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Notices of Rulemaking Intent

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

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

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

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION

[OAR Docket #17-392]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

435:1-1-7. Fees [AMENDED]

SUMMARY:

The proposed revision is required due to two new sections of law, Title 59 O.S. §§ 889.5.A. and 889.12 which regulate the practice of Music Therapy and require a fee component for licensure. The fee is not to exceed \$50.00. An emergency rule implementing a \$50.00 initial license application fee was approved on an emergency basis by the Governor on March 3, 2017.

AUTHORITY:

Title 59 O.S. §§ 889.5.A. and 889.12; Oklahoma Board of Medical Licensure and Supervision

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by August 4, 2017 at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or bsmith@okmedicalboard.org.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, August 8, 2017, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision website at www.okmedicalboard.org or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address

listed above and on the Board's website at okmedicalboard.org after July 17, 2017.

CONTACT PERSON:

Lyle R. Kelsey, Executive Director, (405) 962-1400, lkelsey@okmedicalboard.org.

[OAR Docket #17-392; filed 6-7-17]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 70. THERAPEUTIC RECREATION

[OAR Docket #17-393]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Administration and Organization
435:70-1-4. Therapeutic Recreation Committee - terms of members - removal from Committee [AMENDED]

SUMMARY:

The proposed revision is requested so that a committee member who has served three consecutive terms may serve an additional term(s) if such member is willing and able to serve and is re-appointed by the Oklahoma Medical Board of Licensure and Supervision.

AUTHORITY:

59 O.S. § 540.5; Oklahoma Board of Medical Licensure and Supervision

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by August 4, 2017 at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or bsmith@okmedicalboard.org.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, August 8, 2017, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision

Notices of Rulemaking Intent

website at www.okmedicalboard.org under the Therapeutic Recreation Specialists tab or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address listed above and on the Board's website at okmedicalboard.org

under the Therapeutic Recreation Specialists tab after July 17, 2017.

CONTACT PERSON:

Lyle R. Kelsey, Executive Director, (405) 962-1400, lkelsey@okmedicalboard.org.

[OAR Docket #17-393; filed 6-7-17]

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

[OAR Docket #17-390]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
 - 75:25-1-2.1. Underlying philosophy [AMENDED]
 - 75:25-1-3. Definitions [AMENDED]
- Subchapter 3. Batterers Intervention
 - 75:25-3-1. Batterers intervention program [AMENDED]
 - 75:25-3-4. Record content [AMENDED]
 - 75:25-3-13. Annual program evaluation [AMENDED]
- Subchapter 5. Personnel and Volunteers
 - Part 1. Personnel
 - 75:25-5-3. Selection of personnel [AMENDED]
 - Part 5. Training
 - 75:25-5-20. In-service and ongoing training for personnel and volunteers [AMENDED]
 - 75:25-5-21. Personnel training, batterers intervention services [AMENDED]

AUTHORITY:

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

COMMENT PERIOD:

N/A

PUBLIC HEARING:

N/A

ADOPTION:

April 13, 2017

APPROVED BY GOVERNOR:

June 5, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 15, 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 rule is necessary as an emergency measure to protect the public health, safety or welfare as set forth in 75:253(A)(1)(a.) in that the rules are necessary to require all certified batterers intervention programs to educate batterers who are ordered/required to attend these programs of the evidence based risk factors commonly associated with lethal intimate partner violence as listed in 21 O.S. § 142A-3(D).

GIST/ANALYSIS:

The Attorney General is required to adopt and promulgate rules and standards for certification of batterers intervention programs (BIPs) in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq.

CONTACT PERSON:

Lesley March, Assistant Attorney General, (405) 522-0042, Lesley.March@oag.ok.gov

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

SUBCHAPTER 1. GENERAL PROVISIONS

75:25-1-2.1. Underlying Philosophy

(a) The philosophy underlying the standards and criteria for batterers intervention programs is that:

- (1) ~~battering is instrumental, strategic, and purposeful behavior designed to bring about a particular outcome.~~
- (2) ~~therapy will not work on those who chose to batter, because it is not the underlying emotions that are the core issue, but the thinking process. Therapy fails with the batterer because a batterer cannot be relied upon to be honest.~~
- (1) battering is instrumental, strategic and purposeful behavior designed to bring about a particular outcome;
- (2) traditional therapeutic techniques are not appropriate for those who choose to batter;
- (3) battering is primarily a sociocultural issue that is criminal in nature;
- (4) battering is never justified;
- (5) battering is not caused by disease, diminished intellect, alcoholism/addiction, intoxication, mental illness or any external person or event;
- (6) batterers are solely responsible for their actions and must be held accountable for their abusive behavior;
- (7) the use of violence and coercion is a choice, decision or a tactic;

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(8) no behavior of the victim causes or excuses domestic violence;

(9) because batterers choose to use violence, they can also choose to stop violence and eliminate coercive controlling tactics from their intimate relationships; and

~~(10) intervention services recognize that batterers can learn alternatives to violent and coercive behavior such as mutuality, shared decision making, trust negotiation and fairness; and~~

~~(11) safety for the victims/survivors and their dependents is the primary focus of intervention and services.~~

~~(b) Although women can perpetrate violence against their partners, the vast majority of BIPs address men's violence towards women. Therefore, in this Chapter the male pronouns are used for batterers while female pronouns are used for the partners, except in the context wherein same sex relationship violence or women's use of force is specifically discussed.~~

75:25-1-3. Definitions

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

"Admission" means to accept a client for services ~~or treatment.~~

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Batterer" means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Batterers Intervention Program" (BIP) means a status which is granted to an entity by the Oklahoma Office of the Attorney General. These services are provided to batterers, or perpetrators of domestic violence that hold a batterer accountable for his abusive behavior, provide consequences for engaging in violent or abusive behavior, provide monitoring of a batterer's behavior, and require him or her to change his or her behavior and attitudes and are also protective of the victim(s). Anger control or management, substance abuse treatment or mental health treatment alone or in combination with each other shall not constitute batterers intervention; neither may these interventions alone nor in combination with each other be utilized as the primary means of facilitating the required changes in behavior and attitudes.

