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

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

Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #16-962]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Milk and Milk Products [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 7-401 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning January 17, 2017 and ending February 17, 2017.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., February 17, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning January 17, 2017 and ending February 17, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #16-962; filed 12-27-16]

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

[OAR Docket #16-974]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposed rules update the purpose statement of Chapter 1 in response to the Court of Civil Appeals' ruling in *Sample v. DPS*. The proposed rules more accurately describe the purpose of the rules in Chapter 1.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2017 through February 20, 2017.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 21, 2017 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct

Notices of Rulemaking Intent

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2017, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2017 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460, kevin.behrens@dps.ok.gov

[OAR Docket #16-974; filed 12-23-16]

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

[OAR Docket #16-975]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposed rules approve disposable materials for use in the collection of blood specimens for the determination of the alcohol concentration thereof, or the presence and concentration of other intoxicating substances, or a combination thereof. The proposed rules eliminate language that implies regulation of health care providers in the performance of their duties by the Board of Tests. The proposed rules make minor changes to terminology related to retained blood samples.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin

Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2017 through February 20, 2017.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 21, 2017 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2017, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2017 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460, kevin.behrens@dps.ok.gov

[OAR Docket #16-975; filed 12-23-16]

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

[OAR Docket #16-976]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 40:25-1-2. ~~Approved evidential breath alcohol analyzers~~ breath alcohol measurement devices [AMENDED]
- 40:25-1-3. ~~Alcoholic breath simulators and reference methods~~ Approved dry gas canisters [AMENDED]
- 40:25-1-4. Disposable materials, supplies, and paraphernalia [REVOKED]

SUMMARY:

The proposed rules approve evidential breath alcohol measurement devices for use in determining the breath alcohol concentration of persons suspected of driving under the influence or driving while impaired. The proposed rules approve dry gas canisters to be used as external reference methods in conjunction with approved evidential breath alcohol measurement devices. The proposed rule revocations eliminate language that is either unnecessary or relocated to other rules.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2017 through February 20, 2017.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 21, 2017 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2017, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O.

Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2017 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460, kevin.behrens@dps.ok.gov

[OAR Docket #16-976; filed 12-23-16]

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

[OAR Docket #16-977]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 40:50-1-1.1. Definitions [AMENDED]
- 40:50-1-3.1. Violation reset [AMENDED]
- 40:50-1-3.2. Reportable violations [AMENDED]
- 40:50-1-3.3. Override lockouts [NEW]
- 40:50-1-4.1. Installation requirements [AMENDED]
- 40:50-1-5. Maintenance and calibration [AMENDED]

SUMMARY:

The proposed rules update, add, and remove the definitions of various terms related to the ignition interlock device. The proposed rules provide procedures for lockout overrides to the ignition interlock device in the event of vehicle maintenance or permanent lockout due to violations. The proposed rules change how violation resets are handled by ignition interlock technicians, service centers, and manufacturers. The rules add the requirement that all installations, as well as calibrations and maintenance of the ignition interlock device, be on operable, drivable vehicles.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2017 through February 20, 2017.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed

Notices of Rulemaking Intent

rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 21, 2017 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2017, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2017 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460, kevin.behrens@dps.ok.gov

[OAR Docket #16-977; filed 12-23-16]

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

[OAR Docket #16-978]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Alcohol Screening Devices [NEW]
 - 40:55-1-1. Approved devices [NEW]
 - 40:55-1-2. Operating procedure [NEW]
 - 40:55-1-3. Calibration check and calibration [NEW]
- Subchapter 2. Drug Screening Devices [NEW]
 - 40:55-2-1. Approved method [NEW]
 - 40:55-2-2. Approved devices [NEW]
 - 40:55-2-3. Use, precautions, and maintenance [NEW]

SUMMARY:

The proposed rules implement amendments to 47 O.S. §759 requiring the agency to promulgate rules related to the approval and use of screening devices. The proposed rules adopt by reference the approved alcohol screening devices contained in the National Highway Traffic Safety Administration's *Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids* and those meeting the standards of NHTSA's *Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids*. The proposed rules provide for approved operating procedures for the use of alcohol screening devices in the field. The proposed rules provide for calibration check intervals and procedures for calibration checks and calibrations for alcohol screening devices used in the detection of impaired drivers.

The proposed rules approve oral fluid screening devices and methods to assist in the detection of drug impaired drivers. The proposed rules provide for approved operating procedures for the use of oral fluid screening devices in the field. The proposed rules provide for maintenance intervals for oral fluid screening devices.

AUTHORITY:

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2017 through February 20, 2017.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 21, 2017 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2017, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between

the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136. The proposed rules are also available on the Board's website at www.ok.gov/bot.

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2017 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Kevin Behrens, State Director of Tests, 405-425-2460, kevin.behrens@dps.ok.gov

[OAR Docket #16-978; filed 12-23-16]

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

[OAR Docket #16-943]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The purpose of this proposed rulemaking action is to update and clarify the rules and correct scrivener's errors.

AUTHORITY:

73 O.S. §83.4; Capitol-Medical Center Improvement and Zoning 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 5 p.m. Friday, February 17, 2017.

PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.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.

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 January 17, 2017.

CONTACT PERSON:

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

[OAR Docket #16-943; filed 12-21-16]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS**

[OAR Docket #16-956]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Organization and Operations [AMENDED]

SUMMARY:

The proposed revisions to chapter 1 would remove "Emergency meeting" as it is listed twice in the current rules.

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted January 17, 2017 through February 17, 2017 at: Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 23, 2017 at 10:00 a.m. at the Office of the Attorney General 313 NW 21ST, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13TH Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #16-956; filed 12-22-16]

Notices of Rulemaking Intent

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS

[OAR Docket #16-957]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Licensure of Chiropractic Physicians
[AMENDED]

SUMMARY:

The proposed revisions to chapter 10-5-2 the word "institution" would be removed and replace with "accredited chiropractic colleges". The proposed revision to chapter 10-5-3 would amend the penalty amount from \$100.00 to \$150.00 to follow what is currently in Chapter 10-8-1(E).

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted January 17, 2017 through February 17, 2017 Oklahoma Board of Chiropractic Examiners. 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 23, 2017 at 10:00 a.m., at the Office of the Attorney General 313 NW 21st Street, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ETITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #16-957; filed 12-22-16]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 15. SPECIAL CERTIFICATES AND MISCELLANEOUS PROVISIONS

[OAR Docket #16-958]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Special Certificates and Miscellaneous Provisions [AMENDED]

SUMMARY:

The proposed revision to Chapter 15:7-5(1) would be adding the word "to".

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted January 17, 2017 through February 17, 2017 Oklahoma Board of Chiropractic Examiners. 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 23, 2017 at 10:00 a.m., at the Office of the Attorney General 313 NW 21st Street, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ETITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #16-958; filed 12-22-16]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 30. CERTIFIED CHIROPRACTIC ASSISTANTS

[OAR Docket #16-959]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Certified Chiropractic Assistants
[AMENDED]

SUMMARY:

The proposed revisions to chapter 30 would increase the minimum education standards to allow for more uniformity with the current standards set by Career Techs in Oklahoma that are providing education for individuals who desire to be a certified chiropractic assistant. The language will also increase the examination score from 60% to 70%. Continuing education will be raised from 2 hours every 2 years to 6 hours

every two years. Those continuing education hours will be broken down to 4 hours of hands on clinical training and the remaining 2 hours can be nonclinical.

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted January 17, 2017 through February 17, 2017 Oklahoma Board of Chiropractic Examiners. 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on February 23, 2017 at 10:00 a.m., at the Office of the Attorney General 313 NW 21st Street, Oklahoma City, Oklahoma 73105. Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Carter (405) 522-3400

[OAR Docket #16-959; filed 12-22-16]

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

[OAR Docket #16-898]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensure of Schools
 - Part 1. Initial School Licensing
 - 175:10-3-3 [AMENDED]
 - Part 3. Student Registration and Entrance Requirements
 - 175:10-3-16 [AMENDED]
 - Part 5. Equipment and Curriculum Requirements
 - 175:10-3-34 [AMENDED]
 - 175:10-3-37 [AMENDED]
 - 175:10-3-38 [AMENDED]
 - 175:10-3-39 [AMENDED]
 - 175:10-3-41 [AMENDED]
 - 175:10-3-42 [AMENDED]
 - 175:10-3-43 [AMENDED]

- 175:10-3-44 [AMENDED]
- 175:10-3-45 [AMENDED]
- 175:10-3-46 [AMENDED]
- Part 7. General Operations and Licensing Requirements
 - 175:10-3-55 [AMENDED]
 - 175:10-3-60 [AMENDED]
- Subchapter 7. Sanitation, Disinfection and Safety Standards for Establishments and Schools
 - 175:10-7-4 [AMENDED]
 - 175:10-7-6 [AMENDED]
 - 175:10-7-18 [AMENDED]

SUMMARY:

The proposed amendments will simply the registration process for students with the Board. It will also update the curriculum requirements in specific subjects to meet the current trends and needs of the industry. The proposed amendments will provide general clean-up language and also strengthen the sanitation and safety standards for licensed establishments in order to protect the public when services are performed.

AUTHORITY:

59 O.S. § 199.3 (A); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before March 14, 2017 at 4:00 p.m. or email to Sherry G. Lewelling, Director at slewelling@cosmo.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, March 14, 2017 at 2401 NW 23rd Street, Testing Center, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Board of Cosmetology and Barbering requests that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts, if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs to be in compliance with proposed rules.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at slewelling@cosmo.ok.gov or in writing to Ms. Lewelling at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and available for review after December 16, 2016 at the office of the Oklahoma State Board of Cosmetology, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107 and shall be posted on the Board's website at www.cosmo.ok.gov.

Notices of Rulemaking Intent

CONTACT PERSON(S):

Sherry G. Lewelling, Executive Director (405) 522-7615
Jennifer McRee, Principal Assistant (405-522-7616

[OAR Docket #16-898; filed 12-14-16]

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

[OAR Docket #16-897]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The Massage Therapy Practice Act became effective August 25, 2016. The proposed permanent rules support the statutory language already in effect. Emergency rules were passed and shall expire on September 1, 2016 so permanent rules are therefore being proposed.

AUTHORITY:

59 O.S. § 2016; State Board of Cosmetology and Barbering

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before March 7, 2017 at 4:00 p.m. or email to Sherry G. Lewelling, Director at slewelling@cosmo.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, March 7, 2017 at 2401 NW 23rd Street, Testing Center,

Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The State Board of Cosmetology and Barbering requests that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs to be in compliance with proposed rules.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at slewelling@cosmo.ok.gov or in writing to Ms. Lewelling at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and available for review after December 16, 2016 at the office of the Oklahoma State Board of Cosmetology, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107 and shall be posted on the Board's website at www.cosmo.ok.gov.

CONTACT PERSON(S):

Sherry G. Lewelling, Executive Director (405) 522-7615,
Jennifer McRee, Principal Assistant (405) 522-7616

[OAR Docket #16-897; filed 12-13-16]

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

[OAR Docket #16-979]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

House Bill 3218 (2016) amended the statutes that govern Oklahoma's student assessment system, and the rule that addresses the school accountability system must be updated to incorporate the changes. Section 5 of HB 3218 (not codified in statute) also directed the State Board of Education to study, develop, and adopt new assessment requirements that are now subject to legislative review. Further revision of 210:10-13-22 will likely be necessary next year to reflect any additional changes that take effect, but the rule must be amended at this time to reflect the repeal of the *Achieving*

Classroom Excellence (ACE) Act and the elimination of End-of-Instruction (EOI) exams. In order to streamline the process of calculating school ("A-F") report cards, the "Initial Data Verification" period for schools to confirm the accuracy of their submitted data is proposed to be amended to fifteen (15) calendar days, from the current thirty (30) days. The 10-day "Calculation Verification" window that follows the Initial Data Verification period will remain the same.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.508; 70 O.S. § 1210.545; 70 O.S. § 1210.521 et seq. (repealed)

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 17, 2017 until 4:30 p.m., Friday, February 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 Friday, February 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 #16-979; filed 12-23-16]

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

[OAR Docket #16-980]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 41. Teacher and Leader Effectiveness
- 210:20-41-1. Teacher and Leader Effectiveness Evaluation System overview [AMENDED]
- 210:20-41-2. Quantitative components of the Teacher and Leader Effectiveness Evaluation System [NEW]
- 210:20-41-3. Qualitative components of the Teacher and Leader Effectiveness Evaluation System [AMENDED]

SUMMARY:

The rules addressing the Teacher and Leader Effectiveness Evaluation System (TLE) must be amended to incorporate changes made to the TLE system by House Bill 2957 (2016). Changes include: the definition of "teacher" is updated pursuant to 70 O.S. § 1-116; references to Student Academic Growth (SAG) data and other repealed quantitative components are eliminated; "district evaluation rating" is established as the new term for a teacher or leader's holistic rating; requirements for individualized programs of professional development are outlined; and evaluator training is addressed.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-101.10 et seq.

COMMENT PERIOD:

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

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, February 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 #16-980; filed 12-23-16]

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

[OAR Docket #16-981]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 21. Standard XI: Accreditation Status
210:35-3-201. Statement of the standard [AMENDED]

SUMMARY:

The administrative rule that outlines how accreditation status is determined for Oklahoma schools is being updated to remove terminology that is no longer in use following adoption of the federal *Every Student Succeeds Act* (ESSA). The designation "school in need of improvement" was incorporated into the accreditation status rule from the *No Child Left Behind Act* (NCLB), the previous version of the *Elementary and Secondary Education Act* which was superseded by ESSA in December 2015, so those designations are no longer appropriate as a factor in accreditation.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-104.3; 70 O.S. § 3-104.4; Public Law No. 114-95, the *Every Student Succeeds Act* (ESSA)

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 17, 2017 until 4:30 p.m., Friday, February 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 Friday, February 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 #16-981; filed 12-23-16]

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

[OAR Docket #16-942]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Environmental Permit Process
Part 1. The Process
252:4-7-5. Fees and fee refunds [AMENDED]

SUMMARY:

The DEQ is proposing to amend OAC 252:4, Subchapter 7 to clarify existing rules pertaining to the refund of permit application fees and to allow for refund of application fees in certain situations. Currently, the Subchapter 7 rules generally prohibit refund of permit application fees except when DEQ has not met its own permit review deadlines. The amendments would also allow a refund when an applicant makes a timely request for the refund of an overpayment, and when an applicant demonstrates that its application fees should not be forfeited in the case of a voided application. Additionally, the proposed amendments would allow DEQ to retain 15 percent of the amount to be refunded in order to cover the agency's direct and indirect costs in processing permit applications, except in cases of DEQ error or DEQ failure to meet review deadlines.

