian Aging;

(L) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement In Re Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y.);

(M) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry who were detained in internment camps during World War II;

(N) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining;

(O) payments for the fulfillment of a Plan for Achieving Self-Support under Title XVI of the Social Security Act;

(P) payments made to persons because of their status as victims of Nazi persecution;

(Q) payments made for the Experimental Housing Allowance Program under Annual Contributions Contracts entered into prior to January 1, 1975, ~~under~~per Section 23 of the U.S. Housing Act of 1937 as amended;

(R) monetary allowances provided to certain children of Vietnam War veterans ~~as described in per~~ Chapter 18 of Title 38 of the United States Code (USC);

(S) federal funds distributed by Federal Emergency Management Assistance (FEMA) due to a disaster or emergency to persons directly affected by the event. This exclusion also applies to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President of the United States;

(T) the value of the food benefit allotment under the Food and Nutrition Act of 2008; and

(U) the value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food services program for children under the National School Lunch Act of 1970, both as amended ~~by the per~~ Omnibus Budget Reconciliation Act of 1981.

[OAR Docket #17-267; filed 3-23-17]

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

[OAR Docket #17-268]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 7. Financial Eligibility Criteria
Part 3. Income
340:50-7-22 [AMENDED]
(Reference APA 16-10)

AUTHORITY:
Director of Human Services; Sections 162 and 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes, Section 273.9 of Title 7 of the Code of Federal Regulations, and Sections 529A and 2503 of Title 26 of the United States Code.

Emergency Adoptions

ADOPTION:

January 10, 2017

APPROVED BY GOVERNOR:

February 27, 2017

EFFECTIVE:

March 1, 2017

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The amendments are proposed to comply with legislation effective January 1, 2017, regarding Oklahoma Achieving a Better Life Experience (ABLE) Program accounts. Educational income is excluded and treatment of loans is streamlined to reduce errors.

GIST/ANALYSIS:

The proposed amendments to Chapter 50, Subchapter 7 amend the rule to: (1) exempt all educational assistance income; (2) explain how to consider an excess benefit allowance; (3) add information regarding loan verification requirements; (4) exclude from income and resource consideration money deposited into or withdrawn, from a qualified ABLE Program account per federal and state regulations; and (5) update terminology and a legal and rule citation.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE MARCH 1, 2017 AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 7. FINANCIAL ELIGIBILITY CRITERIA

PART 3. INCOME

340:50-7-22. Income exclusions

~~Only the payments~~The worker excludes income listed in this Section ~~are excluded~~ from the household's countable income, from income of disqualified members whose income is counted, ~~or~~and from the income of ineligible aliens who would otherwise be household members. No other income is excluded.

(1) **In-kind income.** In-kind income is any gain or benefit that is not in the form of money payable directly to the household, including non-monetary or in-kind benefits, such as meals, clothing, public housing, or produce from a garden.

(2) **Vendor payments.** Vendor payments are payments in money on behalf of a household when a person or organization outside the household uses its own funds to make a direct payment to either a household's creditors or a person or organization providing a service to the household.

(3) **Educational assistance.** Educational assistance including grants, work-study, scholarships, fellowships, educational loans on which payment is deferred, veteran's education benefits, and the like are exempt ~~if receipt is contingent upon the student regularly attending school~~

~~and the money received is intended to offset the costs of education and expenses as identified by the institution, school, program, or other grantor. If the money is not intended to be a reimbursement, as described in paragraph (7) of this Section, and is a gain to the client, it is considered income.~~

(4) **Family Support Assistance Payment Program.** Family Support Assistance Payment Program payments provided by Developmental Disabilities Services ~~Division (DDSD)~~(DDS) are excluded.

(5) **Income excluded by law.** Income excluded by law ~~is~~are:

(A) reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, ~~Public Law (P.L.) 91-646, § 216~~. Such payments are:

(i) payments to persons displaced due to the acquisition of real property;

(ii) relocation payments to a displaced home owner toward the purchase of a replacement dwelling ~~if~~when the owner purchased and occupied the dwelling within one year following displacement; and

(iii) replacement housing payments to displaced persons not eligible for a home owner's payment;

(B) payments received:

(i) under the Alaska Native Claims Settlement Act, ~~P.L. 92-203 § 21(a)~~;

(ii) under the Sac and Fox Indian Claims Agreement, ~~P.L. 94-189~~;

(iii) from the disposition of funds to the Grand River Band of Ottawa Indians, ~~P.L. 94-540~~;

(iv) by members of the Confederated Tribes of the Mescalero Reservation, ~~P.L. 95-433~~;

(v) under the Maine Indian Claims Settlement Act of 1980 to members of the Passamaquoddy and the Penobscot Nation, ~~P.L. 96-420~~; or

(vi) by an individual as a lump sum or a periodic payment via the Cobell settlement per the Claims Resolution Act of 2010, ~~P.L. 111-291 § 101(f)(2)~~;

(C) any payment to volunteers under Title II, Retired and Senior Volunteer Program (RSVP), foster grandparents and others, of the Domestic Volunteer Services Act of 1973, ~~P.L. 93-113~~ as amended;

(D) income derived from certain submarginal land of the United States ~~which is~~ held in trust for certain Indian tribes, ~~P.L. 94-114, § 6~~;

(E) Indian per capita payments distributed from judgment awards and trust funds made ~~pursuant to~~per P.L. 98-64. Also excluded is any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds. Any per capita payments, headrights of the Osage tribe, income from mineral leases or other tribal business ventures are excluded, ~~as long as~~when

they meet the distribution requirements as stated in this paragraph. Any interest or income derived from the funds after distribution is considered as ~~any~~ other income. The per capita exclusion applies per person rather than per family;

(F) income up to \$2,000 per year received by individual Indians, ~~which is~~ derived from leases or other uses of individually-owned trust or restricted lands. The income exclusion applies to calendar years beginning January 1, 1994. ~~Any remaining~~ Remaining disbursements from the trust or restricted lands are considered as income;

(G) allowances, stipends, earnings, compensation in lieu of wages, grants, and other payments made for participation in the Workforce ~~Investment Innovation and Opportunity Act (WIA)~~ Investment Innovation and Opportunity Act (WIOA) of 2014, or other federally-funded workforce training program to persons of all ages and student status with the exception of income paid to persons 19 years of age and older for on-the-job training. This income is treated as any other earned income;

(H) payments, allowances, or earnings to persons participating in programs under Title I of the National and Community Service Act, such as University Year for Action (UYA), Senior Companion Program, AmeriCorps Volunteers in Service to America (VISTA), and other AmeriCorps Programs, are not included as income for purposes of determining food benefit eligibility and benefit level;

(I) payments or allowances made under any federal law for the purpose of energy assistance, Low Income Home Energy Assistance Program (LIHEAP) and utility payments, and reimbursements made by the Department of Housing and Urban Development (HUD) and the Farmers Home Administration (FmHA);

(J) the amount of the mandatory salary reduction of military service personnel used to fund the G.I. Bill;

(K) all funds that are paid to persons under the Community Service Employment Program under Title V, P.L. 100-175. ~~This program is~~ authorized by the Older Americans Act. Each state and various organizations receive ~~some~~ Title V funds. These organizations include:

