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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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 25. AEROSPACE AND AVIATION EDUCATION GRANT PROGRAM

[OAR Docket #16-854]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

25:25-1-2. Requirements for receiving funding for an Aerospace and Aviation Education Grant Program [AMENDED]

25:25-1-3. Criteria selection for applicants [AMENDED]

SUMMARY:

The proposed amended rules clarify the requirements for receiving an Aerospace and Aviation Education Grant and the criteria utilized to rate the applications so that applicants know specifically what is required and the deadlines for the requirements to be received.

AUTHORITY:

3 O.S. Section 85 (L); Oklahoma Aeronautics Commission

COMMENT PERIOD:

Persons may submit written comments to Jane Mitchell at the Oklahoma Aeronautics Commission at 110 N. Robinson, Suite 200, Oklahoma City, OK 73102 during the period from December 16, 2016 through January 15, 2017

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, January 16, 2017 at the Oklahoma Aeronautics Commission, 110 N. Robinson Avenue, Suite 200, Oklahoma City, OK 73102,

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person and from the Oklahoma of Aeronautics Commission's website at <http://www.ok.gov/OAC/index.html>.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 1, 2016 and from the Oklahoma Aeronautics Commission's website at <http://www.ok.gov/OAC/index.html>.

CONTACT PERSON:

Jane Mitchell, Chief Operations Officer, Oklahoma Aeronautics Commission, 110 N. Robinson Avenue, Suite 200, Oklahoma City, OK 73102, (405) 604-6901.

[OAR Docket #16-854; filed 11-23-16]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

[OAR Docket #16-817]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operation and Procedures

158:1-3-9. Fees for plan review and project review for code conformance [AMENDED]

SUMMARY:

No fees are established or changed by these proposed rules. The proposed amendments address the statutory requirement for notice of work related to installing, modifying or altering plumbing, electrical facilities, or mechanical systems in an incorporated area of the State which has not adopted a State recognized code and which has not appointed an inspector for the respective trade; and, clarify procedures for requesting an inspection by a Construction Industries Board Inspector.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-817; filed 11-21-16]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 10. FINE SCHEDULE

[OAR Docket #16-818]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:10-1-1.1 [AMENDED]

Subchapter 3. Administrative Fine Schedule

158:10-3-4 [AMENDED]

SUMMARY:

The proposed amendment to 158:10-1-1.1 adds a definition for "Contracting." The proposed amendment to 158:10-3-4 clarifies that the requirement to pay fines and penalties imposed by a trade Hearing Board (Electrical, Plumbing, Mechanical or Roofing), the Construction Industries Board, or a court of competent jurisdiction for the violation of municipal ordinances, is applicable to all parties upon which such a fine or penalty has been imposed.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone wishing to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-818; filed 11-21-16]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

[OAR Docket #16-819]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

- 158:30-1-2 [AMENDED]
- Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name
- 158:30-5-2 [AMENDED]
- 158:30-5-4 [AMENDED]
- Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses
- 158:30-9-1 [AMENDED]
- 158:30-9-3 [AMENDED]
- 158:30-9-4 [AMENDED]

SUMMARY:

The proposed amendments to 158:30-1-2 clarify that an applicant includes an applicant for continuing education approval, and add definitions for "Contracting," "Credit Hour or Hour," and "Property of Residence." The proposed amendments to 158:30-5-2 provide that failure of a plumbing contractor to maintain the required surety bond will result in their license status being "inactive," and that the Construction Industries Board will notify a surety of a change in license status of any of its bonded licensed plumbing contractors. The amendments to 158:30-5-4 provide that in order for a journeyman or contractor to be licensed by reciprocity, a written reciprocity agreement must exist between the applicant's state and Oklahoma for the license the applicant is seeking. The amendments to 158:30-9-1 provide a time limit by which an applicant for a contractor license must pass both portions of the contractor exam, business and law portion and trade portion, after which they would be required to retake both portions; establish procedures by which an applicant for a contractor license who passes only the trade portion of the contractor exam may apply the passing score of the trade portion to an application for a journeyman license; establish procedures by which an active or inactive contractor may elect to have a permanent change of license category and renew as a journeyman; and amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The amendments to 158:30-9-3 address the manner in which payment for renewal of a license can be made. The amendments to 158:30-9-4 remove obsolete, outdated verbiage; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Plumbing Examiners Committee; amend the deadline for submission of applications for continuing education course approval; clarify that the rescission of continuing education course approval upon adoption of a different statewide code applies to all types of continuing education courses.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1) and 1002.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-819; filed 11-21-16]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

[OAR Docket #16-820]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 158:40-1-2 [AMENDED]
- Subchapter 5. Licensing Requirements, Display of License, and Firm Name, and Bond Requirements
- 158:40-5-5 [AMENDED]
- Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals
- 158:40-9-2 [AMENDED]

Notices of Rulemaking Intent

158:40-9-4 [AMENDED]

SUMMARY:

The proposed amendments to 158:40-1-2 clarify that an applicant can also be an applicant for continuing education approval, and add definitions for "Contracting" and "Continuing Education Credit Hour." The amendments to 158:40-5-5 provide that failure of a contractor to maintain the required bond and insurance in force results only in the issuance of an inactive license to said contractor. The amendments to 158:40-9-2 provide a time limit by which an applicant for a contractor license must pass both portions of the contractor exam, business and law portion and trade portion, after which they would be required to retake both portions; establish procedures by which an applicant for an unlimited contractor license who passes only the trade portion of the contractor exam may apply the passing score of the trade portion to an application for a journeyman license; allow an individual who has a current active or inactive contractor license to pursue other category contractor applications in the electrical trade without being required to retake the business and law portion of the exam if the business and law portion was successfully passed previously; establish procedures by which an active or inactive contractor may elect to have a permanent change of license category and renew as a journeyman; and amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The proposed amendments to 158:40-9-4 remove obsolete, outdated verbiage; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Electrical Examiners Committee; provide that approval of any type of continuing education course is rescinded upon the adoption of a different statewide code; amend the deadline for submission of applications for continuing education course approval; and provide that applications for correspondence or online courses must be resubmitted annually, from date of approval, for review and approval.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1681.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone wishing to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-820; filed 11-21-16]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #16-821]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1 [AMENDED]

158:50-9-6 [AMENDED]

158:50-9-7 [AMENDED]

SUMMARY:

The amendments to 158:50-1-2 clarify that an applicant can also be an applicant for continuing education approval, and add a definition for "Contracting." The amendments to 158:50-9-1 provide a time limit by which an applicant for a contractor license must pass both portions of the contractor exam, business and law portion and trade portion, after which

they would be required to retake both portions of the exam; establish procedures by which an applicant for a contractor license who passes only the trade portion of the contractor exam may apply the passing score of the trade portion to an application for a journeyman license; establish procedures and requirements for an active or inactive contractor to be able to elect to have a permanent change of license category and renew as a journeyman; allow an individual who has a current active or inactive contractor license to pursue other contractor applications in the mechanical trade without being required to retake the business and law portion of the exam if the business and law portion was successfully passed previously; amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The amendments to 158:50-9-6 provide that in order for a journeyman or contractor to be licensed by reciprocity, a written reciprocity agreement must exist between the applicant's state and Oklahoma for the license the applicant is seeking. The amendments to 158:50-9-7 remove obsolete, outdated verbiage; amend the deadline for submission of applications for continuing education course approval; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Mechanical Examiners Committee ("the Committee"); and allow continuing education credit to be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4 and 1850.3.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone wishing to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda

Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-821; filed 11-21-16]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 60. INSPECTORS REGULATIONS**

[OAR Docket #16-822]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-3 [AMENDED]

158:60-5-5 [AMENDED]

SUMMARY:

The proposed amendments to 158:60-5-3 clarify the requirements for an unlimited inspector license. The proposed amendments to 158:60-5-5 amend the deadline for submission of applications for continuing education course approval; clarify that continuing education programs have to be conducted substantially as shown on the agenda approved by the Inspector Examiners Committee ("the Committee"); require that an access code and password be provided to the Committee for an online course for the purpose of review and approval; requires that applications for correspondence or online courses be resubmitted annually from date of approval for review and approval; establish requirements for advertisement of continuing education courses; and, clarify that approval of all types of continuing education courses is rescinded upon the adoption of a different statewide code by the OUBCC.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4 and 1032.

Notices of Rulemaking Intent

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-822; filed 11-21-16]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 70. HOME INSPECTION INDUSTRY REGULATIONS

[OAR Docket #16-823]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
158:70-1-2 [AMENDED]

Subchapter 9. Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity

158:70-9-2 [AMENDED]

158:70-9-3 [AMENDED]

158:70-9-5 [AMENDED]

SUMMARY:

The amendments to 158:70-1-2 clarify that an applicant can also be an applicant for continuing education approval and amend/clarify the definition for "Classroom Hour", "credit hour" and "clock hour." The amendments to 158:70-9-2 amends procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The amendments to 158:70-9-3 amends the deadline for submission of applications for continuing education course approval; clarifies that the requirement for applications for continuing education course approval to be resubmitted annually applies to online or correspondence courses; and clarify that continuing education courses must be conducted substantially as shown on the agenda approved by the Home Inspector Examiners Committee ("the Committee"). The proposed amendments to 158:70-9-5 provides that a designee of the Committee may consider an unsigned or anonymous complaint regarding continuing education for further investigation, and that a designee of the Committee may make a determination as to appropriate action related to an anonymous complaint regarding continuing education.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627 and 1000.4.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business

entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

[OAR Docket #16-823; filed 11-21-16]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS**

[OAR Docket #16-824]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
158:85-1-2 [AMENDED]
- Subchapter 2. Registration and Endorsement Application and Renewal Requirements, Procedures, Fees, Duration, Military and Reciprocity
158:85-2-1 [AMENDED]
158:85-2-4 [AMENDED]
- Subchapter 9. Endorsement Qualifications, Requirements, Examination and Continuing Education
158:85-9-3 [AMENDED]
158:85-9-4 [AMENDED]

SUMMARY:

The proposed amendments to 158:85-1-2 correct punctuation and add definitions for "Cheating" and for "Contracting." The proposed amendments to 158:85-2-1 relate to changes in the requirements for Workers' Compensation coverage pursuant to Senate Bill 1083 which became effective November 1, 2016. The proposed amendment to 158:85-2-4 corrects an error which resulted in having conflicting rules related to the length of time that a commercial roofing endorsement can be expired before the former endorsement holder is required to make an initial application and retest to obtain the endorsement. The amendments to 158:85-9-3 provide a time limit by which an applicant for a commercial roofing endorsement must pass both portions, business

and law portion and trade portion, of the exam, after which they would be required to retake both portions; and, amend procedures/requirements related to an applicant who violates exam procedures as determined by the examination provider. The amendments to 158:85-9-4 remove obsolete, outdated verbiage; amend the deadline for submission of applications for continuing education course approval; clarifies that approval of any type of continuing education course is rescinded upon the adoption of a different statewide code; clarify that continuing education programs must be conducted substantially as shown on the agenda approved by the Roofing Examiners Committee ("the Committee"); and allow continuing education credit to be earned through teaching a course in an accredited trade school or a trade-specific program approved by the Committee.