AUTHORITY:

Environmental Quality Board; 27A O.S. § 2-2-101(H)

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from January 17, 2017 through February 16, 2017. Oral comments may be made at the Environmental Quality Board meeting at 9:30 a.m. on February 17, 2017.

PUBLIC HEARINGS:

Before the Environmental Quality Board at 9:30 a.m. on February 17, 2017, at the Embassy Suites Hotel & Conference Center, 2501 Conference Drive, Norman, OK 73069.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the

comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, 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, may be viewed on the DEQ website at www.deq.state.ok.us, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.state.ok.us.

CONTACT PERSON:

Martha Penisten, DEQ General Counsel, Office of General Counsel, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at Martha.Penisten@deq.ok.gov, phone 405-702-7184, or fax 405-702-7101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #16-942; filed 12-21-16]

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

[OAR Docket #16-907]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Definitions, Purpose and Application
- 300:35-1-1 [AMENDED]
- 300:35-1-2 [AMENDED]
- 300:35-1-4 [AMENDED]
- 300:35-1-5 [AMENDED]
- 300:35-1-6 [AMENDED]
- Subchapter 3. General Provisions
- 300:35-3-2 [AMENDED]
- 300:35-3-3 [AMENDED]
- 300:35-3-5 [AMENDED]
- 300:35-3-9 [AMENDED]
- 300:35-3-10 [AMENDED]
- 300:35-3-11 [AMENDED]
- 300:35-3-12 [AMENDED]
- 300:35-3-14 [AMENDED]
- 300:35-3-15 [AMENDED]

Notices of Rulemaking Intent

Subchapter 5. Boating Safety Rules

300:35-5-2 [AMENDED]
300:35-5-3 [AMENDED]
300:35-5-8 [AMENDED]
300:35-5-10 [AMENDED]
300:35-5-11 [NEW]

Subchapter 7. Vessels

300:35-7-1 [AMENDED]
300:35-7-2 [AMENDED]
300:35-7-4 [AMENDED]
300:35-7-6 [AMENDED]
300:35-7-12 [AMENDED]

Subchapter 9. Sanctioned Events

300:35-9-1 [AMENDED]
300:35-9-2 [AMENDED]

Subchapter 11. Permits for Wharves, Landings, Buoys, Breakwaters and Docking Facilities

300:35-11-1 [AMENDED]
300:35-11-3 [AMENDED]
300:35-11-4 [AMENDED]
300:35-11-6 [AMENDED]
300:35-11-7 [AMENDED]
300:35-11-8 [AMENDED]
300:35-11-11 [AMENDED]
300:35-11-12 [AMENDED]
300:35-11-13 [AMENDED]
300:35-11-14 [NEW]

Subchapter 13. Permits for Dikes, Excavations, Dredgings, Erosion Control Devices, Retaining Walls, and Shoreline Stabilization

300:35-13-1 [AMENDED]
300:35-13-3 [AMENDED]
300:35-13-6 [AMENDED]

Subchapter 15. Commercial Use of the Lakes and Lands of GRDA

300:35-15-2 [AMENDED]

Subchapter 17. Raw Water Permits

300:35-17-1 [AMENDED]
300:35-17-4 [AMENDED]

Subchapter 21. Administration of Rules and Hearings

300:35-21-3 [AMENDED]
300:35-21-6 [AMENDED]
300:35-21-7 [AMENDED]
300:35-21-8 [AMENDED]

Subchapter 23. Four-Wheel Vehicles, Off-Road Vehicles and All Terrain Vehicles

300:35-23-1 [AMENDED]
300:35-23-2 [AMENDED]
300:35-23-4 [AMENDED]
300:35-23-5 [AMENDED]
300:35-23-6 [AMENDED]

SUMMARY:

The proposed amendments add new definitions and provide clarification to existing definitions. Language concerning boat registration, towing activities, four-wheel vehicles, off-road vehicles, and all terrain vehicles has been

expanded. A new paragraph has been added regarding usage of paddleboards, canoes, and kayaks. Any costs associated with impoundment of a loose, derelict, or abandoned vessel shall be the responsibility of the owner, if identified. Vessels shall stop when directed, or operate at idle speed within five hundred feet from emergency vessels while emergency lights are activated. All buoys shall be purchased from Grand River Dam Authority ("GRDA") at cost and installed at the expense of the requestor. The requestor will be responsible for continuing maintenance and liability for the buoy. A new paragraph addressing habitable structures has been added, which allows existing habitable structures compliant with dock standards. However, no new structures will be allowed after January 1, 2017. In addition, by January 1, 2020 all habitable structures shall conform to GRDA standards specifically for such structures. The Board of Directors may assess a fee for habitable structures competitive with the prevailing market conditions for similar structures.

AUTHORITY:

Grand River Dam Authority; 82 O.S. 2010 § 861A(B)(1), 82 O.S. Supp. 2012 § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 18, 2017 through 4:45 p.m. on February 17, 2017 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen Caslavka Edwards.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Tuesday, February 21, 2017 at 10:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 18, 2017 through February 17, 2017, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 18, 2017 through 4:45 p.m. on February 17, 2017 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen Caslavka Edwards.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Ellen Caslavka Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

CONTACT PERSON:

Ellen Caslavka Edwards, General Counsel, (918) 256-0800

[OAR Docket #16-907; filed 12-19-16]

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

[OAR Docket #16-911]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:2-1-16. [NEW]

(Reference APA WF # 16-16A)

SUMMARY:

The proposed policy outlines grievance procedures and processes for the supplemental payment program for nursing facilities that are owned as applicable operated by non-state government owned (NSGO) entities. 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; Section 30-101 of Title 11 of Oklahoma Statutes; Section 790.1 of Title 19 of Oklahoma Statutes; Section 176 of Title 60 of Oklahoma Statutes; Sections 1-1902 and 1-1905 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-911; filed 12-20-16]

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

[OAR Docket #16-920]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:2-1-2. [AMENDED]

(Reference APA WF # 16-28B)

SUMMARY:

The proposed revisions remove reference to OAC 317:30-3-19 as this section is being revoked. OAC 317:30-3-19 outlined administrative sanctions and was revoked because the language is obsolete and does not accord with current agency practices. In addition, language is revised to outline grievance procedures and processes for the nursing facility supplemental payment program.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 30-101 of Title 11 of Oklahoma Statutes; Section 790.1 of Title 19 of Oklahoma Statutes; Section 176 of Title 60 of Oklahoma Statutes; Sections 1-1902 and 1-1905 of Title 63 of Oklahoma Statutes

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-920; filed 12-20-16]

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

[OAR Docket #16-909]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-5. [AMENDED]

(Reference APA WF # 16-03)

SUMMARY:

The proposed policy revisions include language cleanup to Chapter 30 to mirror Federal regulations enacted in 2013. Per Federal regulation the aggregate limit on premiums and cost sharing incurred by all members in the Medicaid household will not exceed 5 percent of the family's income applied on a monthly basis; the policy is revised to reflect this requirement.

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 447.56

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-909; filed 12-20-16]

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

[OAR Docket #16-910]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. Pharmacies

317:30-5-72.1. [AMENDED]

317:30-5-78. [AMENDED]

317:30-5-87. [AMENDED]

(Reference APA WF # 16-13)

SUMMARY:

The proposed revisions to modify the reimbursement structure for Indian Health Services, Tribal Programs, Urban Indian Clinics (I/T/U), and non-I/T/U pharmacies are requested to comply with Federal regulation. Revisions align reimbursement for covered outpatient drugs with Actual Acquisition Cost and create new pricing terms for specialty pharmaceutical products. Revisions also modify the current dispensing fee to a professional dispensing fee. Additionally, revisions amend the reimbursement structure for I/T/U pharmacies; these pharmacies will be reimbursed at the Federal Office of Management and Budget encounter rate. I/T/U pharmacies will receive one rate per member per facility per day regardless of the number of prescriptions dispensed to the member on that day. Revisions also remove limitations for smoking cessation benefits to align with current practice. 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 447

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-910; filed 12-20-16]

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

[OAR Docket #16-912]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-136. [NEW]

(Reference APA WF # 16-16B)

SUMMARY:

The proposed revisions establish requirements and criteria for supplemental payments to be made to participating non-state government owned (NSGO) entities up to the allowable Medicare upper payment limit (UPL). In addition, proposed revisions define terms related to the program and set forth criteria and eligibility requirements. Rules are also added to outline cost reporting, change in ownership, disbursement of payment, and appeal requirements. 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; Section 30-101 of Title 11 of Oklahoma Statutes; Section 790.1 of Title 19 of Oklahoma Statutes; Section 176 of Title 60 of Oklahoma Statutes; Sections 1-1902 and 1-1905 of Title 63 of Oklahoma Statutes

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-912; filed 12-20-16]

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

[OAR Docket #16-913]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-27. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-47. [AMENDED]

Part 35. Rural Health Clinics

317:30-5-361. [AMENDED]

Part 75. Federally Qualified Health Centers

317:30-5-664.10. [AMENDED]

(Reference APA WF # 16-18)

SUMMARY:

The proposed revisions amend language in Chapter 30 to reflect the repeal of 36 O.S. Section 6804, of The Oklahoma Telemedicine Act, which eliminates the informed consent requirement from Oklahoma Statutes. The aforementioned changes were approved during promulgation of the emergency rule.

The following are proposed changes not previously reviewed: The proposed telemedicine revisions to replace telemedicine with telehealth allow the flexibility for use of telehealth technologies that could potentially be used to deliver healthcare services to SoonerCare members. The new proposed revisions also define telehealth and specific telehealth technologies. In addition, revisions update text to mirror current practice.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 36 O.S. Sections 6801 - 6804; OK H.B. No. 2547

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-913; filed 12-20-16]

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

[OAR Docket #16-915]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 55. Respite Care
317:30-5-518. [AMENDED]
(Reference APA WF # 16-24A)

SUMMARY:

The proposed revisions to the Developmental Disabilities Services policy amend the rules to implement changes recommended during the annual Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) rule review process. Proposed revisions include cleanup to mirror current business practices. The amendments support DDS goals of improving the quality of life for vulnerable Oklahomans by increasing people's abilities to lead safer, healthier, and more independent, productive lives. The proposed amendments comply with Federal requirements and are updated to clarify DDS rules per Federal and State laws. Additionally, amendments provide clear guidance to DDS partners and staff and adhere to "best practice" standards.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. 162); 42 CFR 441.301, 44.710, 441.715, 441.720, and 441.740

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at

the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-915; filed 12-20-16]

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

[OAR Docket #16-917]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 85. Advantage Program Waiver Services
317:30-5-761. [AMENDED]
317:30-5-762. [AMENDED]
317:30-5-763. [AMENDED]
317:30-5-764. [AMENDED]
(Reference APA WF # 16-25A)

SUMMARY:

The proposed revisions update rules for the ADvantage program and related services. The revisions add language to comply with Federal regulations specific to home and community based settings. Rules also clarify compensable services and contract requirements. In addition, rules outline audit procedures for specific providers.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through

Notices of Rulemaking Intent

5016 of Title 63 of Oklahoma Statutes; Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. 162); 42 CFR 430 and 431

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-917; filed 12-20-16]

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

[OAR Docket #16-919]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-19. [REVOKED]

317:30-3-19.1. [REVOKED]

317:30-3-19.3. [NEW]

317:30-3-19.4. [NEW]

317:30-3-19.5. [NEW]

(Reference APA WF # 16-28A)

SUMMARY:

The proposed provider contracting revisions revoke administrative sanction rules as the language is obsolete and does not accord with current agency practices. Proposed revisions also revoke other agency rules which have been substantively revised to clarify what the agency may consider when deciding whether to terminate a contract with a particular enrolled provider. Also, proposed revisions add a new rule which explains what factors OHCA may take into consideration when deciding whether to approve an application for a new or renewing provider enrollment contract. In addition, proposed revisions add a new rule which modifies and replaces the Emergency Rule which will expire on September 14, 2017. The new rule fulfills a Federal requirement for all state Medicaid agencies to institute fingerprint-based criminal background checks for certain "high categorical risk" providers who want to contract with the state. Proposed revisions also add a new rule which streamlines, clarifies and provides examples of the kinds of conduct that may serve as a basis for a for-cause termination of a provider contract.

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. 1320a-7; 42 CFR 431.107; 42 CFR 455.400 - 455.470; 42 CFR 457.990; 42 CFR 424.518

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-919; filed 12-20-16]

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

[OAR Docket #16-921]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 1. General Scope and Administration
317:30-3-17. [AMENDED]
 - Part 3. General Medical Program Information
317:30-3-44. [AMENDED]
 - Subchapter 5. Individual Providers and Specialties
 - Part 6. Inpatient Psychiatric Hospitals
317:30-5-95.24. [AMENDED]
317:30-5-96.5. [AMENDED]
 - Part 35. Rural Health Clinics
317:30-5-355.1. [AMENDED]
 - Part 37. Advanced Practice Nurse
317:30-5-375. [AMENDED]
 - Part 61. Home Health Agencies
317:30-5-546. [AMENDED]
 - Part 75. Federally Qualified Health Centers
317:30-5-661.1. [AMENDED]
 - Part 108. Nutrition Services
317:30-5-1076. [AMENDED]
- (Reference APA WF # 16-29)**

SUMMARY:

The proposed policy revisions update references to the physical address of the Oklahoma Health Care Authority, amend language to remove references to outdated terms and correct format errors for clarity and consistency.