"Battering" means a pattern of behavior used to establish power and control over another person through fear and intimidation, often including the threat or use of violence.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 o'clock p.m. of the next business day.

"Certified batterers intervention program" Indicates approval to provide batterers intervention programs pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Child" or **"Children"** means any individual from birth to eighteen years of age.

"Client" means an individual, adult or child, who has applied for, is receiving or has received assistance or services of a DVSA or batterer's program.

"Client record" includes, but is not limited to, all communication, records and information on an individual client.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

"Coordinated Community Response Team" means a multi-disciplinary group of individuals from agencies and programs in the community whose purpose is to keep victims safe and hold batterers accountable.

"Counseling" means a method of using various commonly acceptable treatment approaches provided face-to-face by a behavioral health professional either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution-focused brief therapy, psycho-educational interventions or another widely accepted theoretical framework for treatment.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"DVSA" means domestic violence and sexual assault.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, and photographs.

"Domestic violence" means a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over a current or former partner or family member. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault or batterer's intervention and other related problems and services and may include a systematic presentation of selected information to

impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Executive director" means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Intake" means the written information about a client as a basis for assessment or services, obtained by the program at time of admission.

"Lethality risk indicators" means evidence-based risk factors commonly associated with lethal intimate partner violence such as those listed in 21 O.S. § 142A-3:

(A) Has the person ever used a weapon against the victim or threatened the victim with a weapon?

(B) Has the person threatened to kill the victim or children of the victim?

(C) Does the victim think the person will try to kill the victim?

(D) Has the person ever tried to choke the victim?

(E) Is the person violently or constantly jealous or does the person control most of the daily activities of the victim?

(F) Has the victim left or separated from the person after living together or being married?

(G) Is the person unemployed?

(H) Has the person ever tried to kill himself or herself?

(I) Does the victim have a child that the person knows is not his or her own child?

(J) Does the person follow or spy on the victim or leave the victim threatening messages?

(K) Is there anything else that worries the victim about his or her safety and if so, what worries the victim?

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"Non-abusive behavior" includes planning for the prevention of violent, coercive, controlling, and abusive behavior; assisting the batterer to develop tools in advance of potential abuse or violence for the immediate and long-term safety of the victim/survivor. The plans should be based on the individual's dangerousness indicators and should include the safety needs of the victim and dependents.

"OAG" means the Oklahoma Office of the Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

"Oklahoma Administrative Code" or "OAC" means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A) (1) (a) and maintained in the Office of Administrative Rules.

"Operation" means that clients are receiving services provided by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the

"American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

"Procedures" means the standard methods by which policies are implemented.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its staff, activities and planning process to determine whether program goals are met, staff and activities are effective, and what effect, if any, a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Screening" means the process of determining, preliminarily the nature and extent of a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

"Service agreement" means a written agreement between service agencies and/or individual service providers defining the roles and responsibilities of each party to promote coordination and integration of service.

"Service note" means the documentation of the time, date, location and description of services provided, and signature, including electronic signature, of staff or volunteer providing the services.

"Staff" means personnel that function with a defined role within the program whether full-time, part-time or contracted.

"Victim" is a person against whom the perpetrator directs abuse or battering. This may include partners, children and other family or household members. The perpetrator is never

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a victim even if abused persons direct violence against the perpetrator to defend themselves or to stop the perpetrator's abuse.

"**Volunteer**" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

SUBCHAPTER 3. BATTERERS INTERVENTION

75:25-3-1. Battersers intervention program

(a) Each certified batterer intervention program shall have the policy, procedures, staffing, training, operational methods and facilities to meet the following requirements:

- (1) Battersers intervention programs are educational programs based on a model of power and control designed to ~~teach~~ encourage batterers to end violent and coercive behaviors in their—~~intimate~~ relationships by challenging their belief systems and holding them accountable for their behavior.
 - (2) Program focus shall be victim safety and batterer accountability. The service shall be based on non-victim blaming strategies.
 - (3) Battersers intervention shall not be confused with anger control or management, substance abuse treatment and/or mental health treatment.
 - (4) Services shall be provided in a facility with offices available for private individual and group sessions.
 - (5) Services shall be provided to self-referred, court-referred, or Department of Human Services referred batterers. Group services shall be the primary modality.
 - (6) Groups shall not provide substance abuse treatment and batterers intervention in the same program; batterers who have substance abuse issues need to be referred for separate substance abuse services.
 - (7) The majority of group session time should be focused on the subject abuse itself, and not on peripheral problems, past victimization experienced by the batterer, self-actualization, sensitivity training, or any other theme not directly related to abuse.
 - (8) Facilitators shall challenge minimization, denial and blame. These are tactics used by the batterer to justify the use of violence.
 - (9) Battersers shall be held accountable for their behavior; BIP facilitators shall report new offenses to the court.
- (b) The goal of the batterers program is to end the offender's abusive behavior. This shall be achieved by confronting and dispelling the individual batterer's justifications for the use of violence within the relationship. Particular attention shall be paid to the belief systems that promote the use of intimidation, violence and coercion against intimate partners and children. Theories or methods which attribute to the victim any responsibility for the batterer's behavior or diminish the batterer's responsibility for the violence are inappropriate. Education shall be provided to the batterer utilizing written curriculum specifically developed for batterers intervention that comprehensively addresses, at a minimum:

- (1) abuse and violence as a form of control, and an explanation of the need to give up all forms of controlling and coercive behavior;
 - (2) a detailed explanation of the range of abusive power and control behaviors, including coercive behavior, chronic verbal abuse, economic abuse, sexual abuse/mis-treatment, psychological/mental abuse, physical abuse, abuse of animals, and use of the children as weapons;
 - (3) support for and perpetuation of abuse are based on traditional gender roles and privilege.
 - (4) non-abusive communication techniques;
 - (5) effective coping strategies;
 - (6) the impact of battering on children and the incompatibility of violence and abuse with responsible parenting;
 - (7) the batterer must be able to identify all abusive conduct, the pattern of that conduct, and the culture which legitimizes or excuses both individual acts and the larger pattern of battering. This may include but not be limited to accepting personal as well as financial responsibility for child support, court costs, restitution, and BIP related costs;
 - (8) developing healthy relationships; including techniques for achieving non-abusive, non-controlling attitudes and behavior.
 - (9) non-abusive behavior planning for the prevention of violent, controlling and abusive behavior;
 - (10) effects of domestic violence on victims from a victim perspective, and
 - (11) the potential consequences of domestic violence to the batterer.
- (c) Inappropriate Methods of Intervention. The following methods have been determined to be inadequate and/or inappropriate, and shall not be the focus of intervention:
- (1) therapy, whether psycho-dynamic, individual or group;
 - (2) communication enhancement, anger management or stress management techniques that blame anger as the root cause of domestic violence;
 - (3) systems theory approaches that treat domestic violence as a result of mutual actions of the victim and perpetrator, thereby attributing some responsibility to the victim;
 - (4) addiction counseling models that identify domestic violence as an addiction;
 - (5) gradual containment and de-escalation of domestic violence;
 - (6) theories that identify poor impulse control as the primary cause of domestic violence;
 - (7) methods that identify psychopathology on either parties' part as a primary cause of domestic violence; and
- (d) Services shall be provided during hours which make them available for clients whose work hours are between 8:00 A.M. and 5:00 P.M. Monday through Friday.
- (e) The program shall maintain admission criteria for batterers intervention services.
- (f) The program shall provide individual assessment sessions and group sessions.

(g) Service policy shall not permit the substitution of individual sessions/counseling appointments for group participation except in a situation where only one batterer of a gender has been accepted into the program.

(h) Group sizes shall be limited to not less than two (2) and not more than sixteen (16) clients.

(i) Exit criteria shall be contingent on the satisfactory meeting of specific criteria by the participant, and NOT only upon the end of a specified period of time or a specified number of sessions.

(j) Joint participation shall not be allowed of the victim as part of batterers intervention.

(k) Male and female batterers shall not be served, or counseled, in the same group or session, i.e., together.

(l) The program shall maintain an annually renewed service agreements-Memorandum of Understanding with appropriate referral sources such as, but not limited to:

- (1) substance abuse;
- (2) mental health services; and
- (3) local OAG-certified domestic violence program victim services.

(m) In the case of court referred clients, the program shall develop a written policy for coordinating with and reporting to the court, judge, probation officer, and/or district attorney.

(n) If other services for the batterer are necessary, appropriate referrals shall be made for such issues, including but not limited to mental health and/or substance abuse issues.

(o) Certified batterer intervention programs shall not be less than 52 weeks in duration. The 52 weekly group sessions shall be no less than ninety (90) minutes in length. Completion of a batterers intervention program requires at a minimum 52 weekly attended sessions as well as a favorable evaluation from the program.

(p) The batterers intervention program shall not allow three (3) absences in succession or a total of seven (7) absences in a period of fifty-two (52) weeks. The batterer shall be terminated from the program as per 21 O.S. § 644 and the court or other referring party shall be notified of the termination. Exceptions are:

- (1) Hospitalization (verified by proper medical documentation)
- (2) Military Duty (verified by proper military documentation).

(q) If the batterer is terminated for any reason as set forth herein, the batterer shall be required to obtain a new assessment and commence a new fifty-two (52) week program. No credit for prior program attendance shall be allowed. Termination from a program terminates any and all credits accumulated by said batterer.

(r) Compliance with 75:25-3-1 shall be determined by a review of program policy and procedures; client records; service referral agreements, and other program documentation.

75:25-3-4. Record content

(a) Client records shall contain, at a minimum, the following information:

- (1) Intake and screening information:
 - (A) client's name;

(B) date of initial contact/intake;

(C) pertinent medical information, including substance abuse and incidents of traumatic brain injuries;

(D) emergency contact information (not the abused partner, and)

(E) copies of the court ~~Order~~ documents, including but not limited to: relevant court documents in divorce cases divorce decrees, petitions for protective orders, protective orders, any and all court orders ordering the Batterer to complete a BIP program;

(F) copies of the Probable Cause Affidavit or police report; and criminal information if applicable;

(G) copies of the Department of Human Services Individual Service Plan, if applicable.

(2) An assessment of the batterer shall be ~~made~~ completed prior to service recommendations or acceptance into the program. The assessment shall at a minimum include:

(A) current and past history of violence;

(B) lethality risk indicators using an evidence-based assessment specifically for batterers intervention;

(C) drug and alcohol use/abuse history and screening;

(D) mental health history and screening;

(E) criminal history including a report of the incident that generated the referral; ~~and~~

(F) current or past history with child protective or adult protective services. If currently involved with Child Protective Services, the assessment shall include a review of the Individualized Service Plan-

(G) family and social history;

(H) access to weapons;

(I) history of animal abuse or cruelty;

(J) history of sexual abuse victimization and

(K) history of petitions for protective orders filed and disposition;

(3) Service notes shall be completed for each batterer after every session which shall minimally include:

(A) The time, date, location and description of services provided;

(B) The signature of staff providing the services; and

(C) A service note for each contact for services that shall include:

(i) personal responsibility and accountability;

(ii) level of participation in services;

(iii) change(s) in family, social, personal, legal or work environment(s);

(iv) inference of use or increased use of drugs/alcohol;

(v) whether or not facilitator observed sufficient indications of risk requiring notification of victim or others, and

(vi) Referrals for supplemental services.