AUTHORITY:

Construction Industries Board; 1000.4, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2017, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 18, 2017, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2017, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2016, at the address listed above for obtaining copies of the proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant,
405-521-6550.

[OAR Docket #16-824; filed 11-21-16]

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

[OAR Docket #16-855]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Due Process

210:1-5-6. Suspension and/or revocation of certificates
[AMENDED]

SUMMARY:

Two provisions are being added to the rule governing the suspension and revocation of certificates issued by the State Board of Education to teachers, administrators, and other school personnel. Language is added to subsection (k) providing that an individual who has had a certificate revoked may apply for reinstatement if the revocation was based on an offense which has been expunged by a court of competent jurisdiction. A new subsection (l) is also added, requiring the State Board of Education to notify the superintendents of all Oklahoma school districts when an individual's certificate has been suspended or revoked by the Board.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 22 O.S. § 18

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 15, 2016 until 4:30 p.m., Tuesday, January 17, 2017.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Tuesday, January 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at:

<http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #16-855; filed 11-23-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-856]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-98. Administrative requirements of teacher certification [AMENDED]

SUMMARY:

The rule addressing Noncitizen Visiting Teacher Certification must be amended to reflect a change to the controlling federal regulations. The state rule currently only allows for the one-year teaching credential issued to visiting teachers to be renewed on a year-to-year basis for a maximum of three (3) years. The federal regulation governing visas for visiting teachers has been amended to allow for an extension of up to two (2) years beyond the initial 3-year period, for a total of up to five (5) years authorized for noncitizen visiting

teachers. Oklahoma's state rule on visiting teachers must now be updated to allow for the maximum 5-year visa period.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 22 CFR § 62.24(k)

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 15, 2016 until 4:30 p.m., Tuesday, January 17, 2017.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Tuesday, January 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at:

<http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

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

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

[OAR Docket #16-856; filed 11-23-16]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #16-857]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-110. Alternative placement teaching certificates [AMENDED]

SUMMARY:

House Bill 3025 (2016) amended the qualifications and requirements for Alternative Placement Certification, and the rule addressing Alternative Placement teaching certificates must be updated accordingly. Applicants were historically required to have completed a college major corresponding to an area of certification, but that is no longer a requirement. Applicants must now (1) hold a college degree and (2) demonstrate competency in an area of certification, and the rule provides several different means of demonstrating subject competency. Options for documenting subject area competency include completion of an academic major, relevant work and/or volunteer experience, publication in an academic or trade journal, or other means for demonstrating competency subject to the approval of the State Department of Education.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-122.3

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 15, 2016 until 4:30 p.m., Tuesday, January 17, 2017.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Tuesday, January 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the

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door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at:

<http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #16-857; filed 11-23-16]

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

[OAR Docket #16-858]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation

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

SUMMARY:

The rule regarding school bus driver certification is being amended to provide that the annual health certificate required for school bus drivers may be signed by qualified health professionals other than physicians. The rule currently limits the health certificate signature to physicians only, but in practice, it is often nurses and physician assistants who perform routine physical exams such as the annual health

certification. School districts have requested expansion of the authorized signatures for bus drivers' annual health certificates to include a licensed nurse or physician assistant working under the supervision of a licensed physician.

AUTHORITY:

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

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 15, 2016 until 4:30 p.m., Tuesday, January 17, 2017.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Tuesday, January 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at:

<http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

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

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

[OAR Docket #16-858; filed 11-23-16]

**TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY
CHAPTER 10. EDUCATIONAL QUALITY**

[OAR Docket #16-816]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Educator Preparation Program Accreditation
218:10-5-3 [AMENDED]
- 218:10-5-4 [AMENDED]
- Subchapter 7. Educator Assessment
218:10-7-1 [AMENDED]
- Subchapter 8. Teaching Certification Scholarship Program
[NEW]
- 218:10-8-1 [NEW]

SUMMARY:

The proposed Educator Preparation Program Accreditation amendments reflect alignment of educator preparation program accreditation processes with those of the Council for Accreditation of Educator Preparation as well as changes in educator assessment rules for out-of-state certified educators as a result of legislation. Proposed new permanent rules reflect implementation of the provisions of the Teaching Certification Scholarship Program Act, effective January 1, 2017.

AUTHORITY:

Office of Educational Quality and Accountability; 70 O.S. Supp. 1998, §6-180 et seq.; Oklahoma Teacher Preparation Act

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 17, 2017 at the following address: Office for Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 11:00 a.m. on Tuesday, January 17, 2017 in the 4th floor Board Room, 840 Research Parkway, Oklahoma City, 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about he increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Renee Launey-Rodolf, at the above address, before the close of the comment period.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Office of Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability at the above address beginning on December 30, 2016.

CONTACT PERSON:

Renee Launey-Rodolf, Director of Educational Quality, 405-522-5399

[OAR Docket #16-816; filed 11-18-16]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

[OAR Docket #16-833]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Environmental Permit Process
Part 1. The Process
252:4-7-13. [AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:4-7-13, Notices - specifically, subsection (g), Additional notice content requirements for Clean Air Act Permits - to align the Department's notice content requirements for Prevention of Significant Deterioration (PSD) permits with those promulgated by the U.S. Environmental Protection Agency (EPA) in 40 CFR Section 51.166. The gist of the proposed rule and the underlying reason for these revisions is to ensure that the State's rules are not less stringent than the federal rules. This will remove an obstacle in EPA Region 6 staff's review and approval of relevant portions of Oklahoma's State Implementation Plan (SIP), which will help ensure that the Department retains the PSD program.

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through -117.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 18, 2017. Oral comments may be made at the January 18, 2017 hearing and at the February 17, 2017 Environmental Quality Board hearing.

Notices of Rulemaking Intent

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 18, 2017, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102. In case of inclement weather, an alternate date is scheduled for Tuesday, January 24, 2017 at the same location. In the event the alternate date is needed, the comment period will extend to include that date.

If due to inclement weather the public hearing scheduled for January 18, 2017 is cancelled, notice announcing the hearing cancellation will be posted on the DEQ website (<http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>) at least 24 hours prior to the scheduled time for the hearing. Interested parties may call (405) 702-4100 to find out if the hearing has been cancelled.

Before the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Friday, February 17, 2017, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after December 15, 2016 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Melanie Foster, Environmental Programs Manager, at (405)702-4100. Please send written comments on the proposed rule changes to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division,

P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. The Air Quality Division FAX number is (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #16-833; filed 11-21-16]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #16-834]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Permits for Minor Facilities

Part 9. Permits by Rule

252:100-7-60.5. [AMENDED]

Subchapter 47. Control of Emissions from Existing Municipal Solid Waste Landfills

252:100-47-3. [AMENDED]

252:100-47-4. [REVOKED]

252:100-47-5. [AMENDED]

252:100-47-6. [AMENDED]

252:100-47-7. [AMENDED]

252:100-47-8. [AMENDED]

252:100-47-9. [AMENDED]

252:100-47-10. [AMENDED]

252:100-47-11. [AMENDED]

252:100-47-12. [AMENDED]

252:100-47-13. [AMENDED]

252:100-47-14. [AMENDED]

Appendix R. Emissions Calculations for Municipal Solid Waste Landfills [NEW]

SUMMARY:

The Department is proposing to amend the Permit By Rule (PBR) in OAC 252:100-7-60.5, Oil and natural gas sector, to add references to the U.S. Environmental Protection Agency's (EPA's) recently promulgated New Source Performance Standards (NSPS) in 40 CFR Part 60, Subpart OOOOa. Additionally, the proposed amendment would allow the use of federally enforceable limits when determining a facility's eligibility for the PBR. The gist of the proposed rule is to ensure that the current PBR covers facilities subject to NSPS Subpart OOOOa and the emission calculation methodologies contained therein and clarifies source eligibility criteria for the PBR.

The Department proposes to amend OAC 252:100, Subchapter 47, Control of Emissions from Existing Municipal Solid Waste Landfills. The gist of the proposed rule is to incorporate new federal guidelines into the state rules. The proposed rule would implement the provisions of 40 CFR Part 60, Subpart Cf, the federal emission guidelines published by EPA in the Federal Register on August 29, 2016 (81 FR 59313). Upon promulgation, the revised Subchapter 47 will be incorporated into Oklahoma's revised State 111(d) Plan. The proposed rules affect municipal solid waste (MSW) landfills that commenced construction, modification, or reconstruction before July 17, 2014 that accept or can accept municipal solid waste, as well as closed landfills. Landfill gas collection and control systems will be required for landfills with design capacities of at least 2.5 million megagrams or 2.5 million cubic meters and have estimated emissions of at least 34 megagrams per year of non-methane organic compounds (NMOC). The previous NMOC threshold to install a control system was 50 megagrams per year. The proposal would also add a new Appendix R, Emissions Calculations for Municipal Solid Waste Landfills, to incorporate equations pertinent to the proposed rule.

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through -117.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 18, 2017. Oral comments may be made at the January 18, 2017 hearing and at the February 17, 2017 Environmental Quality Board hearing.

PUBLIC HEARINGS:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 18, 2017, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102. In case of inclement weather, an alternate date is scheduled for Tuesday, January 24, 2017 at the same location. In the event the alternate date is needed, the comment period will extend to include that date.

If due to inclement weather the public hearing scheduled for January 18, 2017 is cancelled, notice announcing the hearing cancellation will be posted on the DEQ web site (<http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>) at least 24 hours prior to the scheduled time for the hearing. Interested parties may call (405) 702-4100 to find out if the hearing has been cancelled.

Before the Environmental Quality Board at its meeting scheduled for 9:30 a.m. on Friday, February 17, 2017, at the DEQ Headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c); to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9); and to the MSW Landfills State Plan under the requirements of the CAA, Section 111(d) and 27A O.S. Section 2-5-105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm.

RULE IMPACT STATEMENTS:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after December 15, 2016 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Melanie Foster, Environmental Programs Manager, at (405)702-4100. Please send written comments on the proposed rule changes to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. The Air Quality Division FAX number is (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #16-834; filed 11-21-16]

Notices of Rulemaking Intent

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

[OAR Docket #16-828]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Merit System of Personnel Administration
Rules [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State's work force. It is proposed that the rules and regulations be amended. The effect of the amended rules is to comply with newly created or amended statutes; remove superfluous or out of date form numbers; clarify that probationary periods are adjusted to reflect extended absences, rather than simply extended; modify language in the FMLA rules so that there is no question of the rules conflicting with Oklahoma law; add a new Part to the Merit Rules that implement Title 74 O.S. § 840-3.1A; amended language in the direct deposit rules to correct rule citations, strike reference to OSF, and to change the name of the direct deposit form; and correct grammatical errors throughout the chapter.