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 440.165

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-921; filed 12-20-16]

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

[OAR Docket #16-923]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 3. General Provider Policies
- Part 1. General Scope and Administration
317:30-3-21. [AMENDED]
- Part 3. General Medical Program Information
317:30-3-43. [AMENDED]

Notices of Rulemaking Intent

Subchapter 5. Individual Providers and Specialties

Part 4. Long Term Care Hospitals

317:30-5-63. [AMENDED]

Part 9. Long Term Care Facilities

317:30-5-120. [AMENDED]

317:30-5-121. [AMENDED]

317:30-5-122. [AMENDED]

317:30-5-123. [AMENDED]

317:30-5-124. [AMENDED]

317:30-5-125. [AMENDED]

317:30-5-127. [AMENDED]

317:30-5-128. [REVOKED]

317:30-5-129. [AMENDED]

317:30-5-131.2. [AMENDED]

317:30-5-132. [AMENDED]

317:30-5-133. [AMENDED]

317:30-5-133.1. [AMENDED]

(Reference APA WF # 16-31A)

SUMMARY:

The proposed Long Term Care policy revisions update rules to align with current business practices and State and Federal regulation requirements. In addition, revisions throughout amend terminology to correctly identify individuals residing in Long Term Care facilities as those with intellectual disabilities and replaces the term patient with member as appropriate.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 2002 of Title 56 of Oklahoma Statute; 42 CFR 431 Subpart D; 42 CFR 442.15, 42 CFR 442.101, 42 CFR 442.110; 42 CFR Part 483 Subparts B, C, and I

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-923; filed 12-20-16]

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

[OAR Docket #16-925]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-40. [AMENDED]

317:30-5-49. [AMENDED]

Part 23. Podiatrists

317:30-5-260. [AMENDED]

Part 29. Renal Dialysis Facilities

317:30-5-305. [AMENDED]

Part 45. Optometrists

317:30-5-430. [AMENDED]

Part 87. Birthing Centers

317:30-5-890. [AMENDED]

(Reference APA WF # 16-32)

SUMMARY:

The proposed revisions amend rules to mirror OHCA provider contract language. In addition, the hospital policy is revised to update requirements for reporting abuse, these revisions align rules with State statutes.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes, Section 1-2-101 of Title 10A of Oklahoma Statutes; Section 58 of Title 22 of Oklahoma Statutes; Section 10-104 of Title 43A of Oklahoma Statutes

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105,

or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-925; filed 12-20-16]

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

[OAR Docket #16-926]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 83. Residential Behavior Management Services
317:30-5-742.2. [AMENDED]
(Reference APA WF # 16-33)

SUMMARY:

The proposed Therapeutic Foster Care revisions remove minimum time requirements for behavioral health assessment services to allow providers more flexibility in completing biopsychosocial assessments. Revisions also add frequency limitations to clarify limits on how often an assessment can be

completed within a single agency. In addition, revisions clarify if an assessment is performed by a licensure candidate, it must be countersigned by the licensed behavioral health professional who is responsible for the member's care. This change will clarify oversight requirements for licensure candidates and ensure quality of care. Rules are also revised to clarify specific clinical documentation requirements when changes need to be made to the service plan prior to the scheduled six month review or update. Revisions also include cleanup to mirror current business practices.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-926; filed 12-20-16]

Notices of Rulemaking Intent

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

[OAR Docket #16-927]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-696. [AMENDED]

317:30-5-698. [AMENDED]

317:30-5-700.1. [AMENDED]

(Reference APA WF # 16-34)

SUMMARY:

The proposed Dental policy is revised to allow photographic images to be submitted to OHCA as part of the prior authorization request for certain services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; OAC 485:10-15-8; 42 CFR 440.100

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-927; filed 12-20-16]

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

[OAR Docket #16-928]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-11. [AMENDED]

Part 21. Outpatient Behavioral Health Agency Services

317:30-5-241. [AMENDED]

317:30-5-241.1. [AMENDED]

317:30-5-241.6. [AMENDED]

(Reference APA WF # 16-35)

SUMMARY:

The proposed policy revisions reduce the number of SoonerCare compensable service plan updates to two in one year. Outpatient behavioral health agencies will now be reimbursed for one initial comprehensive treatment plan and one update thereto bi-annually. The aforementioned changes were approved during promulgation of the emergency rule.

The following are proposed changes not previously reviewed. The proposed policy revisions remove outdated references to Axis diagnosis to align with changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM). In addition, revisions clarify clinical outpatient behavioral health agency provider documentation requirements for when changes need to be made to the service plan prior to the scheduled six month review or update. Rules are also revised to clarify that behavioral health case management is not reimbursable for members who are enrolled in a Health Home. Additionally, rules are modified to clarify that, unless otherwise specified in rule, reimbursement is not allowed for outpatient behavioral health services provided to members who are considered to be in "inpatient status".

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 441.18; 42 U.S.C. 1396w-4

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-928; filed 12-20-16]

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

[OAR Docket #16-929]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
- Part 1. General Scope and Administration
- 317:30-3-2.1. [AMENDED]
- 317:30-3-4.1. [AMENDED]
- 317:30-3-30. [AMENDED]

(Reference APA WF # 16-36)

SUMMARY:

The proposed revisions in Program Integrity Audits/Reviews policy clarify the OHCA audit process by: explaining that the scope of audits may include examination for fraud, waste, and/or abuse of the SoonerCare program; establishing a clearly defined response due date for providers who want to request an informal reconsideration and/or formal appeal of audit findings; and by informing providers that overpayments identified through the audit process may be withheld from future payments if the provider fails to timely contest the underlying audit findings. Also, proposed revisions in Uniform Electronic Transaction Act policy set a consistent timeframe in which medical records are to be authenticated, including those instances in which transcription occurs. In addition, the rules have been revised to improve reader comprehension, and make the language consistent with other OHCA administrative rules.

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 447.202; 42 CFR 431.220; 56 O.S. 1011.9; 75 O.S. 250.2; 42 U.S.C. 1396(a)(42)(B)(ii)(III); 42 CFR 431.151; 42 CFR 431.153

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-929; filed 12-20-16]

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

[OAR Docket #16-914]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

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

317:35-9-48.1. [AMENDED]

(Reference APA WF # 16-19)

SUMMARY:

The proposed revisions allow additional providers to evaluate Tax Equity and Fiscal Responsibility Act (TEFRA) applicants under age three for the measurement of developmental milestones to determine Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) institutional level of care. Current rules only allow for an evaluation by providers within the SoonerStart Early Intervention Program. This policy revision allows for flexibility when determining level of care as there are other appropriate providers and evaluation tools that can be utilized to evaluate developmental milestones. Please note that other criteria for severe dysfunctional deficiencies in at least two total domain areas remain in effect.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; §134 of the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248); §1902 of the Social Security Act; 42 CFR 435.225

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 at the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-914; filed 12-20-16]

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

[OAR Docket #16-918]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Personal Care Services

317:35-15-2. [AMENDED]

317:35-15-4. [AMENDED]

317:35-15-8. [AMENDED]

317:35-15-8.1. [AMENDED]

317:35-15-10. [AMENDED]

317:35-15-13.1. [AMENDED]

317:35-15-13.2. [AMENDED]

317:35-15-14. [AMENDED]

Subchapter 17. Advantage Waiver Services

317:35-17-1. [AMENDED]

317:35-17-3. [AMENDED]

317:35-17-5. [AMENDED]

317:35-17-14. [AMENDED]
317:35-17-18. [AMENDED]
317:35-17-22. [AMENDED]
Subchapter 19. Nursing Facility Services
317:35-19-2. [AMENDED]
(Reference APA WF # 16-25B)

SUMMARY:

The proposed revisions update rules for the ADvantage program and related services. The revisions add language to comply with Federal regulations specific to home and community based settings. Rules also clarify compensable services and contract requirements. In addition, rules outline audit procedures for specific providers.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. 162); 42 CFR 430 and 431

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-918; filed 12-20-16]

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

[OAR Docket #16-924]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

Part 1. Services

317:35-9-4. [AMENDED]

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

317:35-9-45. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-8. [AMENDED]

317:35-19-9. [AMENDED]

(Reference APA WF # 16-31B)

SUMMARY:

The proposed Long Term Care policy revisions amend terminology to correctly identify individuals residing in Long Term Care facilities as those with intellectual disabilities and replaces the term patient with member as appropriate.

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 Part 483 Subpart C

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

Notices of Rulemaking Intent

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-924; filed 12-20-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 40. DEVELOPMENTAL DISABILITIES SERVICES

[OAR Docket #16-916]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:40-1-1. [AMENDED]

Subchapter 5. Member Services

Part 9. Service Provisions

317:40-5-103. [AMENDED]

317:40-5-112. [AMENDED]

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

317:40-7-2. [AMENDED]

317:40-7-6. [AMENDED]

317:40-7-12. [AMENDED]

317:40-7-13. [AMENDED]

Subchapter 9. Self-Directed Services

317:40-9-1. [AMENDED]

(Reference APA WF # 16-24B)

SUMMARY:

The proposed revisions to the Developmental Disabilities Services policy amend the rules to implement changes recommended during the annual Oklahoma Department of Human Services (DHS) Developmental Disabilities

Services (DDS) rule review process. Proposed revisions include cleanup to mirror current business practices. The amendments support DDS goals of improving the quality of life for vulnerable Oklahomans by increasing people's abilities to lead safer, healthier, and more independent, productive lives. The proposed amendments comply with Federal requirements and are updated to clarify DDS rules per Federal and State laws. Additionally, amendments provide clear guidance to DDS partners and staff and adhere to "best practice" standards.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. 162); 42 CFR 441.301, 44.710, 441.715, 441.720, and 441.740

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-916; filed 12-20-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 45. INSURE OKLAHOMA**

[OAR Docket #16-922]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 317:45-1-2. [AMENDED]
 - 317:45-1-3. [AMENDED]
 - Subchapter 7. Insure Oklahoma ESI Employer Eligibility
 - 317:45-7-2. [AMENDED]
 - Subchapter 9. Insure Oklahoma ESI Employee Eligibility
 - 317:45-9-1. [AMENDED]
 - Subchapter 11. Insure Oklahoma IP
 - Part 3. Insure Oklahoma IP Member Health Care Benefits
 - 317:45-11-10. [AMENDED]
 - 317:45-11-11. [AMENDED]
 - Part 5. Insure Oklahoma IP Member Eligibility
 - 317:45-11-20. [AMENDED]
 - 317:45-11-23. [AMENDED]
- (Reference APA WF # 16-30)**

SUMMARY:

The proposed revisions to the Insure Oklahoma policy include minor language cleanup to reflect current business practices. In addition, proposed revisions add new language regarding college student enrollment and eligibility requirements for the Insure Oklahoma IP members.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1115 Waiver

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 17, 2017 at the following address: Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org. Written comments may also be submitted online to the agency's Proposed Rule Changes Policy blog at www.okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 21, 2017 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

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 February 17, 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 January 18, 2017.

CONTACT PERSON:

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

[OAR Docket #16-922; filed 12-20-16]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS**

[OAR Docket #16-961]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Objections and Protests; Hearings and Appeals [AMENDED]

SUMMARY:

The proposed amendments revise certain administrative procedures relating to hearings and appeals. Specifically, the proposed amendments remove the requirements that the respondent's social security number be listed in the caption of pleadings and that parties shall have an opportunity to submit proposed findings and fact and conclusions of law to the Oklahoma Horse Racing Commission when appealing a decision from a Board of Stewards.

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning January 17, 2017 and ending February 17, 2017.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 17, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

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amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning January 17, 2017 and ending February 17, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: bennett.abbott@ag.ok.gov.

[OAR Docket #16-961; filed 12-22-16]

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

[OAR Docket #16-900]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Financing Projects for Residential Multifamily Rental Property [REVOKED]

SUMMARY:

OHFA conducts programs, transactions and activities relating to the financing of residential multifamily rental property and cooperatives with tax exempt debt and/or taxable debt. These Chapter 20. Financing Projects for Residential Multifamily Rental Property (Rules) have not been updated since 1991. Chapter 30. Multifamily Housing Bond Program are current and govern the same type of activity. In an effort to achieve simplicity and clarity, OHFA is recommending revocation of these Chapter 20 Rules. All information contained in Rules is now part of and included in Chapter 30.

AUTHORITY:

These Chapter 20 Rules are authorized by the Board of Trustees of the Oklahoma Housing Finance Agency ("OHFA"), the amended trust indenture of OHFA, and the Bylaws of OHFA as established by the OHFA Board of Trustees.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 p.m. on or before March 3, 2017. Written comments should be sent to Oklahoma Housing Finance Agency,

Attn: Pam Miller, P. O. Box 26720, Oklahoma City, OK, 73126-0720.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303 (B)(9), "persons may demand a hearing" by contacting Pamela Miller at 405.419.8134 or pamela.miller@ohfa.org no later than March 3, 2017 at 4:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, March 3, 2017, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendments.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at www.ohfa.org or at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before February 1, 2017 at the offices of OHFA.

CONTACT PERSON:

Darcy Green, Housing Development Program Supervisor, 405.419.8145 or Pamela Miller, Housing Financial Analyst, 405.419.8134.

[OAR Docket #16-900; filed 12-15-16]

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

[OAR Docket #16-899]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Low-Income Housing Tax Credit Program Rules [REVOKED]

SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan ("QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS").

These Chapter 35. Low-Income Housing Tax Credit Program Rules (Rules) have not been updated since 1993. Chapter 36. Affordable Housing Tax Credit Program are current and govern the same type of activity. In an effort to achieve simplicity and clarity, OHFA is recommending revocation of these Chapter 35 Rules. All information contained in Rules is now part of and included in Chapter 36.

AUTHORITY:

These Chapter 35 Rules are authorized by the Board of Trustees of the Oklahoma Housing Finance Agency ("OHFA"), the amended trust indenture of OHFA, and the Bylaws of OHFA as established by the OHFA Board of Trustees.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Finance Analyst, at Oklahoma Housing Finance Agency by 4:00 p.m. on or before March 3, 2017. Written comments should be sent to Oklahoma Housing Finance Agency, Attn: Pam Miller, P. O. Box 26720, Oklahoma City, OK, 73126-0720.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303 (B)(9), "persons may demand a hearing" by contacting Pamela Miller at 405.419.8134 or pamelamiller@ohfa.org no later than March 3, 2017 at 4:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, March 3, 2017, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendments.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at www.ohfa.org or at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before February 1, 2017 at the offices of OHFA.

CONTACT PERSON:

Darcy Green, Housing Development Program Supervisor, 405.419.8145 or Pamela Miller, Housing Financial Analyst, 405.419.8134.

[OAR Docket #16-899; filed 12-15-16]

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

[OAR Docket #16-972]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Housing Trust Fund Program [AMENDED]

SUMMARY:

Oklahoma Housing Finance Agency (OHFA) is the designated administrator of the Oklahoma Housing Trust Fund (OHTF). The purpose of the OHTF is to assist moderate and low-income people in obtaining safe, decent and affordable housing.

The purpose of these Chapter 60 Rules is to provide guidelines for administering funds available through the OHTF.