(D) Service notes shall document the ongoing provision of educational components addressing the

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risk of battering and other violence as set forth in 75:25-3-1(b).

(4) An individualized written contract shall be completed upon acceptance into the program prior to the first (1st) group session; signed by the batterer; and shall include, but not be limited to:

(A) Notice that the batterer is joining an educational program, not a therapeutic program, and will not have the same level of confidentiality afforded by mental health services. The program will not assure confidentiality with respect to:

- (i) Judge, District Attorney or referring ~~agent~~ agency
- (ii) current partner
- (iii) past or current victim(s)
- (iv) parent(s) or guardians of any of the batterers children
- (v) probation and parole
- (vi) law enforcement
- (vii) individuals toward whom there is a risk of imminent harm by the batterer
- (viii) coordinated Community Response Team
- (ix) the domestic violence victim services program serving the area where the batterer lives or where the current or ex-partner lives, where guardians of the batterers' children live or with the domestic violence program where the batterer is currently residing
- (x) the program will promise confidentiality with respect to: the general public, news media and anyone else not covered in the expectations set forth above.

(B) Attendance policy, including the length of intervention, minimum number of sessions required and the maximum length of time for completion of the required sessions. ~~Inability to pay shall not be considered an excused absence.~~

(C) The criteria for suspension and termination.

(D) The program's rules.

(E) A written notice in bold type which specifies **"Please be advised any reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim, her or his property, or to third persons, or any attempt, threat or gesture to commit suicide, or any belief that child abuse or neglect is present or has occurred, will be reported to the appropriate person(s) or authorities."**

(F) A list of provider program expectations, such as participation, ~~homework~~ and that the batterer will be held accountable for all abusive and violent behavior or threats of harm or expressions of intent to do harm. This includes harm to current or past victims or partners. Such acts include but are not limited to child abduction, court actions for divorce or custody, underhanded economic maneuvers, substance use, and intentionally exposing the victim(s) or partner(s) to risk of sexually transmitted diseases.

(5) Reports. In the case of court-ordered or otherwise referred batterers, a written report to the court, the victim or referring ~~agent~~ agency, shall be submitted within seven

(7) business days of the following events:

(A) Acceptance into or rejection from the program including but not limited to a summary of the results of the initial assessment or the reason for rejection;

(B) Reasonable knowledge or suspicion of illegal activities or bodily harm, abuse or a threat of such, to the victim, children or to third persons; and

(C) Exit from the program including but not limited to the service termination report.

(6) All reports shall include any perceived areas of concern which may include, but are not limited to, substance abuse or mental health issues, and specific lethality risk indicators that the court may want to seriously consider.

(7) Initial victim or partner contact shall be attempted when the batterer has been accepted or denied admission to the program. Efforts to notify the victim or the victim's advocate shall be documented in ~~the batterer's~~ a separate file, which may include an electronic file, without including any confidential victim identification information. A victim questionnaire approved by OAG shall be completed by phone, face to face with the victim, or mailed to the victim. All victim information shall be confidential.

(8) Whenever possible, the batterers intervention program shall maintain contact with the victim or partner at the victim's discretion. If the victim or partner elects not to receive information, the program is still required to notify the individual in the case of imminent threat or danger to the victim's safety.

(9) If the victim or partner elects to receive information after initial contact by the program, at a minimum, partner or victim notification is required when:

(A) the batterer begins attending the intervention program;

(B) the batterer terminates the intervention program for noncompliance; and

(C) there is an imminent threat or danger to the victim's safety.

(10) The efforts to find and notify the batterer's partner or victim shall be documented.

(11) Service termination reports shall be completed for all types of conditions under which services are ended and shall include, at a minimum, the reason for termination, summary of lethality risk indicators, and any concerns for the safety of victims, children, and/or others. Types and reasons for terminating services include:

(A) **Rejection.** Reasons for rejection shall be documented and include, but are not limited to: psychiatric history, including active or recent mental health related problems; criminal record of violent crimes; chemical dependency requiring completion of an inpatient or residential treatment program; or inability to function in a group due to limited mental cognitive abilities or needs that do not match services provided by this program;

(B) **Involuntary termination.** Reasons for involuntary termination shall be documented and include, but are not limited to: recurrence of violence; arrest; absences from program sessions and activities; failure to actively participate in group sessions attended; attending a group session when under the influence of alcohol or drugs; violation of any rules of the treating program or violation of the BIP contract.

(C) **Completion.** Upon completion of the program, an exit interview and service termination report shall be completed and documented in the client record. The service termination report shall include a disclosure stating that completion of batterers intervention does not indicate that the client will not re-offend; it is a report that the person has completed the necessary requirements of the certified program without any other known or reported re-offending during the time of enrollment in the program.

- (12) Exit information, which shall minimally include:
 - (A) documentation that the batterer participated in planning for his or her exit from the program;
 - (B) the reasons for the batterer's exit or departure; and
 - (C) client and staff dated signatures or an explanation if staff were unable to obtain the client's signature.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(c) Compliance with this 75:25-3-4 shall be determined by a review of client records for content, review of program policy and procedures; or other supporting program documentation.