AUTHORITY:

Office of Management and Enterprise Services Human Capital Management Division; 74 O.S. Section 840-1.6A; 74 O.S. Section 840-2.17; 74 O.S. Section 840-2.9; 74 O.S. Section 840-2.20; 74 O.S. Section 840-3.2; 74 O.S. Section 840-3.5; 74 O.S. 840-4.3; 74 O.S. Section 840-4.6; 74 O.S. Section 840-4.12; 74 O.S. Section 840-4.13; 74 O.S. Section 840-4.17; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until February 1, 2017. Comments should be filed in the office of Matt Stewart, Deputy General Counsel, Office of Management and Enterprise Services Human Capital Management Division, located at 2401 N. Lincoln Blvd., suite 106, Oklahoma City, Oklahoma 73105

PUBLIC HEARING:

10:30 am, February 1, 2017, in the HCM Training Room located in the Jim Thorpe Building (basement), 2101 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Matt Stewart, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management Division

2401 N. Lincoln Blvd., Suite 106
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Matt Stewart of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Matt Stewart, Deputy General Counsel, (405) 522-0663,
matt.stewart@omes.ok.gov

[OAR Docket #16-828; filed 11-21-16]

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

[OAR Docket #16-829]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Employees Group Insurance Department -
Administrative and General Provisions [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Department. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1; Office of Management and Enterprise Services Employees Group Insurance Department; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 19, 2017. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Department, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 19, 2017, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Department, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Department
3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Department.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #16-829; filed 11-21-16]

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

[OAR Docket #16-830]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Employees Group Insurance Department - Health, Dental, Vision and Life Plans [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Department. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1; Office of Management and Enterprise Services Employees Group Insurance Department; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 19, 2017. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Department, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 19, 2017, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Department, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Department
3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Department.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #16-830; filed 11-21-16]

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

[OAR Docket #16-865]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. License Classifications and Associated Fees for Consumer Health Services
- 310:250-3-1. Food service establishments' permits [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 [REVOKED]

SUMMARY:

310:250-3-1. The current rule outlines the class and type of food establishments and their licensing fees codified in the Oklahoma Statutes at Title 63, Sections 1-1118 & 1-1119. The proposal will strike the classes from the rule, create a tiered establishment fee based on types of service, and increase some fees. These changes are necessary to allow the Department to decrease costs for administration of the program and to provide better tracking capabilities for the different classes of food establishments. Currently there is not a class defined in rule or statute for water vending which is a mandate to license and ensure tracking. The effects of this will combine application and licensing fees to streamline the initial application process

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and in some instances will increase the license, renewal and late renewal fees based on the type of service.

310:250-3-2. The current rule outlines the class and type of drug manufacturing establishments and their licensing fees codified in the Oklahoma Statutes at Title 63, Section 1-1119. The proposal will strike the classes from the rule and combine the application fee from OAC 310:250-3-7 and initial licensing fee. These changes are necessary to streamline the application process for the applicant, create consistency with licensing processes for all programs outlined in this chapter, and provide better tracking capabilities of the different classes of drug manufacturing establishments. The effects of such a proposal will keep total costs consistent, streamline the application process for the applicant and allow more flexibility for tracking purposes.

310:250-3-3. The current rule outlines the types of lodging establishments and their licensing fees codified in the Oklahoma Statutes at Title 63, Section 1-1201. The proposal combines the application fee with the initial licensing fee but does not result in an increase in overall initial fees. The proposal also increases each renewal and late renewal fee \$50. These changes are necessary to streamline the application process for the applicant, create consistency with the licensing processes for all programs outlined in this chapter and increase fees to cover the administration of the program. The effects of this will combine application and licensing fees to streamline the initial application process and the renewal and late renewal fees to cover administrative costs.

310:250-3-4. The current rule outlines late renewal timeframes for the consumer health license programs. The proposal includes language that was included in 310:250-3-1 to be consistent for all consumer health license programs and not just food. These changes specify when late fees are allowable. The effects of this proposal will clarify and create consistency with all late fees for consumer health licensing programs included in this chapter.

310:250-3-5. The current rule outlines the three types of establishments that utilize diagnostic x-ray machines and their licensing fees codified in the Oklahoma Statutes at Title 63, Section 1-1501.1 et seq. The proposal will eliminate a two part fee of "first tube" and "additional tubes." This change is necessary to simplify the licensing process for licensees and to decrease the number of refunds the Department issues due to miscalculations of licensing fees by the applicant. In response to the miscalculations, the Department has made multiple attempts to clarify the licensing applications and explain the calculations. However, the Department continues to process refunds because of math errors due to the different tube fees. The effects of such a proposal would streamline the application and administrative processes and alleviate the processing of frequent refunds due to miscalculations and overpayment.

310:250-3-6. The current rule outlines the types of public bathing place venues and their licensing fee schedule. The proposal strikes references to spray pools, increases initial licensing fees and creates a separate renewal fee, reduced from initial fees. The proposal also creates a reduced annual fee

for securing the pool as closed. These changes are necessary because the definition outlined in Title 63 Section 1-1013, effective November 1, 2010 specifically exempted spray pools from public bathing rules. Also, the increased fees are necessary to cover the administration costs of the program and ensure continual inspections to protect the public's health. The effects of this proposal will be to clean up outdated language and increase funds to cover the cost of the program to ensure continual inspections.

310:250-3-7. The current rule outlines the class and type of food, drug manufacturers and lodging establishments and their application fees for plans codified in the Oklahoma Statutes, at Title 63, Sections 1-1118 & 1-1119. The proposal will revoke this section and include the application fee in the initial license fee. These changes are necessary streamline the application process for the applicant. The effects of this proposal will allow the applicant to pay a one-time fee for the entire process instead of two separate fees. This effect will also decrease the violations for invalid licensure due to the failure of new establishments to mail in payment after a license approval is issued.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104; Public Health and Safety, Title 63 § 1-1118; Title 63 § 1-1119; Title 63 § 1-1201; Title 63 § 1-1013; and Title 63 § 1-1501.1

COMMENT PERIOD:

December 15, 2016 through January 17, 2017. Interested persons may informally discuss the proposed rules with the contact person listed below; or may, through January 17, 2017, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2017, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on January 19, 2017, at the same location in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

Business entities may submit this information in writing before January 17, 2017, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSON:

Lynnette Jordan, Director, Consumer Health Service, phone (405) 271-5779, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail lynnette@health.ok.gov.

[OAR Docket #16-865; filed 11-23-16]

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

[OAR Docket #16-870]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposal amends physical plant requirements in Subchapter 1 by updating references to the Facility Guidelines Institute (FGI): Guidelines for Design and Construction of Hospitals and Outpatient Facilities, 2014 Edition, and the Life Safety Code adopted by the Centers for Medicare & Medicaid Services on July 5, 2016. Added are criteria and a process for ambulatory surgical centers to request exceptions and temporary waivers of the requirements of this Chapter for design or construction techniques that represent innovations or improvements.

The proposal revises the requirements for stage one, stage two, and special construction plan submittals, and gives ambulatory surgical centers the option to move directly to the stage two plan submittal. The proposal sets fees for related services including review of temporary waivers and applications for self-certification. The proposal establishes a process to ensure timely review of design and construction

documents. The proposal establishes requirements and a process for ambulatory surgical centers to self-certify compliance of their plans for certain types of projects.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; and 63 O.S. Section 2662.

COMMENT PERIOD:

December 15, 2016 through January 17, 2017. Interested persons may informally discuss the proposed rules with the contact person listed below; or may, through January 17, 2017, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2017, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on January 19, 2017, at the same location in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before January 17, 2017, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSON:

Lee Martin, Director, Medical Facilities Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-6576, or by e-mail to LeeM@health.ok.gov.

[OAR Docket #16-870; filed 11-23-16]

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

[OAR Docket #16-869]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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 19. Administration, Records and Policies
- 310:663-19-1. Incident reports [AMENDED]

SUMMARY:

The proposal amends construction and physical plant requirements in Subchapter 7. The proposal requires submittal of plans and specifications for new buildings or major alterations. The proposal establishes fees for review of design and construction plans and specifications. The proposal sets fees for related services including review of temporary waivers and applications for self-certification. The proposal establishes a process to ensure timely review of design and construction documents. The proposal establishes requirements and a process for assisted living centers to self-certify compliance of their plans for certain types of projects. A section is added to set requirements for stage one, stage two, and special construction plan submittals, and to give assisted living centers the option to move directly to the stage two plan submittal. Added are criteria and a process for assisted living centers to request exceptions and temporary waivers of the requirements of this Chapter to allow for design or construction techniques that represent innovations or improvements.

The proposed change amends the Subchapter 19 requirements for reporting incidents. The proposal updates language for reporting utility failures, storm damage and fires to local emergency response managers. Language is inserted to clarify reporting of injuries that have certain physician diagnoses or require treatment at a hospital.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; and 63 O.S. Section 1-890.3.

COMMENT PERIOD:

December 15, 2016 through January 17, 2017. Interested persons may informally discuss the proposed rules with the contact person listed below; or may, through January 17, 2017, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2017, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on January 19, 2017, at the same location in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before January 17, 2017, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSON:

Michael Cook, Director, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to MikeC@health.ok.gov.

[OAR Docket #16-869; filed 11-23-16]

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

[OAR Docket #16-868]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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]

SUMMARY:

The proposal amends physical plant requirements in Subchapter 41 by updating references to the Facility Guidelines Institute (FGI): Guidelines for Design and Construction of Hospitals and Outpatient Facilities, 2014 Edition, and the Life Safety Code adopted by the Centers for Medicare & Medicaid Services on July 5, 2016. Added are criteria and a process for hospitals to request exceptions and temporary waivers of the requirements of this Chapter for design or construction techniques that represent innovations or improvements.

Subchapter 47 is updated by revising the requirements for stage one, stage two, and special construction plan submittals, and by giving hospitals the option to move directly to the stage two plan submittal. The proposal sets fees for related services including review of temporary waivers and applications for self-certification. The proposal establishes a process to ensure timely review of design and construction documents. The proposal establishes requirements and a process for hospitals to self-certify compliance of their plans for certain types of projects.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; 63 O.S. Section 1-705; and 63 O.S. Section 1-707.

COMMENT PERIOD:

December 15, 2016 through January 17, 2017. Interested persons may informally discuss the proposed rules with the contact person listed below; or may, through January 17, 2017, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2017, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on January 19, 2017, at the same location in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by

a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before January 17, 2017, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSON:

Lee Martin, Director, Medical Facilities Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-6576, or by e-mail to LeeM@health.ok.gov.