AUTHORITY:

These Chapter 60 Rules are authorized by the Board of Trustees of OHFA, the amended trust indenture of OHFA, and the Bylaws of OHFA as established by the OHFA Board of Trustees.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Financial Analyst, at Oklahoma Housing Finance Agency by 4:00 p.m. on or before March 3, 2017. Written comments should be sent to Oklahoma Housing Finance Agency, Attn: Darcy Green, P. O. Box 26720, Oklahoma City, Oklahoma 73126-0720,

PUBLIC HEARING:

A public hearing will be held: March 6, 2017 at 10:30 a.m., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73116, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, March 3, 2017, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the Proposed Rules.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at www.ohfa.org or at the offices of OHFA, 100 NW 63rd, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before February 1, 2017 at the offices of OHFA.

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CONTACT PERSON:

Darcy Green, Housing Development Program Supervisor, 405.419.8145 or Pamela Miller, Housing Financial Analyst, 405.419.8134.

[OAR Docket #16-972; filed 12-23-16]

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

[OAR Docket #16-973]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 75. National Housing Trust Fund Program [NEW]

SUMMARY:

The Board of Trustees of the Oklahoma Housing Finance Agency ("OHFA"), a public trust, has proposed OHFA's Chapter 75: National Housing Trust Fund Program (the "Rules") for use in considering applications for funding eligible program activities. The Rules provide guidelines which OHFA outlines in the Rules and are intended to describe eligibility criteria and the application and selection processes and criteria. In addition, the Rules further describe awardee responsibilities including responsibilities for maintaining records and accounts. The intent of the Rules is to administer the National Housing Trust Fund in such a way that it strengthens public and private partnerships to increase affordable housing opportunities for very low and extremely low income persons.

AUTHORITY:

These Chapter 75 Rules are authorized by the Board of Trustees of OHFA, the amended trust indenture of OHFA, and the Bylaws of OHFA as established by the OHFA Board of Trustees.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darcy Green, Housing Development Program Supervisor, or Pamela Miller, Housing Financial Analyst, at Oklahoma Housing Finance Agency by 4:00 p.m. on or before March 3, 2017. Written comments should be sent to Oklahoma Housing Finance Agency, Attn: Darcy Green, P. O. Box 26720, Oklahoma City, Oklahoma 73126-0720,

PUBLIC HEARING:

A public hearing will be held: March 6, 2017 at 9:00 a.m., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73116, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before,

March 3, 2017, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the Proposed Rules.

COPIES OF PROPOSED RULES:

Copies of the Proposed Rules are available on the OHFA website located at www.ohfa.org or at the offices of OHFA, 100 NW 63rd, Oklahoma City, Oklahoma 73116.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before February 1, 2017 at the offices of OHFA.

CONTACT PERSON:

Darcy Green, Housing Development Program Supervisor, 405.419.8145 or Pamela Miller, Housing Financial Analyst, 405.419.8134.

[OAR Docket #16-973; filed 12-23-16]

TITLE 405. OKLAHOMA DEPARTMENT OF LIBRARIES CHAPTER 25. STATE AID GRANTS TO PUBLIC LIBRARIES

[OAR Docket #16-902]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

405:25-1-2. Definitions [AMENDED]

405:25-1-3. Eligibility for State aid grants to public libraries [AMENDED]

405:25-1-6. State aid formula [AMENDED]

SUMMARY:

The Department is proposing amendments to OAC 405:25-1-2 and OAC 405:25-1-3 to provide more flexibility to local communities, to clarify requirements of the rules and to bring the rules into alignment with industry practice since the rules were last amended. The amendment to OAC 405:25-1-6 is designed to address the source of information on which basis funds are distributed.

AUTHORITY:

Oklahoma Department of Libraries Board; 65 O.S. §2-106(m)

COMMENT PERIOD:

Written comments will be accepted through February 22, 2017 at the Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, OK 73105, Attn: Jan Davis, or by email to jan.davis@libraries.ok.gov.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10 a.m. on Thursday, February 23, 2017, at the offices of the Oklahoma Department of Libraries, in the South Conference Room, second floor, 200 N.E. 18th Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, 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 Jan Davis, at the above addresses, before the close of the comment period on February 22, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the Department of Libraries website at: <http://libraries.ok.gov/stateaid/ProposedRules.pdf> or may be viewed at the Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Libraries and may be requested from the contact person, or viewed on the Department of Libraries website at <http://libraries.ok.gov/stateaid/RulesImpactStatement.pdf> on and after February 1, 2017.

CONTACT PERSON:

Jan Davis, Rules Liaison, (405) 522-3191, jan.davis@libraries.ok.gov

[OAR Docket #16-902; filed 12-16-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 1. ADMINISTRATION**

[OAR Docket #16-944]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administration [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. The proposed rules are intended to update the Department's physical address as well as to update provider requirements and certification application procedures.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-110, 3-306, 3-306.1, 3-314.1, 3-315, 3-317, 3-318, 3-319 and 3-415; 74 O.S. §85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-944; filed 12-21-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 15. CONSUMER RIGHTS**

[OAR Docket #16-945]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Consumer Rights [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the

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Department's review of Title 450. The proposed rules are intended to update the Department's physical address.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-945; filed 12-21-16]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS

[OAR Docket #16-946]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 17. Standards and Criteria for Community Mental Health Centers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as create new standards requiring facilities certified by ODMHSAS to implement tobacco free workplaces.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, 3-306.1, and 74 O.S. §85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-946; filed 12-21-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 18. STANDARDS AND CRITERIA FOR SUBSTANCE RELATED AND ADDICTIVE DISORDER TREATMENT SERVICES**

[OAR Docket #16-947]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 18. Standards and Criteria for Substance Related and Addictive Disorder Treatment Services [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 18 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as create new standards requiring facilities certified by ODMHSAS to implement tobacco free workplaces and clarify screening requirements for admission.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, 3-306.1 and 3-315; 74 O.S. §85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73108.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-947; filed 12-21-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 21. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC) ORGANIZATIONS AND FACILITATORS**

[OAR Docket #16-948]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 21. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC) Organizations and Facilitators [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 21 are part of the Department's review of Title 450. The proposed rules are intended to update certification application requirements.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-451 through 3-453.1; 47 O.S. §§ 6-212.2, 11-902 and 761(D); 22 O.S. §§ 991a and 991c.

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-948; filed 12-21-16]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 22. CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND EVALUATIONS RELATED TO DRIVER'S LICENSE REVOCATION

[OAR Docket #16-949]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 22. Certification of Alcohol and Drug Assessment and Evaluations Related to Driver's License Revocation [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. The proposed rules are intended to update certification application requirements.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-453 and 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. §§ 991a and 991c.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-949; filed 12-21-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS**

[OAR Docket #16-950]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 24. Standards and Criteria for Comprehensive Community Addiction Recovery Centers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 24 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as create new standards requiring facilities certified by ODMHSAS to implement tobacco free workplaces.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-415.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January

17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-950; filed 12-21-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 27. STANDARDS AND CRITERIA FOR MENTAL ILLNESS SERVICE PROGRAM**

[OAR Docket #16-951]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 27. Standards and Criteria for Mental Illness Service Program [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 27 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as create new standards requiring facilities certified by ODMHSAS to implement tobacco free workplaces.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-323A.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, 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

Notices of Rulemaking Intent

in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-951; filed 12-21-16]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 50. STANDARDS AND CRITERIA FOR CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS

[OAR Docket #16-952]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Standards and Criteria for Certified Behavioral Health Case Managers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 50 are part of the Department's review of Title 450. The proposed rules are intended to update requirements regarding the fitness of applicants for Behavioral Health Case Manager certification.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-318.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-952; filed 12-21-16]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT

[OAR Docket #16-953]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Standards and Criteria for Programs of Assertive Community Treatment [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. The proposed rules are intended to revise client admission and transition criteria and requirements.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306 and 3-319.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-953; filed 12-21-16]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 65. STANDARDS AND CRITERIA FOR GAMBLING TREATMENT PROGRAMS**

[OAR Docket #16-954]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Standards and Criteria for Gambling Treatment Programs [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 65 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as create new standards requiring facilities certified by ODMHSAS to implement tobacco free workplaces and to provide annual in-service training to staff. Revisions also create standards which would allow programs certified under this Chapter to provide Peer Recovery Support Services.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-954; filed 12-21-16]

Notices of Rulemaking Intent

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS

[OAR Docket #16-955]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Standards and Criteria for Opioid Treatment Programs [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as create new standards requiring facilities certified by ODMHSAS to implement tobacco free campuses. Proposed revisions also create standards which would allow programs certified under this Chapter to provide Peer Recovery Support Services.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-601 through 3-603.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 17, 2017, until 5:00 p.m., February 16, 2017, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on February 17, 2017, at 10:00 a.m. at the ODMHSAS offices located at 2000 N. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 17, 2017. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 522-1727 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #16-955; filed 12-21-16]

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

[OAR Docket #16-969]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Petition Procedures

550:1-5-7. Common law beneficiary requirements [AMENDED]

SUMMARY:

The proposed amendment to OAC 550-1-5-7 changes "man and wife" to "husband and wife".

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 8th, 2017, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., on Wednesday, March 15th, 2017, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W.

63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 17th, 2017.

CONTACT PERSON:

Darcie Gordon, Administrative Officer (405) 840-3555 Ext. 227.

[OAR Docket #16-969; filed 12-23-16]

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

[OAR Docket #16-970]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:10-1-6. Impairment Guidelines [NEW]

SUMMARY:

The proposed amendment to OAC 550-10-1-6 clarifies which AMA Guidelines are to be used in disability determination.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 8th, 2017, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., on Wednesday, March 15th, 2017, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W.

63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 17th, 2017.

CONTACT PERSON:

Darcie Gordon, Administrative Officer (405) 840-3555 Ext. 227.

[OAR Docket #16-970; filed 12-23-16]

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

[OAR Docket #16-971]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:10-1-7. Physician Certificate of Disability [NEW]

SUMMARY:

The proposed amendment to OAC 550-10-1-7 outlines the selection of Independent Medical Evaluator by the state board for disability determination.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 8th, 2017, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., on Wednesday, March 15th, 2017, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W.

Notices of Rulemaking Intent

63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 17th, 2017.

CONTACT PERSON:

Darcie Gordon, Administrative Officer (405) 840-3555 Ext. 227.

[OAR Docket #16-971; filed 12-23-16]

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #16-963]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
605:1-1-4 [AMENDED]

SUMMARY:

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees and the general public, and if promulgated will have an effective date of November 1, 2017. Proposed revisions are summarized as follows:

605:1-1-4. Operational Procedures - Adding language to clarify that if an assessment on licensees must be collected as required in statute to replenish the Oklahoma Education and Recovery Fund, such assessment must be paid within sixty (60) days or the license will be placed on inactive status and shall not be placed on active status until such assessment is paid.

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 7, 2017 at the following address:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 8, 2017 - 10:00 a.m.

Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (with the exception of legal holidays) at the following location:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on January 9, 2017 at the Oklahoma Real Estate Commission (address and phone number listed above).

CONTACT PERSON:

Charla Slabotsky - (405) 521-3387

[OAR Docket #16-963; filed 12-22-16]

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

[OAR Docket #16-964]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Trust Account Procedures
605:10-13-2 [AMENDED]
Appendix A. [REVOKED]
Appendix B. [NEW]

SUMMARY:

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees and the general public, and if promulgated will have an effective date of November 1, 2017. Proposed revisions are summarized as follows:

605:10-13-2. Duty to account; associate - Adding language to clarify that an associate may open, maintain, and/or be a signer on a trust or escrow account when the associate is providing activities that do not require a real estate license.

APPENDIX A. RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENT - Revising Question 4 to read "Is the property located in a floodway?" and allowing for a yes/no answer. Adding a question to read "Are you aware of any dams and/or wells located on the property?"

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 7, 2017 at the following address:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 8, 2017 - 10:00 a.m.
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (with the exception of legal holidays) at the following location:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on January 9, 2017 at the Oklahoma Real Estate Commission (address and phone number listed above).

CONTACT PERSON:

Charla Slabotsky - (405) 521-3387

[OAR Docket #16-964; filed 12-22-16]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #16-930]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Sections **710:1-3-2**, **710:1-3-71**, **710:1-5-13** and **710:1-5-89** have been amended to correct scrivener's errors and update email addresses and statutory citations.

Section **710:1-3-48** has been amended to include additional forms of payment accepted by the Tax Commission.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard,

Notices of Rulemaking Intent

Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-930; filed 12-21-16]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 10. AD VALOREM

[OAR Docket #16-931]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. AD Valorem [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the Second Regular Session of the 55th Legislature (2016) unless otherwise indicated.

Subchapter 1. *General Provisions* has been amended to implement the provisions of HB 2349 which removed veterans' disability income from the calculation of gross household income for purposes of qualification for the additional homestead exemption and senior valuation limitation and provide procedures and form information for additional homestead exemption qualification. This Subchapter was also amended to update and add statutory citations, improve readability and strike unnecessary language. [68:2890]

Subchapter 2. *Business Personal Property Valuation Schedules* has been amended to provide current information to obtain access to the Business Personal Property Valuation Schedule and to provide notice of participation in surveys to be conducted by the Ad Valorem Division. This Subchapter has also been revised to correct statutory citations and improve readability.

Subchapter 3. *Equalization Study* has been amended to correct terminology in addition to correcting citations to case law and the Oklahoma Constitution. The Subchapter has also been revised to update information to include orthophotographic aerials instead of Soil Conservation Service or Farm Service aerials for a source of additional data for use classifications for purposes of the agricultural equalization portion of the equalization study and to revoke outdated provisions relating to the presumption of selective reappraisal and the methodology utilized for the equalization study of a county using selective reappraisal.

Subchapter 5. *Homestead Exemption* has been revised by updating statutory citations and striking redundant or other unnecessary language covered in statute.

Subchapter 6. *Storm Shelter Exemption* has been amended to improve readability, add current form information for filing the exemption and update statutory citations.

Subchapter 7. *Manufacturing Facilities* has been amended to provide for the provisions of Section 3 of Senate Bill 1282 which modifies the definition of investment costs for purposes of qualification for the five year manufacturing exemption and Senate Bill 498 [2015] and to strike the qualification requirements for wind electric power generation facilities consistent with Senate Bill 498 [2015]. [68:2902]

Subchapter 8. *Exemption for Certain Oil and Gas Property Upon Which Oklahoma Gross Production Tax is Paid* has been amended to correct statutory citations and implement the provisions of SB 166 [2013] which included certain commercial disposal system equipment in the ad valorem exemption for property utilized in the production of oil or gas for which gross production taxes are paid. [68:2353]

Subchapter 9. *Manufactured Homes* has been amended to update statutory citations.

Subchapter 10. *Visual Inspection Plan* has been amended to clarify existing rule provisions and update statutory citations in addition to the state standards for purposes of the mapping program conducted by the Ad Valorem Division.