- (i) Experience Works;
- (ii) National Council on Aging;
- (iii) National Council of Senior Citizens;
- (iv) American Association of Retired Persons (AARP);
- (v) ~~U.S.~~ Forest Service;
- (vi) National Association for Spanish Speaking Elderly;
- (vii) National Urban League;
- (viii) National Council on Black Aging; and
- (ix) National Council on Indian Aging;

(L) Earned Income Tax Credit (EITC) payments received as part of a tax refund and also EITC advance payments received as part of a paycheck, ~~P.L. 100-435~~;

(M) refunds of the state EITC as a result of filing a state income tax return;

(N) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(O) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry ~~whose~~ ancestors were detained in ~~internment~~ internment camps during World War II;

(P) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from the exposure to radiation from nuclear testing and uranium mining;

(Q) payments for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act;

(R) payments made to persons ~~because of their status as~~ who were victims of Nazi persecution;

(S) funds distributed by the Federal Emergency Management Assistance Agency (FEMA) due to a disaster or an emergency to persons directly affected by ~~the events~~ such. This exclusion also applies to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President of the United States;

(T) monetary allowances as described in Section 1823(c) of Title 38 of the United States Code (U.S.C.) provided to certain persons who are children of Vietnam War veterans;

(U) Disaster Unemployment Assistance paid to persons unemployed as a result of a major disaster; ~~and~~

(V) benefits paid to certain veterans and the spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during World War II by the Filipino Veterans Equity Compensation Fund; ~~and~~

(W) money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or a qualified ABLE Program account set up in any other state per the ABLE Act of 2014, (26 U.S.C. § 529A) is excluded as income when the client:

- (i) provides documents to verify the account meets exemption criteria;
- (ii) verifies money deposited in the account does not exceed the annual federal gift tax exclusion amount per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year in excess of the annual federal gift tax exclusion amount

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is considered as countable income in the amount deposited; and

(iii) verifies withdrawals from the account are used to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

(6) **Payments which are not considered income.**

(A) The payments in (i) through (iii) of this paragraph are not considered as income.

(i) Monies withheld from any income source to repay a prior overpayment from that same source.

(ii) Monies voluntarily or involuntarily returned to repay a prior overpayment received from that same income source.

(iii) Child support payments received by Temporary Assistance for Needy Families (TANF) recipients ~~that are~~ and sent to Oklahoma Child Support Services (OCSS) to maintain TANF eligibility.

(B) Monies withheld or returned to repay overpayments in federal, state, or local means-tested assistance programs are counted when they are withheld or returned to repay overpayments resulting from intentional program violation as established by the agency administering the program.

(i) In the Supplemental Nutrition Assistance Program (SNAP), willful misrepresentation is considered as intentional program violation.

(ii) The State Supplemental Payment to the Aged, Blind, and Disabled and TANF programs define intentional program violation using the terms restitution, fraud, and willful misrepresentation.

(iii) The Social Security Administration (SSA) and Veterans Benefits Administration programs define intentional program violation as fraud. Supplemental Security Income (SSI) is a means-tested program within SSA.

(7) **Reimbursements.**

(A) Reimbursements for past or future expenses to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household are not considered. Examples ~~are~~ of reimbursements ~~for~~ may include:

(i) job or training-related expenses, such as travel, per diem, uniforms, and transportation to and from job or training ~~sites.~~ sites. ~~However, if these expenses are not reimbursements, they are considered income;~~

(ii) out-of-pocket expenses incurred by volunteers in the course of ~~their~~ work;

(iii) medical or dependent care; and

(iv) services provided by Title XX of the Social Security Act.

(B) When a reimbursement, including a flat allowance, covers multiple expenses, each expense

does not have to be separately identified as long as none of the reimbursement covers normal living expenses. The reimbursement amount of the reimbursement that exceeds the actual incurred expenses is counted as income. A reimbursement is not considered to exceed actual expenses unless the provider or household indicates the amount is excessive.

(C) The worker excludes any amount the employer adds to the employee's gross income as a benefit allowance to pay for a reimbursable expense, such as insurance or dependent care. When the monthly benefit allowance exceeds the monthly expense and the employer:

(i) includes the excess in the employee's pay each month, the worker counts the excess benefit allowance as earned income; or

(ii) retains any excess until the end of the year and then provides a yearly refund to the employee. the worker excludes the refund as income as it is considered a non-recurring lump sum payment per (10)(C) of this Section.

(8) **Money received for third parties.** ~~Money received and used~~ The worker excludes money the household receives and uses for the care and maintenance of a third-party beneficiary who is not a household member ~~is not considered.~~

(A) ~~If~~ When the intended beneficiaries of a single payment ~~are both~~ include household and non-household members, any identifiable portion of the payment intended and used for the care and maintenance of the non-household member is excluded.

(B) ~~If~~ When the non-household member's portion cannot be readily identified, as in TANF cash-assistance payments, the payment is evenly prorated among intended beneficiaries. The exclusion is applied to the non-household member's pro rata share or the amount actually used for the non-household member's care and maintenance, whichever is less.

(9) **Earnings of a child.** Earned income of a child who is head of his or her own household is counted. The earned income of an elementary or high school student 17 years of age ~~or and~~ younger, who is under parental control of an adult household member is excluded. This exclusion continues to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment ~~will resume~~ resumes following the break. ~~If~~ When the child's earnings cannot be differentiated from those of other household members, the total earnings are prorated equally among the working members, and the child's prorated share is excluded.

(10) **Other types of excluded income.**

(A) **Loans.** All loans, including loans from private as well as commercial institutions, are excluded as income. ~~Verification the income~~ When the household states someone is loaning the household money to meet expenses, a statement signed by both parties is required indicating the payment is a loan is required and must be repaid. When the household

states it receives loans on a recurrent or regular basis from the same source, the lender must sign an affidavit stating the payments are loans that must be repaid or that payments will be made in accordance with an established repayment schedule.

(B) **Irregular Income.** Exclude any income in the certification period that is received too infrequently or irregularly to be reasonably anticipated that is \$30 or less per quarter.

(C) **Non-recurring lump sum payments.** Exclude money received in the form of non-recurring lump sum payments, including, but not limited to: income tax refunds, rebates, credits, retroactive lump sums from SSA, SSI, public assistance, Railroad Retirement pensions, or other payments, or retroactive lump sum insurance settlements.

(D) **Cost of self-employment.** Exclude the cost of producing self-employment income per Oklahoma Administrative Code 340:50-7-30.

(E) **Income of non-household members.** The income of non-household members who ~~have~~are not ~~been~~ disqualified or ~~are~~not ineligible aliens is not considered available to the household.

(F) **Charitable contributions.** Exclude cash contributions to a household from one or more private non-profit charitable organizations, not to exceed \$300 in a federal fiscal year quarter. For the purposes of this provision a quarter includes these specific months:

- (i) October, November, December;
- (ii) January, February, March;
- (iii) April, May, June; and
- (iv) July, August, September.

(G) **Department of Housing and Urban Development's (HUD) Family Self-sufficiency Program (FSS) escrow accounts.** Families participating in the HUD FSS program may withdraw money from their escrow accounts prior to completion of the program. This money is excluded as income.