75:25-3-13. Annual program evaluation

(a) The agency shall conduct an annual evaluation of the program's services, facilities and policy and procedures. This evaluation shall be carried out according to a written plan established in policy and procedures to include the plan of evaluation, data to be reviewed, and the persons to conduct the evaluation. Annual reports shall include at a minimum; screened, admitted, rejected, terminated, and completed.

(b) Upon completion, this evaluation shall be made available to the OAG, local district attorney, court, personnel and volunteers.

(c) Compliance with 75:25-3-13 shall be determined by a review of the program evaluation, policy and procedures, staff meeting minutes, and/or any other supporting documentation provided by the program.

SUBCHAPTER 5. PERSONNEL AND VOLUNTEERS

PART 1. PERSONNEL

75:25-5-3. Selection of personnel

(a) The methods for selecting personnel shall be described in policy and procedures and shall include, but not be limited to:

- (1) The processes for recruitment, selection and appointment;
- (2) Written criteria demonstrably related to the position being filled; and
- (3) Completion of a name search against the Mary Rippey and Violence Crime Offender registries. Said searches shall be conducted annually for program personnel and volunteers. Documentation of the same shall be maintained in each personnel or volunteer record.

(b) The BIP shall have a written policy that prohibits anyone with a prior history of domestic violence perpetration from conducting assessments and/or leading any group.

- (c) Compliance with 75:25-5-3 shall be determined by:
 - (1) A review of the policies and procedures.
 - (2) A review of job descriptions for personnel.
 - (3) A review of any other supporting documentation.

PART 5. TRAINING

75:25-5-20. In-service and ongoing training for personnel and volunteers

(a) A certified program shall have policy and procedures mandating, at the minimum, twelve (12) hours of annual training of all staff which shall include:

- (1) confidentiality;
- (2) facility safety and disaster plans;
- (3) first aid kits and fire extinguishers, their location, contents and use;
- (4) universal precautions, and
- (5) legal and ethical issues.

(b) The remaining hours of annual training shall be related to domestic violence, sexual assault, stalking, and batterers intervention as prescribed and approved by the Executive Director as appropriate for the assigned staff duties.

(c) A certified program shall have policy and procedures mandating a minimum of four hours annual training of all volunteers providing direct services, related to domestic violence, sexual assault, and stalking as prescribed and approved by the Executive Director.

(d) Individuals that volunteer indirect services and do not meet the requirements for a volunteer providing direct services as defined in OAC 75:25-1-3 shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.

(e) Documentation of training must include the topic of the training, the name of the trainer(s), the date of the training, the length of the training session, the sponsor of the training, and approval of the training by the Executive Director of the agency.

(f) All staff and volunteers shall, within six (6) months of enactment, complete training on amended standards in 75:25-5-21.

(g) Compliance with 75:25-5-20 shall be determined by a review of policy and procedures; review of training records

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and other provided documentation of personnel training; and a review of personnel or volunteer records.

75:25-5-21. Personnel training, batterers intervention services

(a) Personnel facilitating batterers intervention groups shall minimally have a graduate degree in a behavioral health or criminal justice related field and one-year related work experience, have a Bachelor's degree in a behavioral health or criminal justice related field and two years related work experience, or have been employed as a facilitator in a certified batterers intervention program prior to July 1, 2008.

(b) A certified batterers intervention program shall contract with or employ a qualified licensed professional as defined in 75:25-1-3 under "Counseling" for purposes of providing case and programmatic consultation to personnel facilitating batterers intervention groups and for conducting individual client evaluations before and after attendance of the program. All facilitators and supervisors shall complete batterers intervention facilitator orientation training sponsored by the Oklahoma Office of the Attorney General within six months of employment.

(c) Prior to providing any direct services, personnel facilitating batterers intervention services shall observe a minimum of 12 batterers intervention group sessions from an OAG certified program, and must complete 20 hours of training that includes, but is not limited to:

- (1) causes and dynamics of domestic violence;
- (2) identification of cultural and social influences that contribute to violence;
- (3) identification of coercive behavior and the development of cooperative skills;
- (4) coercive sexual behavior;
- (5) impact of domestic violence on children and the dynamics of the batterer as a parent;
- (6) basic defense mechanisms of batterers that promote deception, distortion and misrepresentation of the facts of the domestic abuse and the experience of the victim; new trends in batterer intervention programming; and
- (7) new trends in batterer intervention programming;
- (8) lethality indicators and assessment procedures such as:

- (A) perceived loss of control over the victim through separation, divorce, victim fleeing;
- (B) extreme jealousy;
- (C) escalation of abuse;
- (D) acts of abuse;
- (E) suicide/homicide threats, plan to carry out either of above;
- (F) use of, or threat to use weapon (especially a gun);
- (G) strangulation;
- (H) stalking;
- (I) history of mental health problems, substance abuse;
- (J) history of sexual abuse of victim or children
- (K) kidnapping of partner;
- (L) unemployment; and

- (M) ~~abuse or cruelty to animals~~
- (98) the effects of alcohol and drug use/abuse and domestic violence;
- (109) exploring myths and beliefs about domestic violence, including myths about provocation;
- (110) impact of domestic violence on victims;
- (121) batterers who re-offend;
- (1312) group dynamics and group structure;
- (1413) planning for non-violence and victim and dependent safety;
- (1514) power and control;
- (1615) facilitator boundaries and collusion with the batterer; and
- (1716) the remaining hours of orientation training shall be supplemented by reading materials as approved by OAG VSU regarding batterers behavior. Staff/volunteers shall document that they have read the approved reading list.

(d) Personnel who provide batterers intervention service may not provide services for the victim that may result in a conflict of interest.