[OAR Docket #16-868; filed 11-23-16]

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

[OAR Docket #16-867]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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 Reports [AMENDED]
- Subchapter 11. Intermediate Care Facilities of 16 Beds and less for the Mentally Retarded (16 Beds and Less Individuals with Intellectual Disabilities (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]

SUMMARY:

The proposal amends physical plant requirements in Subchapter 5 by updating references to the most recent Life Safety Code adopted by the Centers for Medicare & Medicaid Services. Added are criteria and a process for nursing facilities to request exceptions and temporary waivers of the requirements of this Chapter for design or construction

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techniques that represent innovations or improvements. The proposal establishes fees for review of design and construction plans and specifications. The proposal sets fees for related services including review of temporary waivers and applications for self-certification. The proposal establishes a process to ensure timely review of design and construction documents. A section is added to set requirements for stage one, stage two, and special construction plan submittals, and to give nursing facilities the option to move directly to the stage two plan submittal. The proposal establishes requirements and a process for nursing facilities to self-certify compliance of their plans for certain types of projects.

This proposal amends OAC 310:675-7-5.1 relating to facility reportable incidents. The proposed change updates language for reporting utility failures, storm damage and fires to local emergency response managers. Language is inserted to clarify reporting of injuries that have certain physician diagnoses or require treatment at a hospital.

This proposal amends OAC 310:675-7-6.1(b)(4)(C) and (D) relating to complaints made to the Department. The proposal authorizes the Department to investigate, during the next required onsite inspection at the facility, complaints that do not represent immediate jeopardy or actual harm to the resident. This change will allow investigators to combine certain complaints with other required inspections to better utilize state resources and reduce disruption for facilities and residents. This proposal makes no change to the current requirement to investigate immediate jeopardy situations within two days or actual harm situations within ten days.

This proposal amends OAC 310:675-7-12.1 relating to facility non-reportable incidents. The proposed changes remove language on facility non-reportable incident reports.

Subchapter 11 is updated to use current terminology for individuals with intellectual disabilities, and to incorporate the most recent Life Safety Code adopted by the Centers for Medicare & Medicaid Services. A section is added to incorporate into Subchapter 11 the updated plans and specifications requirements of Subchapter 5.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; 63 O.S. Section 1-1908; and 63 O.S. Section 1-1942.

COMMENT PERIOD:

December 15, 2016 through January 17, 2017. Interested persons may informally discuss the proposed rules with the contact person listed below; or may, through January 17, 2017, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2017, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on January 19, 2017, at the same location in room

1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before January 17, 2017, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSON:

Michael Cook, Director, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to MikeC@health.ok.gov.

[OAR Docket #16-867; filed 11-23-16]

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

[OAR Docket #16-866]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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]

SUMMARY:

The proposal amends licensure requirements in Subchapter 3 to authorize the use of a physician assistant or advanced practice registered nurse to provide services and consultation. Requirements regarding zoning of the home's location are revised to be consistent with the Residential Care Act. Requirements for records and reports to be kept in the home are updated to reflect current laws for administrators and communicable diseases. Unnecessary records are deleted. The proposed change updates language for reporting utility failures, storm damage and fires to local emergency response managers. Language is inserted to clarify reporting of injuries that have certain physician diagnoses or require treatment at a hospital.

This proposal amends OAC 310:680-3-9(b)(4)(C) and (D) relating to complaints made to the Department. The proposal authorizes the Department to investigate, during the next required onsite inspection at the home, complaints that do not represent immediate jeopardy or actual harm to the resident. This change will allow investigators to combine certain complaints with other required inspections to better utilize state resources and reduce disruption for homes and residents. This proposal makes no change to the current requirement to investigate immediate jeopardy situations within two days or actual harm situations within ten days.

OAC 310:680-3-14 is updated to accurately reflect statutory requirements for appropriate occupancy.

The proposal amends construction and physical plant requirements in Subchapter 5. Provisions for storage of resident's belongings are revised. The amendments allow for resident choice in room furnishings. The proposal requires submittal of plans and specifications for new buildings or major alterations. Added are criteria and a process for residential care homes to request exceptions and temporary waivers of the requirements of this Chapter to allow for design or construction techniques that represent innovations or improvements. The proposal establishes fees for review of design and construction plans and specifications. The proposal sets fees for related services including review of temporary waivers and applications for self-certification. The proposal establishes a process to ensure timely review of design and construction documents. A section is added to set requirements for stage one, stage two, and special construction plan submittals, and to give residential care homes the option to move directly to the stage two plan submittal. The proposal establishes requirements and a process for residential care homes to self-certify compliance of their plans for certain types of projects.

This proposal amends housekeeping requirements to clarify allowable differences between handling of general and soiled laundry. Staffing requirements are revised to require first aid and CPR training for direct care staff, and to remove the restriction on crediting first aid and CPR training towards the administrator's annual job-related training requirement.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; and 63 O.S. Section 1-821.

COMMENT PERIOD:

December 15, 2016 through January 17, 2017. Interested persons may informally discuss the proposed rules with the contact person listed below; or may, through January 17, 2017, submit written comment to the contact person identified below; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on January 17, 2017, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on January 19, 2017, at the same location in room 1102 beginning at 10:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before January 17, 2017, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available from the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSON:

Michael Cook, Director, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to MikeC@health.ok.gov.

[OAR Docket #16-866; filed 11-23-16]

Notices of Rulemaking Intent

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #16-845]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Formal and Informal Procedures
317:1-3-4. [AMENDED]

(Reference APA WF # 16-21)

SUMMARY:

The proposed revisions to the State Plan Amendment Rate Committee (SPARC) policy increase the SPARC officials from five persons to seven persons and allows for appointed alternates. The changes to the membership enhances our coordinated efforts with sister agencies.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 U.S.C. 1396(a); 42 CFR § 430.10

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-845; filed 11-22-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 10. PURCHASING

[OAR Docket #16-846]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:10-1-1. [AMENDED]

317:10-1-3. [AMENDED]

317:10-1-4. [AMENDED]

317:10-1-12. [AMENDED]

317:10-1-16. [AMENDED]

(Reference APA WF # 16-22)

SUMMARY:

The proposed revisions amend language to replace outdated references to the Oklahoma Department of Central Services with the Office of Management and Enterprise Services. The Oklahoma Department of Central Services was consolidated under the Office of Management and Enterprise Services in 2011. Additional revisions replace specific references to OAC Title 580 with OAC Title 260. Revisions also clarify that supply and non-professional services acquisitions over \$5,000 must be approved by the Chief Executive Officer, Executive Staff, or designee.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; OAC Title 260, Chapter 115; OAC Title 580 (Revoked); O.S Title 74

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health

Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-846; filed 11-22-16]

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

[OAR Docket #16-836]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-42.17. [AMENDED]

Part 45. Optometrists

317:30-5-432.1. [AMENDED]

(Reference APA WF # 16-02)

SUMMARY:

The proposed rule revisions will allow SoonerCare contracted providers of vision services to be reimbursed separately for refraction in an eye exam. Revisions also specify that all non-high-index lenses must be polycarbonate. In addition, revisions allow SoonerCare contracted suppliers of eyeglasses to be paid a fitting fee if the requirements of a fitting fee are met. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.120

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-836; filed 11-22-16]

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

[OAR Docket #16-837]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Notices of Rulemaking Intent

Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241.2. [AMENDED]

(Reference APA WF # 16-04)

SUMMARY:

The proposed outpatient behavioral health agency policy revisions establish new daily and weekly limits for individual, group and family psychotherapy services. The current daily limits of 6 units of individual, 12 units of group and 12 units of family therapies will be reduced to 4 units, 6 units and 4 units respectively. In addition, weekly limits will be imposed that limit the total amount of group therapy in a week to 3 hours and individual and family therapy will cumulatively be limited to 2 hours per week. Additionally, revisions include adding language that excludes therapy limitations to outpatient behavioral health services provided in a foster care setting. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Article 10, Section 23 of the Oklahoma Constitution

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-837; filed 11-22-16]

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

[OAR Docket #16-838]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 26. Licensed Behavioral Health Providers

317:30-5-281. [AMENDED]

(Reference APA WF # 16-05)

SUMMARY:

The proposed revisions for independently practicing Licensed Behavioral Health Professionals reduce the monthly limits of psychotherapy reimbursable by SoonerCare. The current limit of 8 units/sessions per month will be reduced to 4 units/sessions per month. We are requesting that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Article 10, Section 23 of the Oklahoma Constitution

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-838; filed 11-22-16]

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

[OAR Docket #16-839]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-19.2. [NEW]

(Reference APA WF # 16-08)

SUMMARY:

The proposed revisions outline screening procedures for providers who pose an increased financial risk of fraud, waste or abuse to the SoonerCare program. Rules add information regarding applicants who are seeking new or renewed contract enrollment as being subject to a fingerprint-based criminal background check if they are designated as high risk in accordance with federal law. Rules also specify types of criminal convictions for which an applicant shall (regarding felonies) or may (regarding misdemeanors) be denied enrollment. Rules also state that there is no right to

appeal an OHCA decision denying an application for contract enrollment based on the applicant's criminal history. We are requesting that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 6401(a) and (b) of the Affordable Care Act; 42 U.S.C. 1320a-7; 42 CFR 455.405 - 455.470 and 42 CFR 457.990

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-839; filed 11-22-16]

Notices of Rulemaking Intent

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

[OAR Docket #16-840]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 103. Qualified Schools as Providers of Health Related
Services
317:30-5-1027. [AMENDED]
Part 104. School-Based Case Management Services
317:30-5-1033. [AMENDED]
(Reference APA WF # 16-11)

SUMMARY:

The proposed School Based Services policy is revised to correct the number of units authorized for personal care services. In addition, rules are updated to reflect that claims must be received within six months from the date of service.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1905(a)(24) of Social Security Act; 42 CFR 440.167; 42 CFR 447.45

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-840; filed 11-22-16]

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

[OAR Docket #16-841]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-2. [AMENDED]
(Reference APA WF # 16-12)

SUMMARY:

The proposed General Coverage policy revisions clarify licensing provisions and contracting requirements for medical residents, reinstate the bundled reimbursement structure for obstetrical care, and clarify direct physician care visit limits. Proposed revisions remove language specific to non-licensed physicians in a training program. The revisions for medical licensure requirements are necessary to comply with federal regulations that require all ordering or referring physicians be enrolled as participating providers. Rules regarding reimbursement for obstetrical care are amended to reinstate the use of the global CPT codes for routine obstetrical care billing. The reinstatement of the global reimbursement is necessary to prevent an unintended administrative burden to providers. The proposed revisions regarding direct physician care visit limits clarify that SoonerCare Choice members are exempt from primary care office visits limits. This proposed revision is necessary to comply with current Waiver parameters and to ensure the access to care for Choice members is not impacted. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed revisions that clarify medical necessity requirements for molecular pathology services and which providers can order testing. The current rules outline requirements for genetic testing, and proposed amendments clarify that these rules apply to all molecular pathology services. Molecular pathology and genetic testing are terms that are often used interchangeably,

although molecular pathology can include a broader array of laboratory services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 455.410; OAC 435:10-11-3.1; Section 1902 of Social Security Act; 42 CFR 435.116; 42 CFR 440.50; 42 CFR 440.60