(H) **Individual Development Account (IDA).** Any funds deposited in an IDA operated under the Assets for Independence Act and the interest that accrues is excluded as income.

[OAR Docket #17-268; filed 3-23-17]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 60. REFUGEE RESETTLEMENT PROGRAM**

[OAR Docket #17-269]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
340:60-1-6 [AMENDED]
(Reference WF 16-11)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes, and Section 400.25 of Chapter 45 of the Code of Federal Regulations (45 C.F.R. § 400.25), 45 C.F.R. §§ 400.50 through 400.51, 400.53, 400.55 through 500.56, 400.59 through 400.60, 400.93, 400.94, and 400.100 through 400.104.

ADOPTION:

January 10, 2017

APPROVED BY GOVERNOR:

February 27, 2017

EFFECTIVE:

March 1, 2017

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Since 1998, the Oklahoma Department of Human Services (DHS) contracted with Catholic Charities in Oklahoma City and Tulsa to provide Refugee Cash Assistance (RCA) and social services. Catholic Charities of Tulsa did not renew its contract ending September 30, 2016, with DHS. RCA eligibility rules have been part of the DHS contract with Catholic Charities and will remain in the contract for Catholic Charities of Oklahoma City. Since DHS staff is determining RCA eligibility for the eastern half of the state, these rules need to be included in DHS refugee rules.

GIST/ANALYSIS:

The proposed amendments to Chapter 60 amend the rule to: (1) describe when DHS staff or a contracted provider is responsible for determining eligibility for RCA; (2) add the time limit for provision of social services; (3) add for RCA when DHS determines eligibility, the: (a) eligibility requirements to receive RCA and incentive bonuses; (b) payment method; and (c) reasons RCA may be denied or closed; (4) update and clarify information regarding SoonerCare (Medicaid) eligibility; (5) add additional eligibility requirements regarding Refugee Medical Assistance (RMA); and (6) add rule and legal citations.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE MARCH 1, 2017 AS SET FORTH IN 75 O.S., SECTION 253(F):

340:60-1-6. Program eligibility and procedures

(a) Refugee Resettlement Program components. The federal Office of Refugee Resettlement (ORR) provides funding to states for time-limited cash and medical assistance and resettlement case management and social services for new arrivals to the United States (U.S.) who meet refugee status per Oklahoma Administrative Code (OAC) 340:60-1-3(c).

(1) A contracted service provider is responsible for providing resettlement case management and social services to newly-arriving refugees in Oklahoma.

(2) The Oklahoma Department of Human Services (DHS) is responsible for determining financial eligibility for medical benefits throughout Oklahoma and refugee cash assistance (RCA) for the eastern part of Oklahoma. A contracted provider determines eligibility for RCA in the western part of the state. Refer to Appendix C-9, Refugee Resettlement Program Benefit and Service Providers, to determine specific county providers.

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(b) **Social services.** Social services are provided for up to five calendar years of the arrival date by ~~Oklahoma Department of Human Services (OKDHS)~~DHS-contracted providers in accordance with Section per Sections 400.147 through 155 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 400.147 through 155). Social services are provided to promote economic self-sufficiency through employability services, English language instruction, and social adjustment services.

(bc) **Cash assistance.** Refugees must be afforded an opportunity to apply for cash assistance per 45 C.F.R. § 400.50. Eligibility is determined according to Temporary Assistance for Needy Families (TANF) or State Supplement Payment (SSP) program rules. When the refugee does not meet TANF or SSP cash assistance eligibility requirements, a refugee cash assistance (RCA) application is made.~~The worker refers refugees who are age 65 or over~~When the refugee is 65 years of age or older, blind, or disabled, the refugee is referred to the Social Security Administration to apply for Supplemental Security Income (SSI). If the eligibility requirements for TANF or SSP are not met, a referral is made to Catholic Charities for Refugee Cash Assistance (RCA).

(1) **Eligibility requirements for RCA.** RCA eligibility requirements are included in (A) through (G) of this paragraph per 45 C.F.R. §§ 400.25, 400.53, and 400.59.

(A) **Limited eligibility period.** RCA is limited to the first eight months the refugee resides in the U.S.

(B) **Refugee documentation and status requirements.** Refugees must meet documentation and status requirements per OAC 340:60-1-3.

(C) **Residence requirement.** The refugee must be an Oklahoma resident and not receiving cash assistance in another state. There is no durational requirement and the refugee's statement that he or she is residing in Oklahoma is sufficient unless it is inconsistent with other known facts.

(D) **Student status.** A refugee or asylee must not be a full-time student in an institution of higher education.

(E) **Household composition.** Household composition may consist of a family unit that includes:

(i) a single adult. Adults living alone or with other adults are considered as single or separate family units; or

(ii) an adult and his or her spouse and all minor children 17 years of age and younger all for whom the family assumes financial responsibility. Spouses living together must be considered in the same family unit.

(F) **Income requirements.** Maximum countable earned and unearned income for all family unit members must be less than the payment standard for the number of eligible members per Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XIV.A. When income is reduced due to recoupment of an overpayment or garnishment, the gross income before recoupment or garnishment is counted.

(i) **Reporting requirements.** Family unit members are responsible for reporting all income at application and within 10-calendar days of when a family unit member:

(I) begins employment or starts receiving unearned income; or

(II) the income source, amount, or dates received changes.

(ii) **Earned income.** Earned income is income a family unit member receives in the form of wages, salary, commission, in-kind benefits received in lieu of wages or in conjunction with wages from an employer, or self-employment for which a person puts forth physical labor. In-kind benefits are considered as earned income only when an employee and employer relationship is established.

(I) Earned income is not counted against the payment standard for the first four months of the eight month eligibility period.

(II) When the person works for an employer, gross earnings for the fifth calendar month is determined by averaging gross earnings for the most recent 30-calendar day period and converting the earnings to a monthly amount. Gross earnings from an employer are counted dollar for dollar against the payment standard.

(III) When the person is self-employed, gross earnings for the fifth calendar month are determined by averaging income over the number of months the business was in operation and subtracting verified business expenses.

(iii) **Unearned income.** Income other than earned income is considered unearned income. All unearned income received during a month is counted dollar for dollar against the payment standard unless disregarded per (iv) of this paragraph. Unearned income includes, but is not limited to:

(I) dividends and interest;

(II) cash contributions;

(III) retirement, disability, or unemployment benefits;

(IV) worker's compensation;

(V) child support or alimony; and

(VI) rental income.