(e) Personnel who provide batterers intervention must declare in writing that they are:

- (1) violence free in their own lives,
- (2) not abusing drugs or alcohol, and
- (3) seeking to rid themselves of sexist attitudes.

(f) Compliance with 75:25-3- 21 shall be determined by:

- (1) Review of program's policy and procedures.
- (2) Review of program's training records and other provided documentation of staff training.
- (3) Review of personnel records.

[OAR Docket #17-390; filed 6-6-17]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION

[OAR Docket #17-391]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

435:1-1-7. Fees [AMENDED]

AUTHORITY:

Title 59 Okla. Stat. §§ 889.5.A and 889.12; State Board of Medical Licensure and Supervision

ADOPTION:

January 12, 2017

APPROVED BY GOVERNOR:

March 3, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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 proposed emergency rule is necessary under two sections of new law, Title 59 Okla. Stat. §§ 889.5.A and 889.12, which regulate the practice of Music Therapy and require a fee component for licensure.

GIST/ANALYSIS:

The proposed emergency rule is necessary under two sections of new law, Title 59 Okla. Stat. §§ 889.5.A and 889.12, which regulate the practice of Music Therapy and require a fee component for licensure. The fee is not to exceed \$50.00.

CONTACT PERSON:

Barbara J. Smith, Executive Secretary, Oklahoma Medical Board, (405) 962-1422, bsmith@okmedicalboard.org

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 235 (F):

435:1-1-7. Fees

(a) **Fee schedule.** The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions as set for in Title 59 O.S., Section 495c and 511 of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act provided, the Board shall not set the fees at an amount in excess of the amounts listed in this subsection.

(1) **Licensure/Registration.** The following fees shall be assessed for licensure and registration:

- (A) Medical Doctor - Full license
 - (i) Application processing fee - \$500.00
 - (ii) Reprocessing fee - \$125.00
 - (iii) Temporary license - \$250.00
- (B) Medical Doctor - Special license
 - (i) Special training application processing fee - \$250.00 (This fee may be applied toward the application processing fee in (a)(1)(A)(i) of this section when the special license was issued for first year post graduate training purposes.)
 - (ii) Special training reprocessing fee - \$150.00
- (C) Physician Assistants
 - (i) Initial application for licensure - \$150.00
 - (ii) Application to practice fee - \$50.00
 - (iii) Disciplinary hearing fee - actual cost of proceedings (including probation and other fees) as determined by the Board.
- (D) Physical Therapist
 - (i) Application processing fee - \$100.00
 - (ii) Reprocessing fee - \$50.00
 - (iii) License - 50.00
 - (iv) Temporary permit - 25.00
- (E) Physical Therapist Assistant
 - (i) Application processing fee - \$100.00
 - (ii) Reprocessing fee - \$30.00
 - (iii) License - 35.00
 - (iv) Temporary permit - 25.00
- (F) Athletic Trainer
 - (i) Application processing fee - \$120.00
 - (ii) Reprocessing fee - \$35.00
 - (iii) License - 25.00

- (G) Apprentice athletic trainer
 - (i) Application processing fee - \$25.00
 - (ii) Transfer processing fee - \$20.00
 - (iii) License - 5.00
- (H) Licensed Dietitian
 - (i) Application processing fee - \$60.00
 - (ii) Reprocessing fee - \$30.00
 - (iii) License - \$60.00
- (I) Provisional licensed dietitian
 - (i) Application processing fee - \$15.00
 - (ii) Reprocessing fee - \$30.00
 - (iii) License - \$15.00
- (J) Occupational therapist
 - (i) Application processing fee - \$70.00
 - (ii) Reprocessing fee - \$30.00
 - (iii) License - 50.00
- (K) Occupational therapy assistant
 - (i) Application processing fee - \$70.00
 - (ii) Reprocessing fee - \$30.00
 - (iii) License - 50.00
- (L) Registered electrologists
 - (i) Application processing fee - \$30.00
 - (ii) License - \$30.00
 - (iii) Examination fee - \$75.00
- (M) Respiratory Care - Full license
 - (i) Application processing fee - \$100.00
 - (ii) Reprocessing fee - \$30.00
- (N) Respiratory Care - Provisional license
 - (i) Application processing fee - \$100.00
 - (ii) Reprocessing fee - \$30.00
- (O) Licensed Pedorthists application processing fee - \$180.00
- (P) Licensed Orthotist/Prosthetist application processing fee - \$300.00
- (Q) Registered Orthotist/Prosthetist Assistant application processing fee - \$100.00
- (R) Registered Orthotist/Prosthetist Technician application processing fee - \$60.00
- (S) Radiologist Assistant application processing fee - \$100.00
- (T) Anesthesiology Assistant application processing fee - \$150.00
- (U) Therapeutic Recreation Specialist application processing fee - \$125.00
- (V) Licensed Professional Music Therapist initial license application fee - \$50.00
- (2) **Renewal/reregistration of license/registration.** The following fees shall be assessed for renewal/reregistration:
 - (A) Medical License - Full
 - (i) Application for annual reregistration fee - \$200.00
 - (ii) Reactivation processing fee - \$350.00
 - (iii) Reinstatement of license - \$500.00
 - (B) Medical License - Special
 - (i) Application for annual reregistration fee for special training - \$150.00
 - (ii) Application for annual reregistration fee for special limited - \$175.00