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-841; filed 11-22-16]

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

[OAR Docket #16-842]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 6. Inpatient Psychiatric Hospitals
- 317:30-5-95.26. [AMENDED]
- 317:30-5-95.33. [AMENDED]
- 317:30-5-95.34. [AMENDED]
- 317:30-5-96.3. [AMENDED]

(Reference APA WF # 16-14)

SUMMARY:

The proposed Inpatient Behavioral Health revisions amend existing language to accurately reflect the total number of core active treatment hours for individuals in a Community Based Transitional (CBT) setting. In addition, revisions clarify active treatment requirements for process group therapy if a child is admitted to the facility on a day other than the beginning of a treatment week. Revisions also update medical necessity criteria for continued stay in an acute psychiatric setting for children, to include requirements for 24 hour nursing/medical supervision. This change will help ensure appropriate level of care is being provided. Rules are also revised to update the time between treatment plan reviews. Revisions clarify that time between treatment plan reviews are at a minimum every five to nine calendar days when in acute care, 14 calendar days when in a regular PRTF, 21 calendar days in the OHCA approved longer term treatment programs or specialty PRTFs and 30 calendar days in CBT treatment programs. The extension of treatment plan reviews will allow inpatient providers additional time to determine response to treatment as well as ease the administrative burden without compromising quality of care.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.154; 42 CFR 441.155; 42 CFR 482.62

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in

Notices of Rulemaking Intent

the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-842; filed 11-22-16]

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

[OAR Docket #16-843]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-22. [AMENDED]

317:30-5-22.1. [AMENDED]

Part 19. Certified Nurse Midwives

317:30-5-226. [AMENDED]

317:30-5-229. [AMENDED]

Part 35. Rural Health Clinics

317:30-5-356. [AMENDED]

Part 75. Federally Qualified Health Centers

317:30-5-664.8. [AMENDED]

(Reference APA WF # 16-15A)

SUMMARY:

The proposed Obstetrical revisions reinstate the use of the global care CPT codes for routine obstetrical care billing, which can be used if the provider had provided care for a

member for greater than one trimester. The reinstatement of the global reimbursement is necessary to prevent an unintended administrative burden to providers. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed revisions to Obstetrical policy that add the term certified to the title nurse midwives to align rules with terminology used by the Oklahoma Board of Nursing. In addition new revisions remove the requirement for providers to submit the paper form CH-17 to the OHCA as part of the prior authorization process for obtaining high risk obstetrical services. The prior authorization process is online and the form is duplicative of documentation that is now required to be submitted for approval.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1902 of Social Security Act; 42 CFR 435.116; 42 CFR 440.165

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-843; filed 11-22-16]

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

[OAR Docket #16-847]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 75. Federally Qualified Health Centers

317:30-5-660.3. [AMENDED]

317:30-5-661.4. [AMENDED]

317:30-5-664.1. [AMENDED]

Part 110. Indian Health Services, Tribal Programs, and
Urban Indian Clinics (I/T/US)

317:30-5-1087. [AMENDED]

317:30-5-1090. [AMENDED]

317:30-5-1094. [AMENDED]

317:30-5-1098. [AMENDED]

(Reference APA WF # 16-23)

SUMMARY:

The proposed Indian Health Services, Tribal Program and Urban Indian Clinics (I/T/Us) and Federally Qualified Health Centers policy is amended to remove the minimum 45-50 minute time requirement for outpatient behavioral health encounters. Rules are also added to indicate that behavioral health services must be billed on an appropriate claim form using the appropriate Current Procedural Terminology (CPT) procedure code and guidelines. In addition, revisions add requirements for I/T/U providers that render home health services. Revisions also include cleanup to outdated policy references.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Telemedicine Act of 1997; 42 CFR Part 136; 42 CFR Subpart X

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-847; filed 11-22-16]

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

[OAR Docket #16-848]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-20. [AMENDED]

(Reference APA WF # 16-26)

SUMMARY:

The proposed revisions clarify reimbursement requirements for molecular pathology tests that examine multiple genes in a single test panel. The proposed changes will require providers to utilize a one code for one test approach to billing molecular pathology tests. If an appropriate code is not available, providers are permitted to bill one unit of an unlisted molecular pathology procedure code.

Notices of Rulemaking Intent

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.30

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-848; filed 11-22-16]

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

[OAR Docket #16-849]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-42.16. [AMENDED]

Part 61. Home Health Agencies

317:30-5-546. [AMENDED]

(Reference APA WF # 16-27)

SUMMARY:

The proposed Home Health revisions add language in accordance with federal regulation that directs the ordering physician to conduct and document a face to face encounter with a member prior to the initial ordering of home health services. The revisions are applicable to home health services that are billed by Home Health agencies under Title XIX program.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.70

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-849; filed 11-22-16]

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

[OAR Docket #16-844]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Eligibility and Countable Income
 - Part 1. Determination of Qualifying Categorical Relationships
 - 317:35-5-2. [AMENDED]
 - Subchapter 22. Pregnancy Related Benefits Covered Under Title XXI
 - 317:35-22-2. [AMENDED]
- (Reference APA WF # 16-15B)**

SUMMARY:

The proposed Obstetrical policy revisions reinstate the use of the global care CPT codes for routine obstetrical care billing, which can be used if the provider had provided care for a member for greater than one trimester. The reinstatement of the global reimbursement is necessary to prevent an unintended administrative burden to providers. We are requesting that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1902 of Social Security Act; 42 CFR 435.116

COMMENT PERIOD:

Persons may submit written comments through January 15, 2017 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 17, 2017 at 1:00 p.m. and Tuesday, February 21, 2017 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 15, 2017.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2016.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #16-844; filed 11-22-16]

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

[OAR Docket #16-831]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to update terminology and make corrections.

AUTHORITY:

62 O.S. §901; Long-Range Capital Planning Commission.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from January 17, 2017 through February 17, 2017.

PUBLIC HEARING:

A public hearing has been scheduled for 9:30 a.m., February 17, 2017 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning December 30, 2016.

CONTACT PERSON:

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

[OAR Docket #16-831; filed 11-21-16]

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

[OAR Docket #16-832]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. State Capital Plan [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to update terminology, make corrections, and make the rules consistent with statutory changes.

AUTHORITY:

62 O.S. §901; Long-Range Capital Planning Commission.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from January 17, 2017 through February 17, 2017.

PUBLIC HEARING:

A public hearing has been scheduled for 9:30 a.m., February 17, 2017 at the offices of the Offices of Management and Enterprise Services, Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning December 30, 2016.

CONTACT PERSON:

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

[OAR Docket #16-832; filed 11-21-16]

TITLE 460. DEPARTMENT OF MINES CHAPTER 15. UNDERGROUND COAL AND ASPHALT

[OAR Docket #16-810]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 1. General Standards

460:15-1-10. Certificates of Competency [AMENDED]

SUMMARY:

A few underground coal mining companies requested the Department to modify certain provisions in Subchapter 1, General Standards, to stream line training and response time requirements to help bring the regulations more in line with national norms. OAC 460:15-1-10(k) applies to apprentices trying to qualify for certificates of competency as miners. This proposed amendment would allow their regular employment requirement to be twelve hundred (1,200) working hours instead of up to fourteen (14) months. Subsection (k) also requires that Non-Certified miners or apprentices never be out of the sight or sound of a certified miner. This amendment would allow current methods, such as two way communication systems and personnel location plans, to be submitted for satisfaction of the sight and sound requirements to the Departments for acceptance and approval. The proposed amendment to Subsection (l) would allow, for certification purposes, the one (1) year work experience time to be twelve hundred (1,200) working hours instead of two hundred (200) working days.

AUTHORITY:

45 O.S. Sections 1.5 et seq.; 75 O.S. Sections 302 et seq.; Oklahoma Mining Commission

COMMENT PERIOD:

From December 16, 2016, through January 17, 2017, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARING:

Public hearings will be held on January 18, 2017, at the Department's Wagoner Field Office, 1102 W. Cherokee, Suite D., Wagoner, OK, beginning at 6:00 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK beginning at 2:45 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from December 16, 2016 through January 17, 2017, to the below listed contact person.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after December 16, 2016.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person after December 30, 2016.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Ste. D, Wagoner, OK 74467. (918) 485-3999.

[OAR Docket #16-810; filed 11-16-16]

**TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #16-815]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The primary purpose of the proposed rulemaking action is to comply with Statutory changes effected by Enrolled House Bill No. 2282 of the 2016 Regular Session, and to update requirements for Long Term Care Administrators in Oklahoma. The proposed changes update and add definitions, and revises language to standardize our language with other relevant statute/rules changes and improve the clarity of the intent of the document. This rules change also addresses and intends to streamline licensure for service members, veterans and military family members meeting Title 59 requirements to that end. It addresses some language/grammar and basic clarification issues. There are similar changes to all 3 chapters (1, 10, 15) of our rules concurrently being proposed. We do not believe there's anything controversial being proposed.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators; Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

December 16, 2016 through January 17, 2017. Before January 17, 2017, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Gaylord Z. Thomas at gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or

4. request to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will precede the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, with the Public Hearing scheduled to begin at 9:00 a.m. on January 25, 2017, in Suite 62 inside the Shepherd Mall Office Center, 2401 N.W. 23rd Street, Oklahoma City, OK 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Business entities may submit this information, in writing, before January 17, 2017, to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or may, before December 16, 2016, submit this information via electronic mail to: gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Board office, or an electronic request may be made to gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. The proposed rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Gaylord Z. Thomas Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616

[OAR Docket #16-815; filed 11-16-16]

**TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS
CHAPTER 10. LONG TERM CARE ADMINISTRATORS**

[OAR Docket #16-814]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Chapter 10. Long Term Care Administrators [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The primary purpose of our proposed rulemaking actions is to comply with Statutory changes effected by Enrolled House Bill No. 2282 of the 2016 Regular Session. The proposed changes update and add definitions, and revises language to standardize our language with other relevant statute/rules changes and improve the clarity of the intent of the document. This rules change also addresses and intends to streamline licensure for service members, veterans and military family members therein meeting Title 59 requirements to that end. It addresses some language/grammar and basic clarification issues. There are changes to all 3 chapters (1, 10, 15) of our rules concurrently being proposed. We do not believe we have proposed anything that would be controversial.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators; Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

December 16, 2016 through January 17, 2017. Before January 17, 2017, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Gaylord Z. Thomas at gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or
4. request to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will precede the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, with the Public Hearing scheduled to begin at 9:00 a.m. on January 25, 2017, in Suite 62 inside the Shepherd Mall Office Center, 2401 N.W. 23rd Street, Oklahoma City, OK 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Business entities may submit this information, in writing, before January 17, 2017, to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or may, before December 16, 2016, submit this information via electronic mail to: gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between the hours 8:30

a.m. and 4:30 p.m., Monday through Friday, at the Board office, or an electronic request may be made to gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. The proposed rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Gaylord Z. Thomas Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616