Subchapter 11. *Reimbursements and Assistance to Counties* has been amended to correct wording of existing language.

Subchapter 13. *Valuation Exclusion for Desulfurization Equipment* has been amended to update statutory citations.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203 & 1001.1; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 2:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building.

In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-931; filed 12-21-16]

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

[OAR Docket #16-932]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Alcohol, Mixed Beverages, and Low-Point Beer [AMENDED]

SUMMARY:

Sections **710:20-3-5**, **710:20-5-2** and **710:20-5-8** have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133;
FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-932; filed 12-21-16]

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

[OAR Docket #16-933]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 22. Boats and Motors [AMENDED]

SUMMARY:

Section **710:22-1-15** has been amended to clarify existing policy. [63:4018]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 63 O.S. § 4004

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 11:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide

the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133;
FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-933; filed 12-21-16]

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

[OAR Docket #16-934]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25: Coin Operated Vending Devices

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the Second Regular Session of the 55th Legislature (2016) unless otherwise indicated.

Section 710:25-1-4 has been amended to implement the provisions of Section 1 of HB 2932 which authorized the OTC to refuse to issue a coin-op decal to any person delinquent in payment of decal fees; provided, that a notice of intent to refuse the issuance of the decal was furnished.

Section 710:25-1-10 has been amended consistent with the provision of Sections 2 and 3 of HB 2932 which reduce the delinquency penalty for certain coin-op devices and place restrictions and notice requirements relating to the seizure by the OTC of devices for which the applicable fee has not been paid. [68:1506, 1507]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-934; filed 12-21-16]

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

[OAR Docket #16-935]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Gross Production [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Gross Production rules have been made to implement recent legislation. All legislative references are to the 55th Legislature, 2nd Regular Session (2016).

Sections **710:45-9-81**, **710:45-9-82**, **710:45-9-83** and **710:45-9-84** have been amended to implement the provisions of Senate Bill 1577 which amends the definition of "economically at-risk oil or gas lease" and limits the amount of authorized refunds for each calendar year (2015 through 2020) to \$12,500,000.00. [68:1001.3a]

Sections **710:45-11-8** and **710:45-15-6** have been amended to implement the provisions of House Bill 2774 by removing the mandate that railroad companies, pipeline and transportation companies are required to report to the Tax Commission all information related to the transportation of crude oil or gas subject to gross production tax; however, if requested by the Tax Commission, they must provide this information. [68:1005]

Sections **710:45-3-11**, **710:45-9-2**, **710:45-9-24**, **710:45-9-80**, **710:45-11-2**, **710:45-13-1**, and **710:45-15-2** have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203; 1001(M); 1001.3a; and 1013; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 10:30 a.m.** in the 4th floor

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hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-935; filed 12-21-16]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #16-936]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the Second Regular Session of the 55th Legislature (2016) unless otherwise indicated.

Section **710:50-1-3** has been revoked to reflect current agency practices and procedures.

Sections **710:50-3-3** and **710:50-3-4** have been amended due to the change in due dates for Oklahoma corporate and partnership income tax returns in House Bill 2775. [68:216]

Section **710:50-3-8** has been amended and new Section **710:50-3-9** has been added. If a taxpayer receives a credit under I.R.C. § 1341(a)(5) on its federal income tax return for the year in which the repayment was made, Oklahoma will recognize a recomputation of federal adjusted gross income for the year(s) the income was initially received under claim of right. [OTC Order No. 94-02-24-010]

Sections **710:50-3-35** and **710:50-15-50** have been amended to implement the provisions of Senate Bill 1606 which requires state and local income taxes or sales taxes included in itemized deductions be added back to calculate Oklahoma taxable income (by subtracting them from itemized deductions) effective for tax year 2016. [68:2358]

Section **710:50-3-45** has been amended to clarify policy regarding electronic signature methods on an electronically-filed Oklahoma income tax return. [68:2368]

Section **710:50-9-3** has been amended to implement the provisions of House Bill 2775 which requires the Tax Commission to pay interest on refunds claimed on returns filed electronically if those refunds are not paid within forty-five (45) days. [68:217]

Section **710:50-9-10** has been amended to comply with the current statutory law regarding the expiration of checkoff programs. [68:2368.18]

Section **710:50-13-6** has been amended to clarify policy regarding a taxpayer's request of a refund after the taxpayer has elected to have an overpayment credited to the following year's Oklahoma estimated income tax. [68:2385.9, 2385.17]

Section **710:50-15-71** has been amended to clarify policy on the proration of the credit. [68:2357]

Section **710:50-15-74** has been amended to implement the provisions of Senate Bill 1582 which relates to the Investment/New Jobs Income Tax Credit, by limiting the amount of credit for various periods by implementing a \$25,000,000 annual cap for tax years beginning on or after January 1, 2016 and ending on or before December 31, 2018. [68:2357.4]

Section **710:50-15-76** has been amended to implement the provisions of Senate Bill 1614 which relates to the Coal Credit, by limiting this credit to seventy-five percent 75% of the amount allowed under current law, effective January 1, 2016. [68:2357.11]

Section 710:50-15-90 has been amended to implement the provisions of Senate Bill 1604 which relates to the Oklahoma Earned Income Credit, by eliminating the refundable aspect of this credit beginning with tax year 2016. [68:2357.43]

Section 710:50-15-103 has been amended to implement the provisions of House Bill 3204, which relates to the Credit for Railroad Modernization, by reducing this credit by twenty-five percent (25%) for tax years beginning on or after January 1, 2016. [68:2357.104]

Section 710:50-15-104 has been amended to implement the provisions of Senate Bill 1603, which relates to Credit for the Construction of Energy Efficient Homes, by eliminating this credit for any period on or after July 1, 2016. [68:2357.46]

Sections 710:50-3-54, 710:50-9-4, 710:50-9-8, 710:50-15-30, 710:50-15-62 and 710:50-15-83 have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203, 2357.11, 2357.46, and 2357.104; 2368; and 2385.9; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide

the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-936; filed 12-21-16]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 55. MOTOR FUEL**

[OAR Docket #16-937]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Motor Fuel [AMENDED]

SUMMARY:

New Section **710:55-4-106** has been added to require the electronic filing of motor fuel tax monthly reports.

Sections **710:55-4-102** and **710:55-7-6** have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral

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comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-937; filed 12-21-16]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #16-938]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Motor Vehicle rules have been made. All legislative references are to the Second Regular Session of the 55th Legislature (2016) unless otherwise indicated.

Section **710:60-3-22** has been amended to implement the provisions of Senate Bill 1459 which allow a nonprofit charitable organization, upon providing documentation of its tax exempt status as an organization, to obtain from the OTC charitable nonprofit organization license plates for the purposes of demonstrating, transporting or test driving donated vehicles, provided that the organization may possess or use at any one time no more than eight of the described plates. [47:1137.1]

Section **710:60-3-25** has been amended to implement the provisions of House Bill 3192 which provide for an alternative method in which to document "active duty status" for purposes of qualifying for the \$15 reduced vehicle registration rate for vehicles of active duty military service members and waiver of delinquent penalties for Oklahoma resident armed forces personnel who are stationed out-of-state by official assignment. [47:1127]

Sections **710:60-3-70** and **710:60-3-130** have been amended to implement the provisions of House Bill 2378 which exclude "park model recreation vehicle" from the definition of manufactured home for purposes of the levy of motor vehicle excise tax, and Senate Bill 972 which redefines the term "autocycle" by striking the requirement that these vehicles have a fully enclosed compartment for the driver and passenger. [47:1-103.2, 1102: 68:2101]

Section **710:60-3-112** has been amended to implement the provisions of House Bill 2492 which expand the list of tax-exempt or nonprofit license plates to be designed for any vehicle owned and operated by the Civil Air Patrol. [47:1135.1]

Sections **710:60-5-4** and **710:60-5-77** have been amended and new Section **710:60-5-79** has been added to comply with the provisions of Senate Bill 1511 which provides for the transfer of a motor vehicle upon the death of the vehicle owner by filing with the Tax Commission a transfer-on-death notice signed by the vehicle owner which designates a death beneficiary. [47:1107.5]

Section **710:60-5-55** has been amended to implement the provisions of House Bill 2624 which modify the type of documentation required to be provided by a person when selling a vehicle to a scrap metal dealer. [2:11-92; 47:1105]

Section **710:60-5-111** has been amended to clarify existing policy to ensure submission of proper documentation by lender when perfecting a lien.

Section **710:60-7-3** has been amended to implement the provisions of Senate Bill 900 which relate to the motor vehicle excise tax exemption afforded to veterans with permanent active service-related disabilities receiving compensation at the 100% rate, allowing an exception to the one vehicle in a consecutive three (3) year period exemption limitation in cases

where the vehicle is a replacement for a vehicle which was destroyed and declared by the insurer to be a total loss claim. [68:2105]

Section **710:60-9-72** has been amended to clarify existing policy that motor license agent semimonthly report documentation submission requirements encompass all transaction summaries.

Section **710:60-9-94** has been amended to remove outdated language and clarify existing policy regarding procedures relating to the processing of returned checks for remittance to OTC by a motor license agent.

Section **710:60-9-120** has been amended to remove outdated language and clarify existing policy that motor license agents are expected to maintain an orderly office environment for taxpayer service and comply with Tax Commission equipment policies.

Section **710:60-5-1** has been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

47 O.S. §§ 1140, and 1149; 68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 11:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma

Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-938; filed 12-21-16]

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

[OAR Docket #16-939]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Sales and Use Tax

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the Second Regular Session of the 55th Legislature (2016) unless otherwise indicated.

Section **710:65-1-8** has been amended to implement the provisions of Section 2 of HB 2531 which modified the definition of *maintaining a place of business* contained in the Oklahoma Sales Tax Code attributing nexus to vendors for purposes of the requirement to collect and remit Oklahoma sales tax based on actions and operation of affiliated businesses. [68:1352(13)]

Section **710:65-7-8** has been amended to state policy in accordance with Oklahoma's membership as a Streamlined Sales and Use Tax state regarding the information which must be obtained by a vendor from a purchaser claiming a resale exemption for sales tax purposes in order to be relieved from liability to collect sales tax.

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Section **710:65-11-1** has been amended to clarify the procedure for credit/refund requests by a purchaser. [68:1354.26]

Section **710:65-13-70** has been amended to reflect the applicable statutory provisions governing refunds to contractors due to a change of sales tax rate. [68:1354]

Section **710:65-13-155** has been amended to reflect the applicable statutory provision governing protest procedures. [68:221]

Sections **710:65-13-170** and **710:65-13-171** have been amended to clarify the exempt treatment of sales of prosthetic devices for use by an individual. [68:1357]

Section **710:65-13-356** has been amended to correct obsolete references to the form currently utilized to claim a sales or use tax refund. [68:227]

Section **710:65-19-268** has been amended for clarification purposes to make specific reference to valet parking.

Section **710:65-21-8** has been amended to outline the additional requirements placed on non-collecting retailers pursuant to the passage of Section 4 of HB 2531. [68:1406.2]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 2:30 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-939; filed 12-21-16]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #16-940]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 90. Withholding [AMENDED]

SUMMARY:

Sections **710:90-1-13** and **710:90-3-11** have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203, Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content

of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-940; filed 12-21-16]

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

[OAR Docket #16-941]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 95. Miscellaneous Areas of Regulatory and Administrative Authority [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the Second Regular Session of the 55th Legislature (2016) unless otherwise indicated.

Subchapter 5 has been amended to update statutory citations.

Subchapter 9 has been amended to update the email address to contact the Tax Commission's Professional Licensing Compliance Unit in addition to statutory citations and other references.

Subchapter 11 has been amended to update statutory citations and other references.

Subchapter 17 has been amended to implement the provisions of HB 3126 [2016] which: 1) imposes a (\$0.75) 9-1-1 wireless telephone fee on retail sales of prepaid wireless telecommunications and 9-1-1 enabled wireless and VoIP/IP connections; 2) authorizes vendor retention amounts and 3) provides for fee billing, reporting and payment procedures.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 22, 2017**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 23, 2017, 3:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor

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pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with 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:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2017, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #16-941; filed 12-21-16]

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

[OAR Docket #16-903]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

This provision was moved to 765:4-1-5 and modified.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)(1)

75 O.S. Section 583 B.3.

75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2017, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 31, 2017, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #16-903; filed 12-19-16]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 4. ~~TERM OF LICENSES~~ GENERAL LICENSING PROVISIONS

[OAR Docket #16-904]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The Chapter heading is changed to reflect the general nature of the rules in this Chapter. 765:4-1-3 was amended

and 765:4-1-6 was added to provide for electronic bonds and verifications when the Commission has the technical capacity to allow them. 765:4-1-5 was originally 765:2-1-4, and was moved and modified to provide for more information on felony applicants.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)
75 O.S. Section 250
75 O.S. Section 302

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2017, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 31, 2017, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #16-904; filed 12-19-16]

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

[OAR Docket #16-905]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

765:10-3-5 was amended to add subsections (c), (d) & (e). These are all acts which are prohibited by statute, but with clarifying language and are placed in the Rules for the purpose of better notification to licensees.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)(1)
75 O.S. Section 583 B.3.
75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2017, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 31, 2017, at the office of the Used Motor Vehicle and Parts Commission.