(iv) **Income disregards.** Income disregarded when determining income eligibility includes:

(I) earnings received during the first four months of the refugee's arrival in the United States (U.S.);

(II) benefits received through a cooperative agreement, such as U.S. Department of Justice or U.S. Department of State - Reception and Placement benefits;

(III) loans;

- (IV) money received from the sale of personal property, unless it is self-employment income;
 - (V) income received by someone living in the home who is not included in the family unit;
 - (VI) tax refunds;
 - (VII) gifts;
 - (VIII) lump sum inheritances or insurance payments;
 - (IX) Supplemental Nutrition Assistance Program (SNAP) food benefits;
 - (X) earnings of a child younger than 18 years of age who is a full-time student;
 - (XI) housing and utility assistance;
 - (XII) income or resources remaining in the country of origin; or
 - (XIII) matching grant benefits from a resettlement agency.
- (v) **Verification requirements.** Income is verified at application, when a family unit member begins employment or starts receiving unearned income, and as changes occur. The verification process must be explained to the refugee or asylee at application and as new verification is needed including what verification must be submitted, by what date, and offering assistance when needed.
- (I) Earned income may be verified by paystubs, an employer statement, or when self-employed, business records. Self-employed persons must provide expense receipts before business expenses are subtracted from earnings. The cash value of in-kind benefits is verified by a statement from the employer.
 - (II) Unearned income may be verified by an award letter, a written letter from or verbal contact with the person or agency providing the income, a check stub or a copy of a check, a court order, financial institution statements, or data exchange screens per OAC 340:65-3-4.
 - (III) When the family unit fails to provide required verification or ask for assistance to obtain verification, the application may be denied or cash assistance closed.
- (G) **Resource requirements.** The maximum allowable resource amount is \$1,000 per family unit. Countable resources refer to real and personal property that have a monetary value and are available or can be converted to cash for current use. Home property and personal items essential to day-to-day living, such as clothing, furniture, and other similar items of limited value are excluded as resources. Countable resources include, but are not limited to:
- (i) cash on hand;
 - (ii) savings in a financial institution;
 - (iii) stocks and bonds; and
 - (iv) equity in an automobile or other vehicles that exceeds \$5,000.
- (2) **Incentive bonuses.** Incentive bonuses are available to eligible individuals; however, the maximum total benefit amount, RCA plus incentive bonuses, that any family unit may receive is the payment standard amount times the eight-month eligibility period as established by the ORR Director. Once the maximum benefit amount is reached, the family unit is no longer eligible for RCA or incentive bonuses even when the family unit has been in the U.S. less than eight-calendar months.
- (A) **Early job acceptance bonus.** When the refugee obtains employment within the first 90-calendar days of his or her arrival date in the U.S., the refugee may be eligible to receive an early job acceptance bonus of up to \$750 to assist the refugee with work-related expenses. To receive the bonus, the refugee must:
- (i) request the bonus within 60-calendar days of the employment start date; and
 - (ii) submit proof of employment and a list of employment-related expenses necessary to successfully perform and maintain employment. Expenses may include, but are not limited to:
 - (I) a vehicle down payment;
 - (II) tools;
 - (III) uniforms;
 - (IV) driving lessons; or
 - (V) automobile insurance.
- (B) **Job retention bonus.** A refugee may be eligible for a job retention bonus of up to \$100 per person in the family unit when he or she obtains employment within the first 90-calendar days of his or her arrival date in the U.S., and retains the employment through the end of the eighth calendar month following arrival. To qualify for the bonus, the refugee must:
- (i) not have received an RCA cash assistance payment for every month of the eight-month eligibility period;
 - (ii) submit proof he or she retained employment through the end of the eighth calendar month;
 - (iii) not re-apply for RCA following benefit closure based on earnings; and
 - (iv) request the job retention bonus within 60-calendar days from the end of the eight month eligibility period.
- (3) **Payment method.** DHS issues RCA benefits and bonuses on a debit card or by direct deposit. Refer to OAC 340:65-3-6 for debit card and direct deposit procedures.
- (4) **Benefit denial or closure.** The family unit's application may be denied or benefits closed when the family unit does not:
- (A) meet eligibility requirements per (c)(1) of this Section; or
 - (B) abide by the terms of the program, such as failing to:
 - (i) provide required verification;
 - (ii) keep scheduled appointments; or
 - (iii) follow employment plans.

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(c) **Medical assistance.** Refugees must be afforded an opportunity to apply for medical assistance per 45 C.F.R. § 400.93.

(1) The refugee's eligibility for SoonerCare (Medicaid) must be determined before approving a refugee or asylee for Refugee Medical Assistance (RMA). SoonerCare Medicaid eligibility must be determined according to rules in per OAC 317:35 rules.

(2) If when the refugee or asylee is not eligible for SoonerCare Medicaid, eligibility for Refugee Medical Assistance (RMA) must be determined using Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XIV per (d) of this Section. All recipients of RCA are eligible for RMA if not eligible for Medicaid.

(3) When a refugee receiving SoonerCare (Medicaid) becomes ineligible because of earnings and has resided in the U.S. for less than eight calendar months, the refugee is transferred to RMA for the remaining months.

(d) ~~Refugee Medical Assistance~~**RMA.** A determination of refugee or asylee is not required to meet categorical relationship is not required rules per OAC 317:35 for the first eight months of eligibility for RMA from the date of entry into the United States U.S. This date of entry is found on the documentation verifying the refugee's or asylee's status. Per 45 C.F.R. §§ 400.100 through 400.104, eligibility requirements for RMA are listed in (1) through (5) of this subsection.

(1) **Limited eligibility period.** RMA is limited to the first eight months the refugee resides in the U.S. After the first eight months, the refugee is referred to the Oklahoma Health Care Authority's on-line enrollment process to apply for SoonerCare (Medicaid), and Medicaid rules at per OAC 317:35 apply.

(2) **Refugee documentation and status requirements.** Refugees must meet documentation and status requirements per OAC 340:60-1-3.

(3) **Student status.** A refugee or asylee must not be a full-time student in an institution of higher education unless enrollment is approved by DHS as part of the refugee's employability plan.

(4) **RCA eligibility.** All recipients of RCA are eligible for RMA when not eligible for SoonerCare (Medicaid). However, the refugee is not required to apply for or receive RCA in order to qualify for RMA.

(5) **Income requirements.** For RMA, only income available on the date of application is considered. Refer to DHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XIV for income standards per household size. No consideration is given to:

- (1A) in-kind services and shelter provided by a sponsor or a local resettlement agency;
- (2B) cash assistance payments; and/or
- (3C) employment earnings which that start after RMA approval for RMA.

(e) **Application processing time limit.** An application RCA and RMA applications must be disposed of by a date which

~~brings the effective date of action processed within 30-calendar days following the date of the application date to be considered timely. When disposition is not possible within this time limit the application cannot be processed timely, the applicant is notified in writing at the end of the 30 days of the reason for the delay and the right to request a fair hearing if he or she chooses to do so [per OAC 340:2-5].~~

(f) **Food benefits.** The appropriate A food benefit application and certification procedures are followed is completed at the same time as the RCA and RMA applications and processed using food benefit eligibility rules per OAC 340:50.

[OAR Docket #17-269; filed 3-23-17]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #17-191]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

715:1-1-16. General IRS qualification rules

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

December 2, 2016, through December 9, 2016

PUBLIC HEARING:

December 12, 2016

ADOPTION:

December 14, 2016

APPROVED BY GOVERNOR:

February 3, 2017

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 emergency rule promulgations are necessary to avoid violation of federal law and to preserve TRS' status as a Qualified Plan under the Internal Revenue Code.

GIST/ANALYSIS:

This rule is being permanently promulgated to comply with the statutory responsibility of the Board of Trustees in establishing rules and regulations for the administration of the System and the transaction of its business [70 O.S. Section 17-101 et seq., especially 70 O.S. Section 17-106(10)]. This rule is necessary to provide a more efficient administration of the System and ensure that the rules for the Teachers' Retirement System of Oklahoma continue to best serve the System's members.