[OAR Docket #16-814; filed 11-16-16]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 15. LONG TERM CARE CERTIFIED ASSISTANT ADMINISTRATORS

[OAR Docket #16-813]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Chapter 15. Long Term Care Certified Assistant Administrators [AMENDED]

SUMMARY:

The primary purpose of our proposed rulemaking actions is to comply with Statutory changes effected by Enrolled House Bill No. 2282 of the 2016 Regular Session, and to update requirements for Long Term Care Administrators in Oklahoma. The proposed changes update and add definitions, and revises language to standardize our language with other relevant statute/rules changes and improve the clarity of the intent of the document. This rules change also addresses and intends to streamline licensure for service members, veterans and military family members therein meeting Title 59 requirements to that end. It addresses some language/grammar and basic clarification issues. There are changes to all 3 chapters (1, 10, 15) of our rules concurrently being proposed. We do not believe anything proposed is controversial.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators; Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

December 16, 2016 through January 17, 2017. Before January 17, 2017, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for

Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or

3. submit written comments via electronic mail to Gaylord Z. Thomas at gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or

4. request to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will precede the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, with the Public Hearing scheduled to begin at 9:00 a.m. on January 25, 2017, in Suite 62 inside the Shepherd Mall Office Center, 2401 N.W. 23rd Street, Oklahoma City, OK 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Business entities may submit this information, in writing, before January 17, 2017, to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or may, before December 16, 2016, submit this information via electronic mail to: gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Board office, or an electronic request may be made to gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. The proposed rules may also be viewed from the Board's website at http://www.ok.gov/osbeltca/.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Gaylord Z. Thomas Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616

[OAR Docket #16-813; filed 11-16-16]

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

[OAR Docket #16-811]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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 the 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]

SUMMARY:

The purposes of the proposed revisions to Chapter 1 of Title 505 are to modernize and update the Board's rules, particularly to reflect the creation of the position of Executive Director to take over many of the functions of the Secretary Treasurer. The revisions also formalize what had become the settled practice of the Board, such as quarterly meetings, and the dates of examination of candidates for licensure. Finally, the revisions conform the rules more closely to the Administrative Procedures Act and the Open Records Act.

AUTHORITY:

Oklahoma Optometry Act; 59 O.S. §§ 583, 587; Board of Examiners in Optometry

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 25, 2017 at the following address: 2008 S. Post Road, Suite 200, Midwest City, OK 73130, Attn: Mary Walker.

Notices of Rulemaking Intent

PUBLIC HEARING:

The Board of Examiners will hold a public hearing at 6:00 p.m. on Friday, January 27, 2017 at 1711 W. 6th Street, Stillwater, OK 74076. Anyone who wishes to speak must sign in at the door by 6:00 p.m.

REQUESTS FOR COMMENT FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Board of Examiners in Optometry at 2008 S. Post Road, Suite 200, Midwest City, OK 73130, Attn: Mary Walker.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and may be obtained beginning immediately at the offices of the Board at 2008 S. Post Road, Suite 200, Midwest City 73130, Attn: Mary Walker.

CONTACT PERSON:

Mary Walker, Administrative Assistant to the Board, (405) 733-7836.

[OAR Docket #16-811; filed 11-16-16]

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

[OAR Docket #16-812]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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

505:10-7-2. Complaints against licensees [AMENDED]

SUMMARY:

The proposed revisions to Chapter 10 of Title 505 modernize and update the Board's rules, particularly to reflect the creation of the position of Executive Director to take over many of the functions of the Secretary Treasurer. The revisions also formalize what had become the settled practice of the Board, such as quarterly meetings, and the dates of examination of candidates for licensure. The revisions also clarify and update certain administrative practices of the Board, as well as updating somewhat the equipment each optometrist must have in his or her office. The revisions also increase the fees for taking or retaking the licensure examination. Finally, the revisions conform the rules more closely to the Administrative Procedures Act and the Open Records Act.

AUTHORITY:

Oklahoma Optometry Act; 59 O.S. §§ 583, 587; Board of Examiners in Optometry

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 25, 2017 at the following address: 2008 S. Post Road, Suite 200, Midwest City, OK 73130, Attn: Mary Walker.

PUBLIC HEARING:

The Board of Examiners will hold a public hearing at 6:00 p.m. on Friday, January 27, 2017 at 1711 W. 6th Street, Stillwater, OK 74076. Anyone who wishes to speak must sign in at the door by 6:00 p.m.

REQUESTS FOR COMMENT FROM BUSINESS ENTITIES:

N/A.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Board of Examiners in Optometry at 2008 S. Post Road, Suite 200, Midwest City, OK 73130, Attn: Mary Walker.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and may be obtained beginning immediately at the offices of the Board at 2008 S. Post Road, Suite 200, Midwest City 73130, Attn: Mary Walker.

CONTACT PERSON:

Mary Walker, Administrative Assistant to the Board, (405) 733-7836.

[OAR Docket #16-812; filed 11-16-16]

TITLE 748. OKLAHOMA UNIFORM BUILDING CODE COMMISSION CHAPTER 20. ADOPTED CODES

[OAR Docket #16-835]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. IBC® 2015

748:20-1-1. Adoption of International Building Code®, 2015 Edition (IBC® 2015) [AMENDED]

748:20-1-9. IBC® 2015 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [AMENDED]

748:20-1-18. IBC® 2015 Chapter 35 Referenced Standards [AMENDED]

Subchapter 3. IFC® 2015

748:20-3-1. Adoption of International Fire Code®, 2015 Edition (IFC® 2015) [AMENDED]

748:20-3-7. IFC® 2015 Chapter 2 Definitions [AMENDED]

748:20-3-13.1. IFC® 2015 Chapter 57 Flammable and Combustible Liquids [RENUMBERED TO 748:20-3-13.4.]

748:20-3-13.2. IFC® 2015 Chapter 23 Motor Fuel-Dispensing Facilities and Repair Garages [NEW]

748:20-3-13.3. IFC® 2015 Chapter 55 Cryogenic Fluids [NEW]

748:20-3-13.4. IFC® 2015 Chapter 57 Flammable and Combustible Liquids [NEW]

748:20-3-13.5. IFC® 2015 Chapter 61 Liquid Petroleum Gases [NEW]

748:20-3-14. IFC® 2015 Chapter 80 Referenced Standards [AMENDED]

Subchapter 5. IRC® 2015

748:20-5-3. IRC® 2015 Appendices [AMENDED]

748:20-5-28. Appendix Y, Residential Tornado Provisions [AMENDED]

Subchapter 7. IEBC® 2015

748:20-7-1. Adoption of International Existing Building Code®, 2015 Edition (IEBC® 2015) [AMENDED]

748:20-7-9. IEBC® 2015 Chapter 16 Referenced Standards [AMENDED]

Subchapter 9. NEC® 2014

748:20-9-1. Adoption of National Electrical Code®, 2014 Edition (NEC® 2014) [AMENDED]

748:20-9-7. NEC® 2014 Chapter 5 Special Occupancies [AMENDED]

Subchapter 11. IFGC® 2015

748:20-11-1. Adoption of International Fuel Gas Code®, 2015 Edition (IFGC® 2015) [AMENDED]

748:20-11-6.1. IFGC® 2015 Chapter 2 Definitions [NEW]

748:20-11-8. IFGC® 2015 Chapter 4 Gas Piping Installations [AMENDED]

748:20-11-10. IFGC® 2015 Chapter 8 Referenced Standards [AMENDED]

Subchapter 13. IMC® 2015

748:20-13-1. Adoption of International Mechanical Code®, 2015 Edition (IMC® 2015) [AMENDED]

748:20-13-9. IMC® 2015 Chapter 5 Exhaust Systems [AMENDED]

748:20-13-11. IMC® 2015 Chapter 15 Referenced Standards [AMENDED]

Subchapter 15. IPC®; 2015

748:20-15-1. Adoption of International Plumbing Code®, 2015 Edition (IPC® 2015) [AMENDED]

748:20-15-8. IPC® 2015 Chapter 3 General Regulations [AMENDED]

748:20-15-17. IPC® 2015 Chapter 15 Referenced Standards [AMENDED]

SUMMARY:

748:20-1-1., 748:20-1-9., and 748:20-1-18. amend the Oklahoma modifications to provide notification of trademark information, provide for changes needed for the alternative fuel industry of Oklahoma, and update the edition year in the referenced standards, to the provisions adopted by the OUBCC for the IBC®, 2015 edition.

748:20-3-1, 748:20-3-7, 748:20-3-13.1, 748:20-3-13.2, 748:20-3-13.3, 748:20-3-13.4, 748:20-3-13.5., and 748:20-3-14. amend the Oklahoma modifications to provide notification of trademark information, provide for changes needed for the alternative fuel industry of Oklahoma, and update the edition year in the referenced standards, to the provisions adopted by the OUBCC for the IFC®, 2015 edition.

748:20-5-3. and 748:20-5-28. amend the Oklahoma modifications to correct a section error and provide for an update to an appendix regarding garage door wind speed ratings, to the provisions adopted by the OUBCC for the IRC®, 2015 edition.

748:20-7-1. and 748:20-7-9. amend the Oklahoma modifications to provide notification of trademark information and update an edition year in the referenced standards to the provisions adopted by the OUBCC for the IEBC®, 2015.

748:20-9-1. and 748:20-9-7. amend the Oklahoma modifications to provide notification of trademark information and changes needed for the alternative fuel industry of Oklahoma, to the provisions adopted by the OUBCC for the NEC®, 2014.

748:20-11-1., 748:20-11-6.1., 748:20-11-8., and 748:20-11-10. amend the Oklahoma modifications to provide trademark information, changes needed for the alternative fuel industry of Oklahoma and update an edition year in the referenced standards, to the provisions adopted by the OUBCC for the IFGC®, 2015 edition.

748:20-13-1., 748:20-13-9., and 748:20-13-11. amend the Oklahoma modifications to provide for trademark information, changes needed for the alternative fuel industry of Oklahoma and update an edition year in the referenced standards, to the provisions adopted by the OUBCC for the IMC®, 2015 edition.

748:20-15-1., 748:20-15-8., and 748:20-15-17. amend the Oklahoma modifications to provide for trademark information, correct wording and measurement errors and update an edition year to the referenced standards, to the provisions adopted by the OUBCC for the IPC®, 2015.

AUTHORITY:

Oklahoma Uniform Building Code Commission; 59 O.S. § 1000.23 and 1000.24.