Notices of Rulemaking Intent

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #16-905; filed 12-19-16]

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

[OAR Docket #16-906]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

765:13-3-5 is being amended to include the fine sanction provided by statute. It is placed in the Rules for purposes of better notification to licensees.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)(1)
75 O.S. Section 583 B.3.
75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2017, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 31, 2017, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #16-906; filed 12-19-16]

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

[OAR Docket #16-965]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

810:1-1-2 [AMENDED]
810:1-1-3 [AMENDED]
810:1-1-8 [NEW]

SUMMARY:

The proposed rule and amendments procedures for the submission of claim information via electronic data interchange system in compliance with 85A O.S. § 101.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2017, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 21, 2017 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lindsey Christopher at the above address on or before February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 20, 2017.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 405-522-0057, lindsey.christopher@wcc.ok.gov

[OAR Docket #16-965; filed 12-22-16]

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

[OAR Docket #16-966]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 810:10-1-3 [AMENDED]
 - 810:10-1-4 [AMENDED]
 - 810:10-1-5 [AMENDED]
 - 810:10-1-7 [AMENDED]
 - 810:10-1-8 [AMENDED]
 - 810:10-1-9 [AMENDED]
 - 810:10-1-10 [AMENDED]
- Subchapter 3. Informal Dispute Resolution Processes
 - 810:10-3-3 [AMENDED]
 - 810:10-3-5 [AMENDED]
- Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners
 - Part 1. Commencement of Claims and Review of Qualified Employer Benefit Determinations
 - 810:10-5-5 [REVOKED]
 - Part 5. Prehearing Proceedings
 - 810:10-5-31 [AMENDED]
 - Part 7. Initial and Subsequent Proceedings
 - 810:10-5-46 [AMENDED]
 - 810:10-5-49 [AMENDED]
 - 810:10-5-50 [AMENDED]
 - Part 13. Dismissals
 - 810:10-5-85 [AMENDED]
 - Part 15. Settlements
 - 810:10-5-95 [AMENDED]
 - Part 17. Fees
 - 810:10-5-105

SUMMARY:

The proposed rule amendments incorporate new procedures for workers' compensation proceedings coming before the

Commission for disposition pursuant to the Administrative Workers' Compensation Act. The proposed amendments implement an Electronic Data Interchange system pursuant to 85A O.S. §101; revoke rules and procedures pertaining to the Oklahoma Employee Injury Benefit Act; establish additional procedures related to social security numbers, attorney leave requests, the retention and retrieval of trial exhibits, payment of dismissal fees, joint petition settlements and Certificates of Noncoverage; clarify policies and procedures related to evidentiary requirements for permanent impairment, mediation conference reports, deposition scheduling and payment, and subpoenas issued in compliance investigations.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2017, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 21, 2017 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lindsey Christopher at the above address on or before February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 20, 2017.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 405-522-0057, lindsey.christopher@wcc.ok.gov

[OAR Docket #16-966; filed 12-22-16]

Notices of Rulemaking Intent

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

[OAR Docket #16-967]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Workers' Compensation Fee Schedule
810:15-3-3 [AMENDED]
Subchapter 9. Independent Medical Examiners
810:15-9-1 [AMENDED]
810:15-9-4 [AMENDED]
Subchapter 13. Change of Treating Physician
810:15-13-1 [AMENDED]
Subchapter 15. Medical Dispute Resolution
810:15-15-2 [AMENDED]
810:15-15-3 [AMENDED]

SUMMARY:

The proposed rule amendments would modify procedures and standards governing medical matters over which the Commission has responsibility under the Administrative Workers Compensation Act, 85A O.S. §§ 1 et seq. The proposed amendments to the 2012 Workers' Compensation Fee Schedule prescribe a billing modifier for Advanced Practice Registered Nurses; amend procedures pertaining to the qualifications and appointment of Independent Medical Examiners; require certified workplace medical plans to provide the Commission with current website addresses where dispute resolution forms and providers may be accessed by the general public; and correct citations and internal references.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2017, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 21, 2017 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lindsey Christopher at the above address on or before February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 20, 2017.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 405-522-0057, lindsey.christopher@wcc.ok.gov

[OAR Docket #16-967; filed 12-22-16]

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

[OAR Docket #16-968]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
810:25-1-1 [AMENDED]
810:25-1-2 [AMENDED]
Subchapter 5. Documentation of Exempt Status [NEW]
810:25-5-1 [NEW]
810:25-5-2 [NEW]
810:25-5-2 [NEW]
Subchapter 7. Enforcement of Workers' Compensation Insurance Requirements
810:25-7-1 [AMENDED]
Subchapter 9. Individual Own Risk Employer Permit
810:25-9-13 [AMENDED]
810:25-9-15 [AMENDED]
Subchapter 13. Third-Party Administrator Permit for Workers' Compensation Purposes
810:25-13-4 [AMENDED]

SUMMARY:

The proposed rule amendments add procedures related to certificates of noncoverage, subpoenas issued in compliance investigations, reporting requirements for individual own risk employers and remove the triennial audit requirement for third-party administrators.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.

COMMENT PERIOD:

Persons may submit written comments through February 16, 2017, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 21, 2017 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lindsey Christopher at the above address on or before February 16, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite

231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 20, 2017.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 405-522-0057, lindsey.christopher@wcc.ok.gov

[OAR Docket #16-968; filed 12-22-16]

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

[OAR Docket #16-960]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

270:10-1-8 [AMENDED]

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

December 22, 2016

[OAR Docket #16-960; filed 12-22-16]

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 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 11. COMMERCIAL DRIVER LICENSES

[OAR Docket #16-892]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 11. Third-Party Examiners Pilot Program [NEW]
- 595:11-11-1. Purpose [NEW]
- 595:11-11-2. Scope and application [NEW]
- 595:11-11-3. Definitions [NEW]
- 595:11-11-4. School licenses and driver training instructor permits [NEW]
- 595:11-11-5. Qualifications for instructors [NEW]
- 595:11-11-6. Requirements for certification as a third-party examiner [NEW]
- 595:11-11-7. Review of all required files kept by instructors, third party examiner's and licensed schools [NEW]
- 595:11-11-8. Course of instruction for certification as a third-party examiner [NEW]
- 595:11-11-9. Insurance [NEW]
- 595:11-11-10. Requirements for schools and classrooms [NEW]
- 595:11-11-11. Specification for commercial motor vehicles [NEW]
- 595:11-11-12. Prescribed course of study for commercial truck driver training [NEW]
- 595:11-11-13. Third party skills examination requirements and standards [NEW]
- 595:11-11-14. Failed examinations and reexamination [NEW]
- 595:11-11-15. Inspection of school premises and commercial motor vehicles [NEW]
- 595:11-11-16. Records to be maintained by certified schools and third-party examiners [NEW]
- 595:11-11-17. Records to be maintained at the department [NEW]
- 595:11-11-18. Agreements and schedule of fees [NEW]
- 595:11-11-19. Records to be maintained by the commercial school [NEW]
- 595:11-11-20. Official seal [NEW]
- 595:11-11-21. Prohibited acts; conduct [NEW]
- 595:11-11-22. Third-party examiner - prohibited acts [NEW]
- 595:11-11-23. Third-party examiner - prohibited acts; conduct [NEW]
- 595:11-11-24. Commercial instructor - prohibited acts; conduct [NEW]
- 595:11-11-25. Termination of contracts and agreements [NEW]
- 595:11-11-26. Withdrawal or denial of certification [NEW]
- 595:11-11-27. Hearings [NEW]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

ADOPTION:

October 27, 2016

APPROVED BY GOVERNOR:

December 2, 2016

EFFECTIVE:

Immediately upon the Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

Not applicable

INCORPORATIONS BY REFERENCE:

Not applicable

FINDING OF EMERGENCY:

These rules are of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and are necessary to comply with the provisions of Oklahoma Statutes as well as Code of Federal Regulations.

ANALYSIS:

This proposed rule will regulate and direct all aspects of the Third-Party Examiners Pilot Program.

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

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

SUBCHAPTER 11. THIRD-PARTY EXAMINERS PILOT PROGRAM

595:11-11-1. Purpose

This Subchapter establishes requirements, procedures, and standards for the certification of public entities and of commercial motor vehicle driver third party examiners to administer skills examinations to qualified applicants for a commercial driver license.

595:11-11-2. Scope and application

The provisions of this Subchapter shall apply only to commercial schools and persons described under the provisions of 47 O.S. § 6-110.4 et seq.

Emergency Adoptions

595:11-11-3. Definitions

In addition to terms defined in 47 O.S. § 1-101 et seq., the following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise. Use of the singular term includes the plural, and use of the plural term includes the singular.

"Applicant/Student" means any person that can be verified to be a current employee of the certified school by which the third party examiner is also employed.

"Certified school" means a business enterprise conducted as a commercial truck driver training school by an individual, association, partnership, or corporation for the purpose of education, training and testing of students desiring to apply for a commercial driver license.

"Commercial driver license" (CDL) means an Oklahoma Class A, B, or C commercial driver license, as defined in 47 O.S. § 6-101.

"Commercial learner's permit" (CLP) means a permit issued to an individual by the State of domicile, in accordance with the standards contained in this part, which, when carried with a valid driver's license issued by the same State, authorizes the individual to operate a class of a commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a CMV for which the holder's current CDL is not valid.

"Commercial motor vehicle" (CMV) means a Class A, B, or C commercial motor vehicle, as defined in 47 O.S. §§ 1-107.1, 1-107.2 or 1-107.3, used for training and testing students.

"Course of study" means a course of study in truck driver training, including highway signs, signals, markings and design, rules of the road, state laws, local ordinances, basic driving maneuvers, and safe operation of commercial motor vehicles on streets and highways.

"Department" means the Department of Public Safety.

"Driver training instructor" means a qualified commercial truck driver training instructor who is certified by the Department of Public Safety to instruct students desiring to apply for a commercial truck driver license at an approved commercial truck driver training school.

"Endorsements" means credentials placed on valid licenses or certificates, or both, to indicate that the holder is eligible to teach specific subjects. An endorsement qualifies the holder to teach a full day in the subject of the endorsement.

"Examination" means the skills portion of the examination for a commercial driver license which shall test the ability of the applicant to operate a commercial motor vehicle and shall be administered on the premises of a certified location by a third-party examiner employed by that school. "Examination" shall also mean: an examination to upgrade the current commercial driver license of a driver license applicant.

"Federal Motor Carrier Safety Administration" means the United States Department of Transportation Office of Motor Carrier Safety, 300 N. Meridian, Suite 106 North, Oklahoma City, Oklahoma 73107, (405) 605-6047.

"Third-party examiner" means a Department of Public Safety certified examiner employed by a school who has been approved by the Department of Public Safety to administer, at a certified location, the skills test examination, as defined in this section for a commercial driver license. A third-party examiner is not and shall not be construed or purported, either explicitly or by implication, to be an employee of the Department of Public Safety.

"Third-party examiner bond" means a bond in an amount determined by the State to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL. Exception: A third party examiner that is a government entity is not required to maintain a bond.

595:11-11-4. School licenses and driver training instructor permits

A school license shall be required for schools who offer instruction to entry level truck driver trainees who do not possess a valid commercial driver license. An instructor permit shall be required for instructors who teach truck driver training.

(1) Schools - original application.

(A) All applications for an original school license shall be made on a form provided by the Department. The term of each original school license shall be for a period of one (1) year.

(B) Each application for an original school license shall be accompanied by:

(i) a fee of Five Thousand Dollars (\$5,000.00), which shall be paid to the Department by money order, cashier's check, or business/personal check.

(ii) a certification of bond sufficient to pay for re-testing drivers in the event of fraudulent activities by a third party examiner.

(iii) a certificate of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage.

(iv) the make, model and vehicle identification number of each commercial motor vehicle used for training and testing purposes, and

(v) a sample copy of each type of contract or agreement which the school shall enter into with employees.

(C) No license fee shall be refunded in the event the license is rejected, suspended or revoked by the Commissioner of Public Safety.

(D) All applications shall be approved by the Department before a school shall be permitted to open for business.

(E) Every operator of a school shall be required to have an instructor permit.

(F) Application for a school license may be obtained:

(i) upon request by mail from the Department of Public Safety, CDL Program Administration,

P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, or

(ii) on the world wide web at www.dps.state.ok.us/forms

(G) All schools shall meet the requirements of OAC 595:11-7-13.

(2) Schools - renewal application.

(A) All applications for a renewal school license shall be made on a form provided by the Department of Public Safety. The term of each renewal school license shall be for a period of one (1) year.

(B) Each application for a renewal school license shall be accompanied by:

(i) a fee of Five Thousand Dollars (\$5000.00), which shall be paid to the Department by money order, cashier's check, or business/personal check,

(ii) a schedule of fees and charges, if any changes have been made since the last license issuance,

(iii) a certificate of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage,

(iv) the make, model and vehicle identification number of each commercial motor vehicle used for training and testing purposes,

(v) a sample copy of each type of contract or agreement which the school shall enter into with employees, and

(vi) a certification of bond sufficient to pay for re-testing drivers in the event of fraudulent activities by a third party examiner

(C) All application forms for renewal school licenses shall be mailed by the Department to each school no later than October, 1 every year. Each school desiring to renew shall submit an application to the Department no later than October 15 of each year. If application for renewal is not received by the required date and the Department is unable to process and approve the application by December 31, the commercial school shall cease operation on January 1 of the year application for renewal is processed and approved by the Department.

(3) Driver Training Instructors - original applications.

(A) All applications for an original instructor permit shall be made on a form provided by the Department. The term of an original instructor permit shall be for a period of no more than one (1) year. An instructor shall make application for each school location where he or she will be instructing. An instructor permit for a particular school shall become invalid upon termination of employment with that school. If an instructor accepts employment with another school or schools, an instructor permit shall not be transferable, and the instructor shall apply for an original license for each school where he or she is employed.

(B) Each application for an original instructor permit shall be accompanied by:

(i) documentation required by OAC 595:11-7-4, and

(ii) a fee of Twenty Five Hundred Dollars (\$2500.00), which shall be paid to the Department by money order, cashier's check, or business/personal check. If the instructor is licensed at multiple schools with the same owner, only one (1) fee of Twenty Five Hundred Dollars (\$2500.00) shall be paid.

(4) Driver Training Instructors - renewal applications.

(A) All applications for a renewal instructor permit shall be made on a form provided by the Department. The term of each renewal instructor permit shall be for a period of one (1) year. An instructor shall make application for each school location where he or she will be instructing. An instructor permit for a particular school shall become invalid upon termination of employment with that school. If an instructor accepts employment with another school or schools, an instructor permit shall not be transferable, and the instructor shall apply for an original license for each school where he or she is a new employee.

(B) Each application for a renewal instructor permit shall be accompanied by:

(i) documentation required by OAC 595:11-7-4, and

(ii) a fee of Twenty Five Hundred Dollars (\$2500.00), which shall be paid to the Department by money order, cashier's check, or business/personal check. If the instructor is licensed at multiple schools with the same owner, only one fee of Twenty Five Hundred Dollars (\$2500.00) shall be paid.

(C) Any instructor who allows his or her instructor permit to lapse or expire without renewal shall reapply as if for an original instructor permit.

595:11-11-5. Qualifications for instructors

An instructor employed by a school shall submit to the Department of Public Safety, upon application, proof of the following:

(1) current employment by a school which offers a prescribed course of study;

(2) possessing a valid Oklahoma commercial driver license, with proper class and endorsements commensurate with type or types of vehicles and endorsements which are the subject of instruction;

(3) being at least twenty-one (21) years of age;

(4) having never been convicted of a felony as evidenced by a nationwide criminal background check certified within the immediately preceding thirty (30) days;

(5) if applicable, having driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving related conviction or for Department action related to driving under the influence or driving while impaired.