CONTACT PERSON:

Julie Ezell (405) 521-4745

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):

715:1-1-16. General IRS qualification rules

In addition to other Code provisions otherwise noted, and in order to satisfy the applicable requirements under the Code, the retirement system shall be subject to the following provisions, notwithstanding any other provision of the retirement system law:

- (1) The Board of Trustees shall distribute the corpus and income of the retirement system to the members and their beneficiaries in accordance with the retirement system law.
- (2) Forfeitures arising from severance of employment, death, or for any other reason may not be applied to increase the benefits any member would otherwise receive under the retirement system law.
- (3) The Board of Trustees or its designee may not:
 - (A) determine eligibility for benefits,
 - (B) compute rates of contribution, or
 - (C) compute benefits of members or beneficiaries in a manner that discriminates in favor of members who are considered officers, supervisors, or highly compensated, as prohibited under Code Section 401(a)(4)
- (4) The Board of Trustees may not engage in a transaction prohibited by Code Section 503(b).
- (5) Compliance with Code Section 401(a)(2) for exclusive benefit and nondiversion of trust funds:

(A) The assets of the Plan shall never inure to the benefit of an employer and shall be held for the exclusive purpose of providing benefits to members and their beneficiaries and defraying reasonable expenses of administering the Plan.

(B) The trust fund must not revert, and no contributions shall be permitted to be returned, to the employers, except due to a mistake of fact as permitted by Revenue Ruling 91-4.

[OAR Docket #17-191; filed 3-14-17]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 10. GENERAL OPERATIONS**

[OAR Docket #17-192]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 15. Service Retirement
- 715:10-15-3. Date of retirement; making application [AMENDED]
- 715:10-15-3.1. Employer's verification of retirement information [NEW]
- 715:10-15-10. Retirement plans [AMENDED]
- 715:10-15-11.1. Designation of trustee of Oklahoma discretionary and special needs trust as joint annuitant or beneficiary [NEW]

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

December 2, 2016, through December 9, 2016

PUBLIC HEARING:

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ADOPTION:

December 14, 2016

APPROVED BY GOVERNOR:

February 3, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 4, 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 emergency rule promulgations are necessary to implement changes to TRS' governing statutes that were effective November 1, 2016.

GIST/ANALYSIS:

715:10-15-3 is being amended to provide a procedure for new retirement deadlines added by statute changes effective November 1, 2016.

715:10-15-3.1 is being added to provide a procedure for the Employer's Verification of Retirement Information that was added to statute effective November 1, 2016.

715:10-15-10 is being amended to provide allow trustees of certain trusts to become the joint annuitant of certain retirement plans pursuant to a statute change effective November 1, 2016.

715:10-15-11.1 is being added to provide procedure for the approval of trustees of certain trusts to become the joint annuitant of certain retirement plans pursuant to a statute change effective November 1, 2016.

CONTACT PERSON:

Julie Ezell, Rules Liaison (405) 521-4746

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):

715:10-15-3. Date of retirement; making application

The earliest effective date of retirement for any eligible member is the first day of the month following the one in which employment ceases, with the first annuity payment due the last day of that month.

(1) It is the member's responsibility to notify, by filing a retirement contract as outlined in paragraphs 4 and 5 of this section, the TRS Board of Trustees of the date on which retirement is to begin.

(2) Payments for all years of service, for which a member wants to receive credit, must be made no less than 90 days prior to the date of retirement.

(3) State law does not permit TRS to make retroactive retirement payments. Members should ensure that their creditable service record is up-to-date and accurate before they retire.

(34) Not less than ninety (90) days prior to retirement, the member must submit to TRS a Pre-Retirement Information Verification, copy of the member's proof of birth, copy of the joint annuitant's proof of birth (if applicable), copy of marriage certificate or license if married to joint annuitant, and verification of 120 days of accrued/unused sick leave for calculation of sick leave credit. The Pre-Retirement Information Verification and supporting pre-retirement documentation must be on file with TRS to enable TRS to prepare a complete Application to Retire.

Emergency Adoptions

(45) After submitting all pre-retirement required documentation, the member will receive an Intent Application to Retire. This form must be returned to TRS no less than sixty (60) days prior to the effective date of retirement. Upon receipt of the completed Intent Application to Retire the member will receive a final contract for retirement.

(56) The Final Contract for Retirement, properly executed before a notary, is required by statutes to be filed with TRS no less than thirty (30) days before the date of retirement. Therefore, the final contract for retirement must be completed and on file with TRS by the first day of the month immediately preceding the retirement date. The first retirement benefit payment will be made on the first day of the month following the effective date of retirement.

(67) For example, a retirement contract must be on file by May 1, for a retirement date of June 1, in order to process the first retirement benefit payment on July 1.

715:10-15-3.1. Employer's verification of retirement information

Employers of members actively employed during the school year of retirement must submit to TRS information on the member's final year of employment to complete the member's retirement.

(1) Upon receipt of the Application to Retire from a member, TRS shall notify the employer that final employment information is needed from the employer. The employer shall submit the required employment information via TRS' online Employer Portal not less than sixty (60) days prior to the member's date of retirement. Information submitted by the employer shall include, but not be limited to: last day the member is expected to be physically on the job; last day the member is expected to be on the payroll, the member's expected final annual compensation for that employment year, and an expected balance of accrued/unused sick leave.

(2) No later than the 15th day of the month of the member's retirement the employer shall confirm via the TRS Employer Portal the information provided to TRS in subsection (1) above, making any changes to the final information as is necessary. Failure to submit this information by the deadline or errors in submitted information that result in a disqualification of retirement eligibility shall be the responsibility of the employer as is provided in 70 O.S. § 17-105(1)(a)(2).

715:10-15-10. Retirement plans

A member may elect to receive a monthly life annuity under one of the following plans:

(1) The Maximum Retirement Plan provides the greatest monthly lifetime benefit that each individual member's years of creditable service and average salary permit. The maximum retirement plan is the monthly entitlement calculated using the standard retirement formula set by statutes. In the event the total retirement payments made prior to the death of a retired member are less than the member's accumulated contributions (with any interest

credited to the account prior to July 1, 1968), the difference shall be paid to the member's designated beneficiary or to the member's estate if no designated beneficiary survives the member.

(2) Retirement Option 1 provides a slightly reduced lifetime benefit. The monthly entitlement is the difference between the annuity portion of the maximum retirement plan and the annuity portion of an Option 1 retirement plan subtracted from the Maximum retirement plan. If the retired member dies before receiving in the annuity portion of the monthly payments an amount equal to the member's deposits (with any interest credited to the account prior to July 1, 1968), the remaining balance shall be paid in a lump sum to the member's designated beneficiary or to the member's estate if no beneficiary survives the member. (The member's deposits are "protected" for the member's beneficiary for a longer period of time than under the maximum retirement plan, hence, the monthly benefit is less than the Maximum benefit.)