COMMENT PERIOD:

Written and oral comments will be accepted beginning Friday, December 16, 2016, and will be accepted through

Notices of Rulemaking Intent

Monday, January 23, 2017, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission (the "OUBCC"). Written comments may be hand delivered to the OUBCC at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 12540, Oklahoma City, OK 73157.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, February 21, 2017, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the OUBCC, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to incur due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnlly at the above address, before the close of the comment period on Monday, January 23, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Monday, January 23, 2017. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address.

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnlly, Commission Secretary 405.521-6506

[OAR Docket #16-835; filed 11-22-16]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS

[OAR Docket #16-850]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

785:45-1-2. Definitions [AMENDED]

Subchapter 7. Groundwater Quality Standards
[AMENDED]

785:45-7-1. Scope and applicability; purpose
[AMENDED]

785:45-7-2. ~~Criteria for groundwater protection and
corrective actions~~ Groundwater quality antidegradation
policy [AMENDED]

785:45-7-3. Groundwater classifications, beneficial uses
and vulnerability levels [AMENDED]

785:45-7-4. Criteria for groundwater quality protection
[NEW]

785:45-7-5. Corrective action [NEW]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:45 as follows:

Create new definitions for Aquifer Storage and Recovery Activities ("ASR") and Artificial Aquifer Recharge ("AR") in the definitions section at OAC 785:45-1-2.

Articulate and clarify the state's groundwater quality protection policy in OAC 785:45-7-2, to ensure protection of all beneficial uses, existing water quality, and apply specific protections to Oklahoma's special source groundwaters. Amendments to groundwater classifications, beneficial uses, and vulnerability levels (OAC 785:45-7-3) delete all language associated with Class I groundwaters, create a new domestic untreated water supply beneficial use, and create more uniform classification language.

The OWRB is proposing to add provisions to OAC 785:45 as follows:

A new criteria section (785:45-7-4) delineates provisions for naturally occurring background conditions, creates new narrative criteria for the protection of all groundwaters, creates new narrative protections for groundwaters with drinking water beneficial uses, creates new numeric criteria for the protection of groundwaters with a drinking water beneficial uses applicable to ASR and AR projects, and clarifies the potential for impairments to groundwater quality caused by surface water activities. Finally, a corrective action section (785:45-7-5) has been created, but only contains existing language that was previously contained in another section.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 no later than the close of the public hearing held by the OWRB on January 17, 2017.

PUBLIC HEARING:

A public hearing will be held January 17, 2017 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen Blvd., Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2016 through January 17, 2017, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Monty Porter at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118 before 12:00 P.M. on January 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen Blvd., Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen Blvd., Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Monty Porter, Water Quality Standards Section Head, 405/530-8800.

[OAR Docket #16-850; filed 11-22-16]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

[OAR Docket #16-851]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-7. Disbursement of funds [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-6. Disbursement of funds [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 3. General Program Requirements

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-33. Application for financial assistance [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Section 785:50-7-7 is proposed to be amended to add language regarding what bond requirements are needed in order to receive Emergency and Rural Economic Action Plan Grants (REAP). The intended effect of this amendment is to help clarify the requirements needed from grant recipients in order to get the grant funds.

Section 785:50-8-8 is proposed to be amended to clarify the date the projects must be completed for a REAP grant. The intended effect of this amendment is to clarify the grant fund distribution process.

Section 785:50-9-23 is proposed to be amended to remove language regarding the L1 application document. The intended effect is to remove unnecessary requirements in the loan application process.

Sections 785:50-9-33 is proposed to remove existing language of the rules to reflect the correct process of loan closing and construction. The intended effect is to create more cohesive sections and make the language easily understood for potential applicants.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S. §§ 1085.51 et seq.; 62 O.S. § 2003.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118, or by email to Kate.Burum@owrb.ok.gov. Comments must be received by the OWRB no later than the close of the public hearing on January 17, 2017.

PUBLIC HEARING:

A public hearing will be held January 17, 2017 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 15, 2016 through January 17, 2017, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

Notices of Rulemaking Intent

Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 no later than the close of the public hearing held on January 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North

Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Kate Burum, Assistant General Counsel and Funds Manager, 405-530-8800 or Kate.Burum@owrb.ok.gov.

[OAR Docket #16-851; filed 11-22-16]

Submissions to Governor and Legislature

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

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

[OAR Docket #16-807]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 210:10-1-4. Length of term [AMENDED]
- Subchapter 13. Student Assessment
- 210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

October 27, 2016

[OAR Docket #16-807; filed 11-10-16]

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

[OAR Docket #16-825]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 11. Early Childhood Education Programs
- 210:15-11-2. Rules and regulations for early childhood education programs [AMENDED]
- Subchapter 39. Student Internship, Mentorship, and Apprenticeship Programs [NEW]
- 210:15-39-1. Student internship, mentorship, and apprenticeship programs [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2016

[OAR Docket #16-825; filed 11-21-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #16-826]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 29. Standards of Performance and Conduct for Teachers
- 210:20-29-5. Principle III [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2016

[OAR Docket #16-826; filed 11-21-16]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #16-808]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Budgeting and Business Management
- Part 2. Personnel and Procedures
- 210:25-5-10. The encumbrance clerk [AMENDED]
- 210:25-5-11. The school district treasurer [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

October 27, 2016

[OAR Docket #16-808; filed 11-10-16]

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

[OAR Docket #16-809]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 19. Standard X: School Facilities

210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety [AMENDED]

Subchapter 25. Student Entrance and Progression Through the System

210:35-25-3. Annual student dropout reports to local school boards [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

October 27, 2016

[OAR Docket #16-809; filed 11-10-16]

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

[OAR Docket #16-827]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 19. Standard X: School Facilities

210:35-3-188. Child Abuse and Neglect Hotline signs in schools [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2016

[OAR Docket #16-827; filed 11-21-16]

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 485. OKLAHOMA BOARD OF NURSING CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES

[OAR Docket #16-806]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-3.2. [AMENDED]

485:10-5-5.2. [AMENDED]

Subchapter 6. Minimum Standards for Approved Advanced Practice Registered Nursing (APRN) Education Programs (Effective January 1, 2016)

485:10-6-2. [AMENDED]

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S., §§ 567.2 A, 567.4 F, 567.12 B, 567.12a

ADOPTION:

September 20, 2016

APPROVED BY GOVERNOR:

November 2, 2016

EFFECTIVE:

Immediately upon Governor's approval, or November 1, 2016, whichever is later.

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:

Effective November 1, 2016, subsections (1), (2), (3), (4), and (5) will be deleted from Title 59 O.S. §567.12(B). Recommendations, made by the Board of Nursing Future of Nursing Education and Regulation Task Force to further the protection of public health, included deletion in the Nursing Practice Act of language specific to nursing education program qualifications for practical nursing administrators and faculty, and addition of qualifications to the Rules [Oklahoma Administrative Code (OAC) Section 485:10-5] along with Rules specific to registered nursing education program qualifications for nursing administrators and faculty. Currently, not all persons in the positions of practical nursing education program administrator and faculty meet the qualifications of the proposed Rules. During the November 2015 Board meeting and prior to statutory changes, the Board voted to approve the proposed grandfather clause for Practical Nursing Administration and Faculty Qualifications, as is included in the proposed Rule changes for 2016 emergency adoption.

Specific to OAC 485:10-6, as Advanced Practice Registered Nursing programs transition to align with the Consensus Model on Advanced Practice Registered Nurse (APRN) regulation, meeting the requirement of faculty having current certification in the same population-focused area of practice may not be practical as one APRN national certification examination was accredited in July 2014, and four others were accredited in May 2015. The proposed changes allow the APRN lead faculty and faculty member qualifications to include preparation in a role and population focus of other similarly situated population for which the lead faculty and faculty are responsible. The APRN program must have on file documentation of the related qualifications, experience and competence of the lead faculty and faculty.

ANALYSIS:

Emergency Rules OAC 485:10-5-3.2(b) and OAC 485:10-5-5.2(g) include requirements the administrator and faculty of practical nursing programs shall meet and allow for persons in positions of practical nursing education program administrator and/or faculty on December 31, 2016, to be deemed as meeting the education qualifications that become effective on January 1, 2017. There are administrators and faculty currently in practical nursing education programs who do not meet the educational requirement but have served in those positions for several years.

Proposed changes specific to APRN nursing program minimum standards include OAC 485:10-6-2(4)(B)(ii) and OAC 485:10-6-2(4)(B)(iv) which allow the APRN lead faculty member qualifications to include preparation in a role and population focus of other similarly situated population focus for the track for which the lead faculty member is responsible. Emergency Rules OAC 485:10-6-2(4)(C)(ii) and OAC 485:10-6-2(4)(C)(iv) provide the same allowance for APRN faculty. The 5th edition of *Criteria for Evaluation of Nurse Practitioner Programs*, drafted by the National Task Force on Quality Nurse Practitioner Education, and the National Council of State Boards of Nursing, support the program/track providing additional documentation on the qualifications and experience of the individual for teaching in this program/track. Additional documentation of meeting the qualifications, experience and competence may include curricula vitae of APRN faculty who provide oversight for each population-focused track, proof of national certification in the population-focused area and in primary care or acute care as appropriate, a statement describing the lead faculty member's responsibilities to the program, past experience specific to the population focus being lead, and documentation of credentialing in the state of practice.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2016, WHICHEVER IS LATER:

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SUBCHAPTER 5. MINIMUM STANDARDS FOR APPROVED NURSING EDUCATION PROGRAMS

485:10-5-3.2. Nursing administrator for nursing education programs

(a) The nursing education program leading to registered nurse licensure shall be administered by a Registered Nurse currently licensed in Oklahoma with the following qualifications:

- (1) a minimum of a graduate degree in nursing, preferably an earned doctorate from a regionally accredited institution;
- (2) present evidence of a minimum of two (2) years full-time equivalent practice as a Registered Nurse in a clinical setting preceding the first date of first employment as a nursing faculty member, PROVIDED: any person employed in the administrator position on September 1, 2016, is deemed to meet this requirement; and
- (3) one year teaching experience as a full-time nursing faculty member in a nursing education program leading to registered nurse licensure.

(b) The nursing education program leading to practical nurse licensure shall be administered by an individual who:

- (1) is a Registered Nurse with a current unencumbered registered nurse license in Oklahoma;
- (2) has a baccalaureate degree in nursing, and effective January 1, 2017, has evidence of continued progress toward a graduate degree in nursing with completion of a minimum of six (6) hours per year, PROVIDED: any person employed in the position of administrator of a practical nursing education program on December 31, 2016, is deemed to meet this requirement;
- (3) has a minimum of two (2) years full-time-equivalent practice as a Registered Nurse in a clinical setting; and
- (4) has at least one (1) academic year, full-time experience as a teacher in a nursing education program.

(c) The administrator of the nursing education program, with institutional input, shall have the authority and responsibility for:

- (1) the administration of the nursing program;
- (2) preparation and administration of the budget for the nursing program;
- (3) implementation of faculty development and performance review;
- (4) recommendation of qualified faculty for appointment, promotion, tenure (if applicable), and retention;
- (5) notification to the Board of faculty appointments, changes in the program or its administration, and reports as directed by the Board.