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If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;

(6) having not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;

(7) having not more than five (5) point violations on the driving record;

(8) having no administrative action pending at the Department pursuant to 47 O.S. §§ 753, 754, or 754.1;

(9) having a high school diploma or general education diploma; and

(10) having three (3) years verifiable driving experience in the type of vehicle or vehicles used by the school for instructional purposes.

595:11-11-6. Requirements for certification as a third-party examiner

(a) **Requirements and application for certification.** An employee of the applicant company may apply for certification as a third-party examiner. The applicant shall meet the following requirements:

(1) Meet all the requirements for a Driver License Examiner of the Department pursuant to 47 O.S. § 2-106(c) and (d).

(2) Complete an application provided by the Department [see OAC 595:11-11-13] and submit a nationwide criminal background check certified within the immediately preceding thirty (30) days.

(3) Each application for a third party examiner shall be accompanied by a fee of Twenty Five Hundred Dollars (\$2500.00), which shall be paid to the Department by money order, cashier's check, or business/personal check.

(4) Be employed by a certified school.

(5) Have and maintain throughout the time period to be covered by the certification a valid Oklahoma commercial driver license for the class or classes of vehicle, including any endorsement or endorsements, for which the applicant desires to administer examinations; provided, the applicant shall not be required to have a hazardous materials endorsement (endorsement H).

(6) Successfully complete a course of instruction prescribed by the Department [see 595:11-11-8].

(7) Meet the same vision standards as for Driver License Examiners of the Department pursuant to OAC 595:10-11-7 and 49 C.F.R. § 391.41.

(8) Have full use of both upper and lower extremities.

(9) Agree to submit examination reports to the Department by electronic means immediately upon completion of each examination.

(10) Applicant cannot be certified for both Instructor and Third Party Examiner. Therefore must forfeit his or her commercial instructor license if certified as a Third Party Examiner. Fee's will not be transferrable or refundable and Instructor certificate shall be surrendered. The instructor will no longer be allowed to conduct any training after surrender of certificate.

(b) **Ineligibility based upon driving record or criminal record.** Third Party Examiner shall be deemed to be ineligible for certification as a third-party examiner upon evidence of a record of any of the following convictions:

(1) Two (2) or more convictions for a moving traffic offense within the twelve (12) months immediately preceding the application.

(2) Any alcohol- or drug-related conviction requiring the Department to revoke, suspend, or disqualify the examiner's driving privilege within the five (5) years immediately preceding the application.

(3) Any conviction for any offense which required or will require the Department to take any type of action against the examiner within the three (3) years immediately preceding the application, including, but not limited to:

(A) a warning letter, or

(B) a revocation, suspension, cancellation, denial or disqualification of the examiner's driving privileges.

(4) Any misdemeanor conviction, except for a misdemeanor conviction for a traffic offense, within the five (5) years immediately preceding the application.

(5) Any felony conviction in this state or any other state or country.

(c) **Certification.** Upon acceptance and approval by the Department of the application for certification from a third party examiner, or upon acceptance and approval by the Department of the application for renewal of certification from a third-party examiner, and upon completion to the satisfaction of the Department by the third-party examiner of all other requirements for certification, the Department shall provide the third-party examiner with:

(1) a certificate evidencing approval by the Department as a third-party examiner, which shall be posted at the examination location at the certified school and in full view of the public. The certification will be valid for one (1) year.

(2) an identification card to be carried by the third-party examiner whenever the examiner is administering an examination.

(3) an official seal to be used by the third-party examiner as provided in OAC 595:11-11-20.

(4) CDL Examiner's manual.

(5) Score sheets. Under no circumstances is a third party examiner permitted to release copies of any Skills Test Score Sheet, Scoring Criteria, Exercise Dimensions, etc. to anyone other than a Department CDL examiner; or post to any website/public domain. All materials related to CDL Skills Testing for both class and endorsements must be kept secure. Failure to do so will result in termination from the program.

(d) **Renewal of certification.**

(1) A certified third-party examiner shall be eligible for renewal of certification if the examiner:

(A) submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year [see 595:11-11-13];

(B) submits a nationwide criminal background check certified within the immediately preceding thirty (30) days;

(C) Each application shall be accompanied by a fee of Twenty Five Hundred Dollars (\$2500.00), which shall be paid to the Department by money order, cashier's check, or business/personal check;

(D) is currently employed by a certified school;

(E) currently meets the requirements and standards of the Department as prescribed by this Subchapter; and

(F) administered fifteen (15) or more examinations within the twelve (12) months immediately preceding the application for renewal of certification.

(2) Any third-party examiner who does not qualify for renewal of certification may apply, after a period of at least one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a third-party examiner and shall meet all requirements as for an initial application for certification as a third-party examiner.

595:11-11-7. Review of all required files kept by instructors, third party examiner's and licensed schools

(a) Periodic review of all instructor, third party examiner's and school files shall be conducted by the Department to determine whether the instructor, third party examiner and the school remain in compliance with the rules of this Subchapter. Failure to remain in compliance will result in cancellation, suspension or revocation of instructor, third party examiner, or the school license, as applicable, by the Department.

(b) When an instructor or third party examiners driving record reflects four (4) points, he or she may be issued a warning letter by the Department and instructed that additional entries may result in cancellation of his or her certification.

595:11-11-8. Course of instruction for certification as a third-party examiner

(a) An applicant who desires to apply for certification as a third-party examiner shall enroll in and successfully complete a course of instruction as determined by the Department before the applicant will be considered for approval and certification as a third-party examiner. The curriculum shall include, but not be limited to, the following subjects:

- (1) Examination standards and scoring.
- (2) Forms and reports.
- (3) Oklahoma statutes.
- (4) Department rules.
- (5) Federal regulations.
- (6) Hands-on pre-tripping [see 595:11-3-8 relating to pre-trip inspections].
- (7) Behind-the-wheel driving.
- (8) Records and recordkeeping.

(b) The third-party examiner will be required to certify with American Association of Motor Vehicle Administrators as a

Commercial Certified Examiner. All fee's incurred will be paid by the third party examiner.

(c) The dates and locations of courses of instruction shall be determined by the Department.

595:11-11-9. Insurance

(a) A school shall be insured, by an insurance company licensed to do business in this state, with a commercial liability insurance policy for each commercial motor vehicle used to conduct behind-the-wheel instruction. The minimum amount of insurance shall consist, for any one collision, of at least Fifty Thousand Dollars (\$50,000.00) for bodily injury to or death of one person; One Hundred Thousand Dollars (\$100,000.00) for bodily injury to or death of two or more persons; and Fifty Thousand Dollars (\$50,000.00) for damage to property. The above coverage shall be carried on each vehicle used by the school for driver training purposes.

(b) Each school shall send a copy of the certificate of insurance when applying for the school's original or renewal license. If insurance coverage expires between school renewal certification periods, the school shall send a current copy of the certificate of insurance to the Department.

(c) In the event the insurance coverage is canceled, a copy of the written notice of cancellation shall be forwarded immediately to the Department by registered or certified mail. Behind-the wheel instruction shall be immediately suspended until proper verification of insurance coverage is provided to the Department of Public Safety.

595:11-11-10. Requirements for schools and classrooms

The school shall:

(1) have at least one (1) permanent classroom. Each classroom shall be used exclusively for classroom instruction during the time of instruction. A classroom shall not be located in:

- (A) a residence or residential facility or complex;
- (B) a motor vehicle, or converted motor vehicle;
- (C) a hotel or motel; or
- (D) any other facility which has a bar, lounge, or other business which sells alcohol for public consumption on the premises.

(2) display its current and valid school license in the licensee's principal place of business at all times when classes are in session. The license or a copy of the license shall also be made available for inspection to students or prospective students;

(3) comply with local municipal ordinances regarding lighting, heating, ventilation, and restroom facilities; and
(4) have adequate room for equipment such as chalkboard, projector, tables and chairs for the number of students enrolled in the class being taught.

595:11-11-11. Specification for commercial motor vehicles

(a) Commercial motor vehicles used in training/skills test shall meet the minimum safety standards in the most recent

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edition of the "North American Standard Out-of-service Criteria" 2016 Edition, as published annually by the Commercial Vehicle Safety Alliance. Vehicles found in violation of these standards shall not be used for training/skills test.

(b) All students and instructors shall comply with the Oklahoma Mandatory Seat Belt Use Act, 47 O.S. §§ 12-416 through 12-420, whenever the vehicle is in operation.

(c) Signs shall be placed on each vehicle used in training, as follows:

(1) Each truck-tractor and trailer shall be marked on each side and on the rear with a sign bearing the words: "TRUCK DRIVER TRAINING."

(2) Each trailer shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE."

(3) Each vehicle used for instruction of truck driver training/skill test shall be marked on each side and on the rear with the words "STUDENT DRIVER" with letters no less than two (2) inches in height.

(4) Any additional signs and markings shall not be placed on the vehicle without prior approval by the Department.

(d) All commercial motor vehicles shall be used only for the purpose of driver training/skill test and no school shall accept payment in any way for services rendered from use of the vehicle.

(e) Notification must be emailed to CDL Coordinator or his/her designee, in regards to equipment being removed from inventory within 24 hours of removing equipment. A notification will be required within 24 hours if a testing vehicle is put out of service for mechanical issues.

595:11-11-12. Prescribed course of study for commercial truck driver training

A prescribed course of study commercial truck driver training shall be designed to develop knowledge of those provisions of the Title 47 of the Oklahoma Statutes, other laws of this state, and federal laws and regulations relating to the operation of commercial motor vehicles; acceptance of personal responsibility in traffic; appreciation of the causes, seriousness, and consequences of traffic collisions; and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. In addition, each course of study shall meet the minimum training requirements, as found in 49 CFR Part 380:

(1) Commercial truck driver curriculum for entry-level instruction for novice truck drivers, including but not limited to:

(A) Section 1 - Basic Operations.

(i) Unit 1.1 - Orientation.

(ii) Unit 1.2 - Control systems.

(iii) Unit 1.3 - Vehicle inspection.

(iv) Unit 1.4 - Basic control.

(v) Unit 1.5 - Shifting.

(vi) Unit 1.6 - Backing.

(vii) Unit 1.7 - Coupling and uncoupling.

(viii) Unit 1.8 - Proficiency development.

(B) Section 2 - Safe Operating Practices.

(i) Unit 2.1 - Visual search.

(ii) Unit 2.2 - Communication.

(iii) Unit 2.3- Speed management.

(iv) Unit 2.4- Space management.

(v) Unit 2.5- Night operations.

(vi) Unit 2.6- Extreme driving conditions.

(vii) Unit 2.7- Proficiency development.

(C) Section 3 - Advanced Operating Procedures.

(i) Unit 3.1-Hazard perception.

(ii) Unit 3.2-Emergency maneuvers.

(iii) Unit 3.3-Skid control and recovery.

(iv) Unit 3.4-Special situations.

(D) Section 4 - Vehicle Maintenance.

(i) Unit 4.1 - Vehicle systems.

(ii) Unit 4.2 - Preventative maintenance and servicing.

(iii) Unit 4.3 - Diagnosing malfunctions.

(E) Section 5 - Non-Driving Activities.

(i) Unit 5.1 - Handling cargo.

(ii) Unit 5.2 - Hours of service.

(iii) Unit 5.3 - Crash procedures.

(iv) Unit 5.4 - Trip planning.

(v) Unit 5.5 - Miscellaneous topics.

(2) Commercial truck driver curriculum for refresher and recertification classroom instruction for experienced truck drivers, including but not limited to:

(A) Introduction.

(B) Defensive driving tactics.

(C) Uniform Vehicle Code (Title 47 of the Oklahoma Statutes).

(D) Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration, 49 C.F.R. Parts 383 and 390 through 399.

(E) Techniques of first aid (Instructor must have valid First Aid Instructor's Card).

(F) Driver attitude.

(G) Fire prevention and fire fighting.

(H) Map reading and routing.

(I) Credentials, including:

(i) Cab cards.

(ii) Port of entry.

(iii) Size and weights permits.

(iv) Elective of cargo handling.

(J) Training in preparation for written examination, pre-trip inspection and examination, and air brake examination.

595:11-11-13. Third party skills examination requirements and standards

(a) Eligibility. To be eligible for a skills examination, a commercial driver license applicant shall successfully complete, prior to the examination, a formal course of instruction, as submitted to and approved by the Department, by the institution where the examination will be administered.

(b) Application. Before an examination may be given to an applicant by a third-party examiner, the applicant must submit to the examiner an Oklahoma commercial driver license application (DPS Form DL-18).

(c) **Physical qualifications.** Prior to any examination, an applicant shall be provided with a copy of the physical qualifications for commercial motor vehicle drivers from the Federal Motor Carrier Safety Regulations [49 C.F.R. § 391.41].

(d) **Standards.** Current minimum standards for the examination of an applicant for a commercial driver license, as set forth in state statutes, Department rules, and federal regulations, shall be provided by the Department to all certified schools and third-party examiners.

(e) **Skills examination requirements.** The skills examination for a commercial driver license administered by a third-party examiner shall:

(1) include all specified maneuvers as required by the Department [OAC 595:11-3-9] and the Federal Motor Carrier Safety Act [49 C.F.R. § 383].

(2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. § 383].

(g) **notice of skills examination.** A notice of the examination schedule shall be submitted electronically through Commercial Skills Testing Information Management System to the CDL Coordinator or his or her designee no later than three full (3) business days prior to the initial examination and forty-eight (48) hours prior to a retest that will be administered by a third-party examiner.

(h) **Location of examination.** All examinations shall be administered on the route approved for the certified school employing the third-party examiner.

(i) **Limitation on number of examinations.** Not more than six (6) examinations per day shall be administered by a third-party examiner without prior written consent of the CDL Program Administration.

(j) **Examination reports.** Reports of examination activity by third-party examiners shall be submitted electronically through CSTIMS immediately upon the completion of each examination by the close of business on the testing day.

(k) **Monthly Examination reports.** A monthly report of examination activity by third-party examiners shall be submitted through email by the 10th day of the following month. The report will be emailed to the CDL Coordinator or his or her designee.

595:11-11-14. Failed examinations and reexamination

(a) If the commercial driver license applicant/student fails an examination administered by a third-party examiner, the third-party examiner may administer the examination to the applicant up to two (2) additional times. The third-party examiner shall wait the required amount of time before reexamining the applicant. If the applicant fails any section of the examination three (3) times, the third-party examiner shall refer the applicant to the Department for any further examination.