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- (iii) Reactivation processing fee for special training - \$200.00
- (iv) Reactivation processing fee for special limited - \$250.00
- (v) Reinstatement processing fee for special training - \$250.00
- (C) Physical Therapist
 - (i) Annual renewal fee - \$50.00
 - (ii) Renewal processing fee - \$40.00
 - (iii) Late fee (After January 31) - \$20.00
- (D) Physical Therapist Assistant
 - (i) Annual renewal fee - \$35.00
 - (ii) Renewal processing fee - \$25.00
 - (iii) Late fee (After January 31) - \$15.00
- (E) Physician Assistants
 - (i) Annual renewal fee - \$125.00
 - (ii) Late renewal fee - \$225.00
- (F) Athletic Trainer
 - (i) Application processing fee - \$45.00
 - (ii) Annual renewal fee - 10.00
 - (iii) Late fee (After August 30) - \$60.00
- (G) Apprentice athletic trainer
 - (i) Application processing fee - \$10.00
 - (ii) Annual renewal fee - 5.00
 - (iii) Late fee (After August 30) - \$10.00
- (H) Licensed Dietitian/provisional licensed dietitian
 - (i) Annual renewal fee - \$100.00
 - (ii) Penalty (after October 31) - \$50.00
 - (iii) Penalty (after January 31) - \$100.00
- (I) Occupational therapist/occupational therapy assistant
 - (i) Application processing fee - \$80.00
 - (ii) Annual renewal fee - 20.00
 - (iii) Late renewal (after October 31) - 20.00
- (J) Registered electrologists
 - (i) Application processing fee - \$25.00
 - (ii) Annual renewal fee - \$25.00
- (K) Respiratory Care - Full license
 - (i) Biennially renewal fee - \$100.00
 - (ii) Reinstatement - renewal fee plus \$120.00
- (L) Respiratory Care - Provisional license - six month renewal fee - \$100.00
- (M) Licensed Pedorthist
 - (i) Annual renewal fee - \$60.00
 - (ii) Late fee (up to 30 days late) - \$30.00
 - (iii) Late fee (30 days to 1 year late) - \$60.00
 - (iv) Reinstatement fee - \$180.00
- (N) Licensed Orthotist/Prosthetist
 - (i) Biennial renewal fee - \$150.00
 - (ii) Late fee (up to 30 days late) - \$60.00
 - (iii) Late fee (30 days to 1 year late) - \$120.00
 - (iv) Reinstatement fee - \$300.00
- (O) Registered Orthotist/Prosthetist Assistant
 - (i) Biennial renewal fee - \$100.00
 - (ii) Late fee (up to 30 days late) - \$60.00
 - (iii) Late fee (30 days to 1 year late) - \$120.00
 - (iv) Reinstatement fee - \$100.00

- (P) Registered Orthotist/Prosthetist Technician
 - (i) Biennial renewal fee - \$60.00
 - (ii) Late fee (up to 30 days late) - \$60.00
 - (iii) Late fee (30 days to 1 year late) - \$120.00
 - (iv) Reinstatement fee - \$60.00
 - (Q) Radiologist Assistants
 - (i) Biennial renewal fee - \$200.00
 - (ii) Late renewal fee - \$300.00
 - (R) Anesthesiology Assistants
 - (i) Biennial renewal fee - \$150.00
 - (ii) Late renewal fee - \$250.00
 - (S) Therapeutic Recreation Specialist
 - (i) Biennial renewal fee - \$100.00
 - (ii) Late renewal fee - \$125.00
- (3) Duplication or modification of license/registration. The following fees shall be assessed for duplication or modification of a license/registration:
- (A) Medical License (Full) - \$60.00
 - (B) Physician Assistant - \$30.00
 - (C) Physical Therapist - \$60.00
 - (D) Physical Therapy Assistant - \$30.00
 - (E) Athletic Trainer - \$30.00
 - (F) Apprentice Athletic Trainer - \$20.00
 - (G) Licensed Dietitian - \$30.00
 - (H) Provisional Licensed Dietitian - \$30.00
 - (I) Occupational Therapist - \$30.00
 - (J) Occupational Therapy Assistant - \$30.00
 - (K) Special license - \$30.00
 - (L) Respiratory Care - \$30.00
 - (M) Licensed Pedorthist - \$30.00
 - (N) Licensed Orthotist/Prosthetist - \$30.00
 - (O) Registered Orthotist/Prosthetist Assistant - \$30.00
 - (P) Registered Orthotist/Prosthetist Technician - \$30.00
 - (Q) Radiologist Assistant - \$60.00
 - (R) Anesthesiologist Assistant - \$60.00
 - (S) Therapeutic Recreation Specialist - \$30.00
- (4) Miscellaneous fees. The following miscellaneous fees shall be assessed by the Board:
- (A) Certification of scores - \$50.00
 - (B) Written verification of license/registration - \$25.00
 - (C) Credentialing service - \$125.00 per licensee
 - (D) Web based services
 - (i) On-line monthly fee - \$60.00 (Three hundred (300) query returns included)
 - (ii) 301 to 350 queries per month - .60 per return
 - (iii) 351 to 400 queries per month - .30 per return
 - (iv) 401 and above queries per month - .15 per return
 - (v) Database, statistical reports, mailing labels on floppy disks, CDs or by electronic mail - \$120.00/hour, minimum of one (1) hour. Fee is for one set of labels per order. Multiple labels may be printed for \$50.00 each additional set.