(ed) If the Nurse Administrator has teaching or other responsibilities, adequate time will be provided to fulfill administrative duties for the nursing education program.

(~~de~~) An acting Nurse Administrator must meet the qualifications of the role of Nurse Administrator and may be appointed, after Board approval, to fill the position of the Nurse Administrator, for a period of time not to exceed one (1) calendar year.

485:10-5-5.2. Faculty for nursing education programs

(a) There shall be sufficient number of qualified full-time faculty to meet the purpose and student learning outcomes of the nursing program.

(b) Qualifications, rights, and responsibilities of faculty members shall be available in writing.

(c) Faculty policies shall be available in writing, shall include those used in evaluating performance, specify the teaching load for the faculty and Nurse Administrator, and be in keeping with accepted educational standards.

(d) Sufficient time shall be provided faculty to accomplish those activities related to the teaching-learning process.

(e) All nurse faculty shall:

- (1) hold a valid unencumbered license to practice as a Registered Nurse in the State of Oklahoma;
- (2) present evidence of a minimum of two (2) years full-time equivalent practice as a Registered Nurse in a clinical setting preceding the first date of first employment as a nursing faculty member, PROVIDED: any person employed in the faculty position on September 1, 2016, is deemed to meet this requirement;
- (3) submit a Faculty Qualification Record to the Board office on a form provided by the Board and in accordance to OAC 485:10-3-5(1); and
- (4) engage in teaching, scholarship, service and/or practice in keeping with the mission, goals, and expected faculty outcomes.

(f) All programs leading to licensure as a Registered Nurse in this state shall establish comparable educational qualifications for the nursing faculty as required for other teaching faculty in the controlling institution. The minimum requirements shall be as follows:

- (1) a master's or higher degree in nursing; or
- (2) a baccalaureate degree in nursing plus evidence of continued progress toward a master's or higher degree in nursing with completion of a minimum of six (6) semester hours per calendar year; and
- (3) at least one-half of the full-time faculty having a master's or higher degree in nursing; and
- (4) part-time clinical instructors, regardless of title used, having a minimum of a baccalaureate degree in nursing.

(g) All programs leading to licensure as a Practical Nurse in this state shall establish requirements for nursing faculty as follows:

- (1) minimum of an associate degree or diploma in nursing in this state, and effective January 1, 2017, has evidence of continued progress toward a baccalaureate degree in nursing with completion of a minimum of six (6) semester hours per calendar year, PROVIDED: any person employed in the position of faculty of a practical nursing education program on December 31, 2016, is deemed to meet this requirement; and
- (2) teacher certification, as established by the State Department of Education, when employed in schools conducted by public comprehensive high school systems.

(h) There shall be a faculty organization with written policies and procedures to guide its activities and shall:

- (1) hold regular meetings for all members to participate in planning, developing, implementing, and evaluating the nursing program;
- (2) establish committees as necessary to carry out the functions of the program;
- (3) provide for student participation; and
- (4) maintain minutes of all meetings documenting actions and decisions of the faculty.

**SUBCHAPTER 6. MINIMUM STANDARDS
FOR APPROVED ADVANCED PRACTICE
REGISTERED NURSING (APRN) EDUCATION
PROGRAMS (EFFECTIVE JANUARY 1, 2016)**

485:10-6-2. Minimum standards for APRN education programs

To be approved as an APRN education program in the state of Oklahoma, the program shall meet the following standards:

- (1) The APRN education program is a graduate-level program offered by a university accredited by an accrediting body that is recognized by the U.S. Secretary of Education and/or the Council for Higher Education Accreditation (CHEA);
- (2) The APRN education program holds accreditation or candidacy status from one of the following:
 - (A) The Accreditation Commission for Education in Nursing
 - (B) The Commission on Collegiate Nursing Education
 - (C) The Commission for Nursing Education Accreditation
 - (D) The Accreditation Commission for Midwifery Education
 - (E) The American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs;
- (3) The curriculum of the APRN education program must prepare the graduate to practice in one of the four identified APRN roles (i.e., CRNA, CNM, CNS, or CNP) and in at least one of the six population foci (i.e., Family/Individual across the Lifespan, Adult-Gerontology (acute and/or primary), Neonatal, Pediatrics (acute and/or primary), Women's Health/Gender-Related, or Psychiatric/Mental Health). The curriculum shall include:
 - (A) Graduate APRN core courses, to include three separate graduate level courses in:
 - (i) Advanced physiology and pathophysiology, including general principles that apply across the lifespan;
 - (ii) Advanced health assessment, which includes assessment of all human systems, advanced assessment techniques, concepts and approaches; and
 - (iii) Advanced pharmacology (a minimum of a three academic credit hour course), which includes pharmacodynamics, pharmacokinetics and pharmacotherapeutics of all broad categories of agents;

- (B) Additional core course content, specific to the role and population in APRN core areas, integrated throughout the specific role and population focus didactic and clinical courses, to include the use and prescription of pharmacologic and non-pharmacologic interventions;
 - (C) Preparation in legal, ethical, and professional responsibilities of the APRN; and
 - (D) A minimum of 500 supervised clinical hours directly related to each role and population focus, including pharmacotherapeutic management of patients.
- (4) An APRN program shall appoint the following personnel:
 - (A) An APRN program administrator whose qualifications shall include:
 - (i) A current, unencumbered APRN license in the state of Oklahoma;
 - (ii) A minimum of a master's degree in nursing and an earned doctoral degree; and
 - (iii) At least two years of clinical experience as an APRN.
 - (B) A lead faculty member to coordinate each role and population focus track in the APRN program, including curriculum development, whose qualifications shall include:
 - (i) A current, unencumbered APRN license in the state of Oklahoma;
 - (ii) A minimum of a master's degree in nursing that includes preparation in the same role and population focus as the track for which or other similarly situated population focus for the track for which he/she is responsible for as a lead faculty member;
 - (iii) At least two years of clinical experience as an APRN; and
 - (iv) Current knowledge, competence and certification as an APRN in the role and population focus consistent with teaching responsibilities. For lead faculty without current certification in the population foci corresponding with the teaching responsibilities, the APRN program must have on file additional written documentation of the related qualifications, experience and competence of the lead faculty member for coordinating each role and population focus track for which he/she is responsible.
 - (v) The APRN program administrator may also serve as the lead faculty member if all qualifications are met. If the APRN program administrator has teaching or other responsibilities, adequate time will be provided to fulfill administrative duties for the APRN education program.
 - (C) Nursing faculty, including adjunct clinical faculty, to teach any APRN nursing course that includes a clinical learning experience shall meet the following qualifications:

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- (i) A current, unencumbered APRN license in the state of Oklahoma;
 - (ii) A minimum of a master's degree in nursing that includes preparation in a role and population focus ~~consistent with teaching responsibilities or other similarly situated population focus for the track for which he/she is responsible for as a faculty member;~~
 - (iii) Two years of APRN clinical experience; and
 - (iv) Current knowledge, competence and certification as an APRN in the role and population foci consistent with teaching responsibilities. For faculty without current certification in the population foci corresponding with the teaching responsibilities, the APRN program must have on file additional written documentation of the related qualifications, experience and competence of the faculty member for teaching in the population foci for which he/she is responsible.
- (D) Any person employed in the position of APRN program administrator, APRN lead faculty, and/or APRN faculty member on December 31, 2015, shall be deemed to meet the education and clinical experience qualifications.
- (E) Interdisciplinary faculty who teach non-clinical nursing courses shall have advanced preparation appropriate to these areas of content.
- (F) Clinical preceptors will serve as a role model and educator to the student. Clinical preceptors may be used to enhance faculty-directed clinical learning experiences, but not to replace them.

(G) Clinical preceptors will be approved by faculty and meet the following requirements:

- (i) Hold a current, unencumbered license in the state of Oklahoma, or in another state (if employed by the United States Government or any bureau, division, or agency thereof; or if the preceptorship takes place in another state), as an APRN, Medical Doctor, or Doctor of Osteopathy and practices in a comparable practice focus;
 - (ii) Function as a supervisor and teacher and contribute to the evaluation of the individual's performance in the clinical setting; and
 - (iii) Have demonstrated competencies related to the area of assigned clinical teaching responsibilities.
- (5) Each student enrolled in the APRN program shall have a current, unencumbered Oklahoma Registered Nurse license.
- (6) APRN programs preparing for two population foci or a combined nurse practitioner/clinical nurse specialist shall include content and 500 hours of clinical experience in each functional role and population focus.
- (7) Advanced placement policies shall allow fair, consistent, valid, and defensible evaluation of students' didactic knowledge and clinical competence. Students admitted with advanced placement must meet the program's APRN outcome competencies.

[OAR Docket #16-806; filed 11-9-16]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2016-36.

EXECUTIVE ORDER 2016-36

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct that 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 Monday, November 28, 2016, to honor former Attorney General and Representative Larry Derryberry, who passed away on Saturday, November 19, 2016.

Larry Derryberry attended the Humphreys and Southside schools before finishing his high school work at Altus, where he was salutatorian of his senior class. He was an active member of the 4-H Club and credits the program with leading the way to his career in government and the law. Larry attended the University of Oklahoma where he received his B.A. in History in 1961 and his Juris Doctorate at the OU College of Law in 1963. While a 2nd year law student, he was elected to the Oklahoma Legislature where he served his Jackson County constituents in the House of Representatives for eight years. His legislative career was highlighted by his authoring the bill that created the Oklahoma Ethics Commission, chairing the Joint Committee on Congressional Redistricting, and serving in leadership positions of Assistant Majority Floor Leader and Speaker pro tempore. In 1970, Larry was elected to the office of Attorney General of the State of Oklahoma. As Attorney General, he established the Consumer Protection Division and the State Narcotics Commission as parts of his office. Larry always put duty before self-service and was a shining example of integrity throughout his career. His dedication to the betterment of the State of Oklahoma will never be forgotten.

This Executive Order shall be forwarded to the Department 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 22nd day of November, 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Mike Hunter
Secretary of State

[OAR Docket #16-853; filed 11-23-16]

1:2016-37.

EXECUTIVE ORDER 2016-37

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct that 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 Wednesday, November 23, 2016, to honor Alfred "Al" Collins, who passed away on Thursday, November 17, 2016.

Al Collins joined the United States Marine Corps in 1939. On December 7, 1941, he was stationed at Pearl Harbor, as part of the Base Guard Battalion and was at his guard post when the Japanese attack began. In July of 1942, he was assigned to the 1st Marine Division serving in the Guadalcanal. His service to our Country will never be forgotten.

This Executive Order shall be forwarded to the Department of Capital Assets Management, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

Executive Orders

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 22nd day of November, 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Mike Hunter
Secretary of State

[OAR Docket #16-852; filed 11-22-16]