(3) Retirement Option 2 provides a reduced monthly benefit payable to the member for life. At the death of the retired member, the same monthly benefit payable to the member shall continue to the member's joint annuitant, if living. This option is known as a "100% joint survivor annuity." The reduction in the monthly benefit is based on actuarial tables developed for this purpose and approved by the Board of Trustees. The ages of the member and joint annuitant are an important factor in computing this benefit. The joint annuitant for the Option 2 retirement plan may be the member's spouse, another person, or the beneficiary of a Discretionary and Special Needs Trust as provided in 70 O.S. § 17-105(g). If the designated joint annuitant is not the member's spouse, IRS Regulations require that the adjusted member/joint annuitant age difference cannot be more than ten (10) years. The adjusted member/joint annuitant age difference is determined by first calculating the excess of the age of the member over the age of the joint annuitant based on their ages on the date of retirement. If the member is younger than age 70, the age difference determined in the previous sentence is reduced by the number of years that the member is younger than age 70 based on the member's age on the date of retirement. If the adjusted member/joint annuitant age difference is greater than ten (10) years, the Option 2 retirement plan is not available. In the event the member's joint annuitant dies at any time after the member's retirement date but before the death of the member, the member shall return to the retirement benefit, including any post-retirement benefit increases the member would have received, had the member not selected the Option 2 retirement plan. The joint annuitant designation cannot be changed under any circumstance after the date of retirement except as provided in OAC 715:10-15-11. The reduction in the monthly payment is much greater than under all other retirement options because two people are protected for the life of both individuals.

(4) Retirement Option 3 provides a reduced monthly benefit payable to the member for life. At the death of the

retired member, one-half (or 50%) of the monthly benefit payable to the member, shall continue to the member's joint annuitant, if living. This option is known as a "50% joint survivor annuity." The reduction in the monthly benefit is based on actuarial tables developed for this purpose and approved by the Board of Trustees. The age of the joint annuitant is an important factor in computing this benefit. The joint annuitant for the Option 3 retirement plan may be any person or the beneficiary of a Discretionary and Special Needs Trust as provided in 70 O.S. § 17-105(g). In the event the member's joint annuitant dies at any time after the member's retirement date but before the death of the member, the member shall return to the retirement benefit, including any post-retirement benefit increases, the member would have received had the member not selected the Option 3 retirement plan. The joint annuitant cannot be changed under any circumstance after the date of retirement except as provided in OAC 715:10-15-11. The reduction in the monthly payment, while not as great as in the Option 2 plan, still requires a substantial reduction because two people are protected for the life of both individuals.

(5) Retirement Option 4 provides a reduced monthly benefit payable to the member for life. In the event the retired member dies within one hundred twenty (120) continuous months from the date of retirement, the balance of the payments is continued to the designated beneficiary until a total of one hundred twenty (120) months have been completed. The actual reduction is based on actuarial tables developed for this purpose and approved by the Board of Trustees. The beneficiary must be designated at the time of retirement. The Option 4 retirement plan is not available for a member whose retirement date is on or after the member reaches age 93. However, if the designated beneficiary is the member's spouse, the Option 4 retirement plan may be selected if the 120-month period does not extend beyond the joint life and last survivor expectancy of the member and the member's spouse. If the beneficiary dies before the total number of "guaranteed" months have been completed, the remaining payments shall be computed at the rate of interest used in determining the original guarantee. The funds remaining shall be paid to the administrators, executors or assigns of the last surviving payee.

715:10-15-11.1. Designation of Trustee of Oklahoma Discretionary and Special Needs Trust as joint annuitant or beneficiary

(a) 70 O.S. § 17-105(g) provides that any person who is eligible to be named as a beneficiary or joint annuitant, and who is also a beneficiary of a trust created under the Oklahoma Discretionary and Special Needs Trust Act, or comparable Trust Act under another state, may be a beneficiary or joint annuitant of a retired member by having the trustee of the trust established for the benefit of that individual named as the legal beneficiary or joint annuitant. Benefit payments shall be paid to the Trustee for the benefit of the beneficiary.

(b) If a beneficiary or joint annuitant, at the time of or subsequent to being named a beneficiary or joint annuitant of a TRS member, is or becomes the beneficiary of a Special Needs Trust, TRS will acknowledge the trust as the beneficiary or joint annuitant and make payments to the Trustee once the following has been submitted to and approved by TRS:

(1) Trust creation documents which include the following:

(A) PROVISION that the trust is non-revocable;

(B) Provision for only one beneficiary of the trust which cannot be changed and provision no other beneficiaries may be added; and,

(C) Provision that the beneficiary must hold all interests in the trust except for the remainder interest to be paid in the event of the beneficiary's death;

(2) Signed and notarized acknowledgment from Trustee that he or she will notify TRS within 15 (fifteen) days of the death of the beneficiary, or in the event a new Trustee is appointed, or any other change to the Trust documents that would affect the eligibility of the beneficiary or Trustee from being eligible to be named a beneficiary under subsection (b) such as addition of a beneficiary, etc.; and, the tax identification number of the Trust, as well as the social security number of the Trust beneficiary.

[OAR Docket #17-192; filed 3-14-17]

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

1:2015-7B.

SECOND AMENDED EXECUTIVE ORDER 2015-07

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the Executive Branch Reform Act of 1986, hereby create the Cabinet System. Pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes, it is hereby ordered:

The Cabinet shall be comprised of the following Secretaries:

1. Secretary of Agriculture;
2. Secretary of Commerce and Tourism;
3. Secretary of Education and Workforce Development;
4. Secretary of Energy and Environment;
5. Secretary of Finance, Administration, and Information Technology;
6. Secretary of Health and Human Services;
7. Secretary of the Military;
8. Secretary of Safety and Security;
9. Secretary of Science and Technology;
10. Secretary of State;
11. Secretary of Transportation;
12. Secretary of Veterans Affairs; and
13. Secretary of Native American Affairs.

The **Secretary of Agriculture** shall be responsible for the following executive entities or their successors:

Agriculture, State Board of, and Agriculture, Food and Forestry, Department of
Apiary Committee
Boll Weevil Eradication Organization
Commodity Commissions and entities (Peanut, Oilseed, Sheep and Wool, Sorghum and Wheat)
Conservation Commission, Oklahoma
Emergency Drought Commission
Horse Racing Commission, Oklahoma
Industry Advisory Committee
South Central Interstate Forest Fire Protection Compact and Advisory Committee
Southern Dairy Compact
Standards, Bureau of
Veterinary Medical Examiners, State Board of

The **Secretary of Commerce and Tourism** shall be responsible for the following executive entities or their successors:

1921 Tulsa Race Riot Memorial of Reconciliation Design Committee
African-American Centennial Plaza Design Committee
Alarm and Locksmith Industry Committee
Arts Council, Oklahoma
Commerce, Oklahoma Department of
Employment Security Commission, Oklahoma, and State Advisory Council and Board of Review
Geographic Information Council, State
Greenwood Area Redevelopment Authority
Historic Preservation Review Committee, Oklahoma
Historical Records Advisory Board
Historical Society, Oklahoma
Housing Finance Agency, Oklahoma
Industrial Finance Authority, Oklahoma
J.M. Davis Memorial Commission
Jazz Hall of Fame Board, Oklahoma
Labor Commissioner and Department of Labor
Midwestern Oklahoma Development Authority
Northeast Oklahoma Public Facilities Authority
Office for Minority and Disadvantaged Business Enterprises
Ordinance Works Authority, Oklahoma
Quartz Mountain Arts and Conference Center and Nature Park, Board of Trustees, and Quartz Mountain Arts and Conference Center and Nature Park
Register of Natural Heritage Areas, State
Rural Action Partnership Program
Rural Area Development Task Force
Rural Development, Center for
Sam Noble Museum of Natural History, Oklahoma
Tourism and Recreation Commission, Oklahoma, and Department of Tourism and Recreation
Tourism Promotion Advisory Committee, Oklahoma
Will Rogers Memorial Commission