- (E) Duplicate renewal/registration card - \$15.00
 - (F) Certification of public records (per page) - 1.00
 - (G) Duplication of public records (per page) - .25
 - (H) Unofficial transcript of public Board/Committee meetings (per page) - \$2.00
 - (I) Issuance of subpoena - \$6.00
 - (J) Payment reprocessing fee - \$30.00
 - (K) Rate for Investigations for other agencies or bodies - at cost with deposit of \$120.00 required to initiate investigation
 - (L) Premedical or Medical Education Qualifications Review - at cost with deposit of \$120.00 required to initiate action
 - (M) Monitoring fees for Agreements: Actual costs of any testing or monitoring provided for in the Agreement.
 - (N) Disciplinary action fees:
 - (i) Probation fees - \$150.00 per month.
 - (ii) Investigation/Prosecution fees - actual cost incurred.
 - (O) Filing of motions:
 - (i) Rehearing or reconsideration of any disciplinary case - \$120.00
 - (ii) Rehearing or reconsideration of any licensing case - \$120.00
 - (iii) Terminate or modify probation/agreement - \$120.00
 - (iv) Request for Specialty Board Certification under 435:10-7-2 - \$120.00
 - (v) Priority issuance of subpoena or duces tecum subpoena within seven (7) days of hearing - \$15.00
 - (vi) Request for exception as allowed by law/rules - \$120.00
 - (P) Reproduction of Board meeting video recording (per recording) - \$20.00
 - (Q) Reproduction of Board meeting audio recording (per recording) - \$20.00
 - (R) Administrative fine for practicing after revocation of license pursuant to 59 O.S. 491B - \$6,000/day
 - (S) Letter of Incorporation - \$5
 - (T) Annual continuing education course application fee - \$40.00 per course
 - (U) Board publications fee - at printing cost
 - (V) Website advertisements limited to sub-pages on www.okmedicalboard.org and www.awoman-srighttoknowok.org websites. Vendor to sign a contract and agree to terms and conditions as set forth by the Board. Fee for six months advertising per page equals \$500.
- (b) Submission of fees.
 - (1) All fees assessed by the Board as set out in the fee schedule in (a) of this section shall be received prior to processing an application for licensure or certification.
 - (2) All fees are non-refundable.

[OAR Docket #17-391; filed 6-7-17]

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

1:2017-18.

EXECUTIVE ORDER 2017-18

Today, I signed into law House Bill 2386 (Bill), which modifies the definition for teacher to be used throughout Title 70. The Bill greatly extends the current definition of teacher. The intent of this Bill is for the Teachers' Retirement System of Oklahoma to clearly define the monetary credit for certain employees listed in the definition of "teacher" against their employee contributions to the Teachers' Retirement System.

As I continue to support a pay raise for classroom teachers, it is my expectation that for the purpose of any future teacher pay increase, the definition of teacher shall be limited to reflect only persons conducting classroom instruction or intervention programs for students. The broad definition created in HB 2386 should only be used when processing benefits for the Teachers' Retirement System of Oklahoma.

I THEREFORE STRONGLY URGE that this definition only be used for the Teachers' Retirement System.

This Executive Order shall be distributed to the Superintendent of Public Instruction and members of the State Board of Education, who shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 8th day of June, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-394; filed 6-8-17]

1:2017-19.

EXECUTIVE ORDER 2017-19

Today I signed into law Senate Bill 643 (Bill), which creates substantial new law known as the "Impaired Driving Elimination Act". The Bill appears to authorize the Oklahoma Department of Public Safety (DPS) in specific circumstances to summarily revoke or destroy a driver's license of an individual without a due process hearing. The Oklahoma Supreme Court has determined that, "one's claim to a driver's license is indeed a protectable property interest that may not be terminated without due process guaranteed by the Fourteenth Amendment."

Therefore, in giving effect to Bill I am requiring the DPS to follow directions consistent with the recent Oklahoma Supreme Court Order in *Nichols v. State, ex. rel. Dept. of Public Safety*, 2017 OK 20. I also direct and order the DPS to grant a hearing on revocation of license in conformity with the due process clause of the Fourteenth Amendment of the United States Constitution, and within the time limits imposed by our Supreme Court. DPS may create an exception to these hearings for any individual that receives a deferred adjudication, a suspended sentence, or a formal conviction under the criminal code.

I, THEREFORE ORDER the Oklahoma State Department of Public Safety to comply with the directions I have given in this Order when instituting Senate Bill 643.

This Executive Order shall be distributed to the Oklahoma Department of Public Safety and to the Secretary of Public Safety, who shall cause the provisions of this Order to be implemented.

Executive Orders

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 8th day of June, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-395; filed 6-8-17]

1:2017-20.

EXECUTIVE ORDER 2017-20

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the powers vested in me by the Oklahoma Statutes in 25 O.S. Section 82.1, hereby order the following dates be observed as holidays by the State of Oklahoma in 2018:

Monday	January 1, 2018	New Year's Day
Monday	January 15, 2018	Martin Luther King, Jr. Day
Monday	February 19, 2018	President's Day
Monday	May 28, 2018	Memorial Day
Wednesday	July 4, 2018	Independence Day
Monday	September 3, 2018	Labor Day
Monday	November 12, 2018	Veteren's Day
Thursday & Friday	November 22 & 23, 2018	Thanksgiving
Tuesday & Wednesday	December 25 & 26, 2018	Christmas

This Executive Order shall be forwarded to the Director of the Office of Management and Enterprise Services 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 12th day of June, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-396; filed 6-12-17]

1:2017-20.

AMENDED EXECUTIVE ORDER 2017-20

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the powers vested in me by the Oklahoma Statutes in 25 O.S. Section 82.1, hereby order the following dates be observed as holidays by the State of Oklahoma in 2018:

Monday	January 1, 2018	New Year's Day
Monday	January 15, 2018	Martin Luther King, Jr. Day
Monday	February 19, 2018	President's Day
Monday	May 28, 2018	Memorial Day
Wednesday	July 4, 2018	Independence Day
Monday	September 3, 2018	Labor Day
Monday	November 12, 2018	Veteren's Day
Thursday & Friday	November 22 & 23, 2018	Thanksgiving
Monday & Tuesday	December 24 & 25, 2018	Christmas

This Executive Order shall be forwarded to the Director of the Office of Management and Enterprise Services 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 12th day of June, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-397; filed 6-12-17]