The **Secretary of Education and Workforce Development** shall be responsible for the following executive entities or their successors:

Accrediting Agency, State
Anatomical Board, State

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Career and Technology Education, State Board of, and Department of Career and Technology Education
College and University Boards of Regents or Trustees
Dyslexia Teacher Training Pilot Program Advisory Committee
Education Commission of the States
Educational Quality and Accountability, Office of, and Commission for Educational Quality and Accountability
Education, State Board of, Superintendent of Public Instruction and State Department of Education
Educational Television Authority (OETA), Oklahoma
Governor's Council for Workforce and Economic Development
Municipal Clerks and Treasurers Division of the Oklahoma Career and Technology Education, Advisory Committee to the
Partnership for School Readiness Board, Oklahoma
Physician Manpower Training Commission
Private Vocational Schools, Oklahoma Board of
School and County Funds Management, Commission on
School of Science and Mathematics, Oklahoma Board of Trustees of, and Oklahoma School of Science and Mathematics
State Regents for Higher Education, Oklahoma
Student Loan Authority
Teacher and Leader Effectiveness Commission
Textbook Committee, State
Virtual Charter School Board, Statewide

The **Secretary of Energy and Environment** shall be responsible for the following executive entities or their successors:

Arkansas River Basin Compact Commission, Arkansas-Oklahoma
Arkansas River Basin Compact and Commission, Kansas-Oklahoma
Canadian River Commission
Central Interstate Low-Level Radioactive Waste Compact and Commission
Climatological Survey
Corporation Commission, Oklahoma
Energy Resources Board, Oklahoma
Energy Initiative and Energy Initiative Board, Oklahoma
Energy Office, Oklahoma State
Environmental Quality Board and
Air Quality Advisory Council
Hazardous Materials Emergency Response Commission
Hazardous Waste Management Advisory Council
Radiation Management Advisory Council
Solid Waste Management Advisory Council
Water Quality Management Advisory Council
Department of Environmental Quality
Grand River Dam Authority Board of Directors and Grand River Dam Authority
Geological Survey
Interstate Oil Compact Commission

Liquefied Petroleum Gas (LPG) Board, Oklahoma
Mining Commission, Interstate
Mining Commission, Oklahoma, and Department of Mines Miner Training Institute, Oklahoma
Municipal Power Authority Board, Oklahoma
Oil and Gas Compact Commission, Interstate
Red River Compact and Commission, Arkansas-Louisiana-Oklahoma-Texas
Southern States Energy Compact and Southern States Energy Board
Storage Tank Advisory Council
Sustaining Oklahoma's Energy Resources, Committee
Water for 2060 Advisory Council
Water Resources Board, Oklahoma
Well Drillers and Pump Installers Advisory Council
Wildlife Conservation Commission and Department of Wildlife Conservation

The **Secretary of Finance, Administration, and Information Technology** shall be responsible for the following executive entities or their successors:

Abstractors Board, Oklahoma
Accountancy Board, Oklahoma
Alternative Fuels Technician Examiners and Board, Oklahoma
Auditor and Inspector, State
Banking Board, State, and State Banking Department
Bipartisan Legislative Apportionment Commission
Bond Advisor, State
Bond Oversight, Council of
Building Bonds Commission
Capital Investment Board, Oklahoma
Capitol-Medical Center Improvement and Zoning Commission
Capitol Preservation Commission, State
Cash Management Oversight Committee
Compensation and Unclassified Positions Review Board, Oklahoma
Construction Industries Board
Consumer Credit Commission and Department of Consumer Credit
Contingency Review Board
Development Finance Authority, Oklahoma
Electronic and Information Technology Accessibility Advisory Council
Employee Assistance Program, State, and Advisory Council
Employee Insurance & Benefits Board, Oklahoma
Equalization, State Board of
Firefighters Pension and Retirement System and Board
Home Inspector Examiners, Committee of
Incentive Approval Committee
Incentive Awards for State Employees, Committee for
Insurance Commissioner and State Insurance Department
Interstate Cooperation, Oklahoma Commission on
Land Office, Commissioners of the
Law Enforcement Retirement System and Board, Oklahoma

Legislative Compensation, Board on
 Life and Health Insurance Guaranty Association and Board
 of Directors, Oklahoma
 Long-Range Capital Planning Commission
 Lottery Commission and Board of Trustees, Oklahoma
 Management and Enterprise Services, Office of
 Manufactured Home Advisory Committee
 Market Assistance Association and Board of Directors
 Merit Protection Commission
 Motor Vehicle Commission, Oklahoma
 Oversight Committee for State Employee Charitable Contri-
 butions
 Pension Commission, Oklahoma State
 Police Pension and Retirement System and Board, Okla-
 homa
 Program Development and Credit Review Committee
 Public Employees Relations Board
 Public Employees Retirement System and Board, Oklahoma
 Securities Commission, Oklahoma, and Department of
 Securities
 State Credit Union Board, Oklahoma
 State Governmental Technology Applications Review
 Board
 Tax Commission, Oklahoma
 Teachers' Retirement System, Board of Trustees of the, and
 Teachers' Retirement System
 Treasurer, State
 Used Motor Vehicle and Parts Commission, Oklahoma

The **Secretary of Health and Human Services** shall be responsible for the following executive entities or their succes-
 sors:

Advancement of Wellness Advisory Council
 Agent Orange Outreach Committee
 Alcohol and Drug Counselors, Oklahoma Board of Licensed
 Alcohol, Drug Abuse and Community Mental Health Plan-
 ning and Coordination Boards
 Alzheimer's Research Advisory Council
 Athletic Commission, Oklahoma State
 Athletic Trainers Advisory Committee
 Behavioral Health Licensure, Board of
 Blind Vendors, Committee of
 Catastrophic Health Emergency Planning Task Force, Okla-
 homa
 Cerebral Palsy Commission and J.D. McCarty Center for
 Children with Developmental Disabilities
 Child Abuse Examination, Board of
 Child Abuse Prevention, Office of
 Child Abuse Prevention, Training, and Coordination Coun-
 cil
 Child Death Review Board
 Children and Youth, Oklahoma Commission on
 Chiropractic Examiners, Board of
 Community Hospitals Authority
 Community Social Services Center Authority

Cosmetology and Barbering, State Board of
 Consumer Advocacy, Office of
 Consumer Protection Licensing Advisory Council
 Dentistry, Board of
 Dietetic Registration, Advisory Committee on
 Developmental Disabilities Council
 Disability Concerns, Governor's Advisory Committee to the
 Office of, and Office of Disability Concerns
 Early Childhood Intervention, Interagency Coordinating
 Council for
 Employment of People with Disabilities, Governor's Advi-
 sory Committee on
 Faith-based and Community Initiatives
 Food Service Advisory Council
 Funeral Board, Oklahoma
 Group Homes for Persons with Developmental or Physical
 Disabilities Advisory Board
 Health Care Authority, Oklahoma
 Health Care Information Advisory Committee
 Health, State Board of, and Department of Health
 Home Care and Hospice Advisory Council
 Hospital Advisory Committee, Oklahoma
 Hospital Advisory Council, Oklahoma
 Human Services, Department of
 Infant and Children's Health Advisory Council
 Juvenile Affairs, Board of, and Office of Juvenile Affairs
 Juvenile Justice, State Advisory Group on
 Licensed Social Workers, State Board of
 Long-Term Care Administrators, Oklahoma State Board of
 Examiners for
 Long-Term Care Facility Advisory Board
 Medical Care for Public Assistance Recipients, Advisory
 Committee for
 Medical Licensure and Supervision, Board of
 Mental Health and Substance Abuse, Board of, and Depart-
 ment of Mental Health and Substance Abuse
 Mental Health, Interstate Compact on
 Nursing, Board of, and Formulary Advisory Council
 Occupational Therapy Advisory Committee, Oklahoma
 Oklahoma State University Medical Authority
 Optometry, Board of Examiners in
 Osteopathic Examiners, State Board of
 Partnership for Children's Behavioral Health
 Perfusionists, State Board of Examiners of
 Pharmacy, Board of
 Physical Therapy Committee
 Physician's Assistant Advisory Committee
 Placement of Children, Interstate Compact on the
 Podiatric Medical Examiners, Board of
 Post Adjudication Review Advisory Board
 Prevention of Adolescent Pregnancy and Sexually Transmitted
 Diseases, Interagency Coordinating Council for Coordi-
 nation of Efforts for
 Psychologists, State Board of Examiners of
 Public Guardian, Office of
 Registered Electrologists, Advisory Committee of
 Rehabilitation Services Commission, Oklahoma Rehabilita-
 tion Services, Department of

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Residents and Family State Council
Respiratory Care Advisory Committee
Sanitarian and Environmental Specialist Registration Advisory Council
Santa Claus Commission
Self-Directed Services Program Committee
Speech Pathology and Audiology, Board of Examiners for
Statewide Independent Living Council
Suicide Prevention Council, Oklahoma
Tobacco Settlement Endowment Trust Fund Board of Directors
Trauma and Emergency Response Advisory Council
Traumatic Spinal Cord and Traumatic Brain Injury, Advisory Council on
University Hospitals Authority
Vulnerable Adult Intervention Task Force

The **Secretary of the Military** shall be responsible for the following executive entities or their successors:

Adjutant General, State
Military Department, Oklahoma

The **Secretary of Safety and Security** shall be responsible for the following executive entities or their successors:

Adult Offender Supervision, Oklahoma State Council for Interstate
Alcohol and Drug Influence, Board of Tests for
Alcoholic Beverage Laws Enforcement
Attorney General, Oklahoma
Bureau of Investigation Commission, Oklahoma State, and Oklahoma State Bureau of Investigation
Bureau of Narcotics and Dangerous Drugs Control Commission, Oklahoma State, and Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
Chief Medical Examiner, Office of, and Board of Medicolegal Investigations
Corrections, Department of, and Board of Corrections
Crime Victims Compensation Board
District Attorneys Council
Domestic Violence Fatality Review Board
Driver License Compact
Driver's License Medical Advisory Committee
Emergency Management, Oklahoma Department of
Homeland Security Director, Office of
Indigent Defense System Board and Appellate Indigent Defender System
Law Enforcement Education and Training, Council on (CLEET), and CLEET Advisory Council
Motorcycle Safety and Education, Committee for
National Crime Prevention and Privacy Compact Council
Nonresident Violator Compact Board of Administrators
Pardon and Parole Board, Oklahoma
Polygraph Examiners Board
Public Safety, Department of

State Fire Marshal Commission, and State Fire Marshal, Office of
Statewide Nine-One-One Advisory Board

The **Secretary of Science and Technology** shall be responsible for the following executive entities or their successors:

Center for the Advancement of Science and Technology, Oklahoma, and Oklahoma Health Research Committee
Experimental Program to Stimulate Competitive Research Advisory Committee
Science and Technology Council
Science and Technology Research and Development Board, Oklahoma
Space Industry Development Authority, Oklahoma

The **Secretary of State** shall be responsible for the following executive entities or their successors:

Access to Justice Commission, Oklahoma
Archives and Records Commission
County Government Personnel Education and Training, Commission on
Election Board, State
Ethics Commission, Oklahoma
Judicial Compensation, Board of
Judicial Complaints, Council on
Judicial Nominating Commission
Library Board, State, and Department of Libraries
Licensed Architects, Landscape Architects and Interior Designers of Oklahoma, Board of Governors of
National Conference of Commissioners on Uniform State Laws
Professional Engineers and Land Surveyors, State Board of Registration for
Professional Responsibility Tribunal
Real Estate Appraiser Board
Real Estate Commission, Oklahoma
Real Estate Contract Form Committee, Oklahoma
Secretary of State
Workers' Compensation, Advisory Council on
Workers' Compensation Commission

The **Secretary of Transportation** shall be responsible for the following executive entities or their successors:

Aeronautics Commission
Highway Construction Materials Technician Certification Board
Port Authorities
Tourism Signage Advisory Task Force, Oklahoma
Transportation Commission and Department of Transportation
Transportation County Advisory Board, Department of
Transportation Tribal Advisory Board, Department of

Turnpike Authority, Oklahoma
Waterways Advisory Board

The **Secretary of Veterans Affairs** shall be responsible for the following executive entities or their successors:

Strategic Military Planning Commission, Oklahoma
Veterans Affairs, Department of
Veterans Commission

The **Secretary of Native American Affairs** shall be responsible for the following executive entities or their successors:

Native American Cultural and Educational Authority
Native American Liaison, Oklahoma

It shall be the duty of each board, commission, agency or other entity of the executive branch of state government to facilitate the purposes of this Order and the Executive Branch Reform Act of 1986 and to cooperate fully with designated cabinet secretaries.

The State Chief Information Officer shall remain an appointee of the Governor and an employee of the Office of Management and Enterprise Services pursuant to 62 O.S. §34.11.1. The CIO shall continue to administer the OMES Information Services Division and the statewide plan to reform, streamline, and consolidate the state of Oklahoma's information technology and telecommunications structure, operations, and purchasing procedures in order to reduce the size of government and ensure that essential public services are delivered to Oklahoma taxpayers in the most efficient, cost-effective manner possible. The information technology consolidation has brought positive attention to Oklahoma as a progressive state in the information technology arena and the legislative intent of the consolidation effort remains a priority of this administration.

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, this 28th day of March, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-315; filed 3-28-17]

1:2017-6.

EXECUTIVE ORDER 2017-6

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. on Friday, March 31, 2017, to honor Officer Justin Terney, who died on March 27, 2017, while working in the line of duty for the Tecumseh Police Department.

Justin Terney graduated from Canadian High School in 2014. He graduated from CLEET certification training in July of 2016 and began working for the Tecumseh Police Department. Justin also worked as a Volunteer Fire Fighter for the Sam's Point Fire Department. His service to his community and our state will never be forgotten.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 29th day of March, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-316; filed 3-29-17]