(b) The third-party examiner shall:

(1) record each failed examination on the application form DL-18 [OAC595:11-11-13(e)];

(2) within the same day of examination, each failed exam must be reported to the Department by emailing the

CDL Coordinator or his or her designee, and electronically through CSTIMS immediately upon completion of each exam.

(3) not administer a reexamination to the same student that has failed any part of the examination until the next business day.

595:11-11-15. Inspection of school premises and commercial motor vehicles

A school shall allow the Department, the Federal Motor Carrier Safety Administration, or their representatives, to conduct examinations, inspections and audits of premises and commercial motor vehicles without prior notice. The commercial schools shall, agree to:

(1) meet minimum examination standards required by the Department and by the Federal Motor Carrier Safety Regulations [49 C.F.R. §383];

(2) allow access to school facilities by the Department and by the Federal Motor Carrier Safety Administration for the purpose of monitoring examinations and examining records;

(3) comply with the Oklahoma Open Records Act with regard to records kept pursuant to this Subchapter;

(4) maintain security of examination documents and related material as deemed necessary by the Department;

(5) ensure all examinations are administered by a third-party examiner;

(6) ensure third-party examiners administer the examination only to driver license applicants who:

(A) are verified employees and successfully completed a formal course of instruction, as submitted to and approved by the Department, at the institution where the third-party examiner is employed and certified, and

(B) have a commercial learner permit and driver license issued by Oklahoma. The commercial learner permit must be issued at least fourteen (14) days prior to testing;

(7) ensure no person acts as a third-party examiner without current certification from the Department;

(8) provide immediate written notification to the Department of any impropriety or misconduct of any third-party examiner employed by the school;

(9) acknowledge that the Department reserves the right to take prompt and appropriate remedial action against the certification of any school or of any third-party examiner in the event that the school or the third-party examiner fails to comply with:

(A) any state law, Department rule, or federal regulation regarding the examination of an applicant for a commercial driver license, or

(B) any terms of the appropriate memorandum of understanding or of a subsequent contract or agreement entered into pursuant to the memorandum of understanding;

(10) maintain records of all third-party examiners employed by the school and copies of all documents relating to examinations administered for a period of not less than

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three (3) years; provided, if a school discontinues doing business, the school shall send to the Department a roster of all students who were administered examinations by the school during the immediately preceding three (3) years;

(11) immediately notify the Department by telephone, followed by written notification within five (5) days, of the termination of employment of any third-party examiner. The official seal of the Department, and the certificate and identification card issued by the Department to the third-party examiner shall be returned to the Department with the written notification;

(12) immediately notify the CDL Coordinator within the Commercial Driver License Program Administration of the Department by telephone or first-class mail of every fraudulent application made to obtain a commercial driver license; and

(13) acknowledge that the Department reserves the right to randomly reexamine applicants tested by third-party examiners for purposes of quality assurance.

595:11-11-16. Records to be maintained by certified schools and third-party examiners

(a) **Certified schools.** A certified school shall be responsible for maintaining all records pertaining to:

- (1) the certification of the school;
- (2) third-party examiners currently employed by the school;
- (3) the certification of each third-party examiner;
- (4) third-party examiners employed by the school for the immediately preceding three (3) years;
- (5) examination certificates and scoresheets for each examination administered;
- (6) Form DL-18;
- (7) class rosters for classes conducted or certificate of completion;
- (8) commercial learner permits and Oklahoma base license;
- (9) examinations and the scores of those examinations; and
- (10) records of previously certified third-party examiners.

(b) **Third-party examiner.** A third-party examiner shall be responsible for assisting the school in the maintenance of records described in OAC 595:11-11-16(a).

(c) **Records.** All records shall be kept at the school for a period of three (3) years and shall be open for audit and inspection by the Department and the Federal Motor Carrier Safety Administration. An employee of any of the aforementioned entities shall not be required to give prior notice before appearing to examine the records of a certified school or a third-party examiner.

595:11-11-17. Records to be maintained at the Department

(a) **School records.** The following records shall be maintained by the Department at its headquarters for each certified school, for each previously certified school, which submitted

an application for certification, whether the application was approved or denied by the Department:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) Current third-party examiners employed by the certified school.
- (4) Former third-party examiners employed by the certified school within the last three (3) years.
- (5) Annual quality inspection reports.
- (6) Complaints received.
- (7) Commendations received.
- (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to skills examinations.
- (9) Correspondence.
- (10) Expired certifications.
- (11) Canceled, suspended or revoked certifications.
- (12) Audits.

(b) **Third-party examiner and driver training instructor records.** The following records shall be maintained by the Department at its headquarters for each third-party examiner and for each driver training instructor who submitted an application for certification as a third-party examiner, whether the application was approved or denied certification by the Department:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) The name of the certified school employing the examiner or instructor.
- (4) The name of any certified school which employed the examiner within the last three (3) years.
- (5) Annual quality inspection reports.
- (6) Complaints received.
- (7) Commendations received.
- (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to driver license examination.
- (9) Correspondence.
- (10) Expired certifications.
- (11) Canceled, suspended or revoked certifications.
- (12) Individual files of audits.
- (13) Examination Activity Reports.

(c) **Third-party examiner list.** In addition to the records specified in paragraphs (a) and (b) of this Section, the Department shall make available to the public upon request a list of all current third-party examiners and certified schools.

595:11-11-18. Agreements and schedule of fees

(a) A sample copy of each type of contract or agreement which the school must enter into with students shall be submitted to the Department with the application for an original or renewal license.

(b) Prior to enrollment or payment of fees, each prospective student shall be provided the following information, in writing:

- (1) the type of instruction offered, whether classroom or behind-the-wheel, or both;
- (2) the length of the course of study and the length of each lesson;
- (3) the cost of the course of study, or the cost per lesson, as applicable to the fee structure of the school;
- (4) the terms of payment and disclosure of any interest charged; and
- (5) a statement indicating the specific date and time when instruction is to start.

(c) The complete schedule of fees shall be posted in easy view of employees and prospective students.

(d) If any school fails to comply with the provisions of this Subchapter, the school shall refund, on a prorated basis, all monies collected from the student.

595:11-11-19. Records to be maintained by the commercial school

(a) Each school shall maintain a computer spreadsheet, setting forth the name of the school; the name of each student; the contract or agreement number for each student; the type and date of instruction given, whether classroom or behind-the-wheel, for each student. If written, all entries shall be made in ink. This record shall be on a daily time sheet form approved by the Department and initialed by each student for verification.

(b) All student instruction records for classroom and behind-the-wheel instruction and a duplicate copy of each contract or agreement entered into between the school and the student (the original shall be given to the student) shall be kept on file in the office of each school for a period of three (3) years after the student has concluded instruction at or with the school. Each school shall furnish the student, if requested, an exact copy of his or her instruction record when all of the contracted courses are completed or the student otherwise ceases taking instruction at or with the school. If a school discontinues doing business, the school shall send to the Department a roster of all students who attended the school during the immediately preceding three (3) years, with each student identified as to whether the student successfully completed or did not successfully complete the course of study.

(c) The student instruction record shall contain a copy of a receipt for any monies paid to the school by the student. The receipt shall contain:

- (1) The name of the school,
- (2) The name of the student,
- (3) The date of payment,
- (4) The amount of payment, and
- (5) The signature of the person receiving the payment.

(d) The student instruction record maintained by the school shall be available at all times for inspection and/or copying by an authorized representative of the Department.

(e) A copy of the student's completion certificate, in a preprinted format prescribed by the Department, shall be provided and issued by the school to each student upon the successful completion of course work (both classroom and behind-the-wheel). The certificate shall contain, at a minimum, the following:

- (1) Name of the school,
- (2) Full legal name of student,
- (3) Number of total hours of instruction,
- (4) Date of completion,
- (5) Signature of administrator (a stamped signature is acceptable),
- (6) Medical examiner's certificate,
- (7) Copy of the student's valid driver license and commercial learner permit, and
- (8) Copy of proof of Oklahoma residency, such as a utility bill or Government form bearing the name and address of the student.

595:11-11-20. Official seal

(a) The Department will provide its official seal to each third-party examiner. The certified school shall provide its official seal to each third-party examiner it employs. The seals shall be imprinted upon each approved Oklahoma Commercial Driver License Application (DPS Form DL-18) signed by the third-party examiner as a part of the examiner's verification of each passed skills examination administered to the applicant whose name appears on the application form.

(b) If the third-party examiner does not renew certification as a third-party examiner, or leaves the employment of or is terminated from employment by the certified school, the official seal of the Department shall be surrendered by the examiner to the school. The school shall ensure the official seal of the Department is surrendered to it by the third-party examiner. The school shall immediately notify the Department by telephone of the status of the third-party examiner and shall, within five (5) days, return the official seal of the Department along with written notification of the status of the examiner.

595:11-11-21. Certified schools prohibited acts; conduct

A certified school shall not:

- (1) permit to be used any form of alcoholic beverage or drugs in, on or about the school premises, including the examination route, or in any commercial motor vehicle being used for the purpose of administering a skills examination.
- (2) require or permit the administration of an examination to any commercial driver license applicant with any physical handicap. The third-party examiner shall direct these individuals to a Department Examiner.
- (3) require or permit the administration of an examination to any person who has not enrolled in and successfully completed a course at the school, as submitted to and approved by the Department. The third party examiner shall not administer the skills test to applicants he or she has instructed in the classroom and/or in behind the wheel training.
- (4) require or permit any person other than a third-party examiner employed by the school to administer any examination.
- (5) require or permit the administration of an examination in a vehicle required to be placarded for hazardous materials.

Emergency Adoptions

(6) commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state or federal regulations governing third-party examiner certification.

(7) train on the Skills examination test route.

595:11-11-22. Third-party examiner - prohibited acts

A third-party examiner shall not:

(1) use or permit to be used any form of alcoholic beverage or drugs in, on or about the school premises, including the examination route, or in any commercial motor vehicle being used for purpose of administering a skills examination.

(2) administer an examination to any commercial driver license applicant with any physical handicap.

(3) administer an examination to any person who has not enrolled in and successfully completed a course at the certified school employing the third-party examiner, as submitted to and approved by the Department.

(4) administer an examination to any person who has not been issued and does not possess a commercial learner permit (issued at least fourteen (14) days prior to the date of the examination) for the class of vehicle in which the examination is to be given.

(5) administer an examination in a vehicle required to be placarded for hazardous materials.

(6) administer an examination to any person related by consanguinity (by blood relation) or affinity (by marriage) within the third degree, or to any person who is not enrolled in or has enrolled in and completed a course of study, as defined in OAC 595:11-7-2, from the school which employs the examiner.

(7) accept any present or favor from an applicant or any other person who has or may have an interest in the outcome of an examination, or accept any employment which represents a conflict of interest to the examination process.

(8) use the third-party examiner position for any personal advantage.

(9) commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state or federal regulations governing third-party examiner certification.

(10) attempt to conduct either classroom training or any portion of the skills test.

(11) administer an examination to any student that has not completed a course of study, as defined in OAC 595:11-11-3, from the third-party examiner's employing school.

(12) Under no circumstances is a third party examiner permitted to release copies of any Skills Test Score Sheet, Scoring Criteria, exercise dimensions, etc., to anyone other than a DPS CDL examiner; or post to any website/public domain. All materials related to CDL Skills Testing for both class and endorsements must be kept secure. Failure to do so will result in termination from the program.

595:11-11-23. Third-party examiner - conduct

A third-party examiner shall:

(1) Recognize that his or her position is of the highest public trust and that, on the wisdom of his or her decision, the lives of many people may depend.

(2) Impartially administer all official duties without regard to race, creed, position, or influence, according no applicant more favorable treatment than any other.

(3) Conduct each examination in a manner which reflects:

(A) its importance to society;

(B) its seriousness to the individual; and

(C) the unquestioned competence of the examiner.

(4) Exercise only the legal authority as has been duly vested in the position of a third-party examiner; and

(5) Fully appreciate and fulfill the responsibilities of his or her certification in order to strengthen public confidence in the training and examination of commercial driver license applicants.

595:11-11-24. Commercial instructor-prohibited acts; conduct

(a) No school owner, agent, instructor, or employee shall:

(1) instruct on or near the skills examination route used by the Department of Public Safety;

(2) receive, distribute, or use, for any purpose, any test or examination designed or used by the Department;

(3) use, or permit to be used, any form of alcoholic beverage or drugs in, on or about the premises of the school or a commercial motor vehicle being used for truck driver training;

(4) engage in any conduct involving moral turpitude; or

(5) commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state governing driver training.

(b) Instructors shall at all times be cognizant of their primary obligation to render impartial, efficient, and effective service to the public in the discharge of their duties and to always regard their position as a public trust.

595:11-11-25. Termination of contracts and agreements

Contracts and agreements entered into by the individual certified school and the Department may be terminated by either party, by giving written notice to the other party, stating cause or reason for termination, as provided by the applicable memorandum of understanding.

595:11-11-26. Withdrawal or denial of certification

(a) The Commissioner of Public Safety may: cancel, suspend, revoke, or refuse to renew the certification of a certified school, commercial instructor or third-party examiner for failure to comply with any provisions of state law, federal regulation, or Department rule.

(b) Any applicant who is denied an instructor or third party examiner certificate or whose certificate is suspended by the

Department of Public Safety shall receive written notice of reason for denial, suspension, or revocation and be given an opportunity for hearing pursuant to OAC 595:1-3. In accordance with the rules of this Subchapter, an instructor or third party examiner certificate shall be suspended or revoked upon failure to remain in compliance with driving record requirements or for other good cause as determined by the Department.

(c) Where it is determined that a minor disqualification exists which may readily be rectified by the school, instructor or third-party examiner, the Department may informally notify the party by mail, email or telephone of the minor disqualification or violation, with a request for compliance within a specified period of time. If the party fails to rectify the disqualification or violation, the Department may proceed to deny, suspend, revoke or cancel certification.

(d) The Department may deny or cancel certification of any instructor, certified school, or third-party examiner for a minimum of one (1) year and no more than five (5) years when it is determined and good cause appears that the instructor, school, or examiner demonstrated willful disregard of the rules established in this Subchapter or committed other negligent acts.

(e) Any fraudulent activity committed by any instructor, certified school, or third party examiner will result in an automatic lifetime suspension and possible criminal charges.

595:11-11-27. Hearings

Any party aggrieved under this Subchapter may request a hearing with the Department pursuant to OAC 595:1-3.

[OAR Docket #16-892; filed 12-6-16]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #16-893]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

595:40-1-9. [AMENDED]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

ADOPTION:

October 19, 2016

APPROVED BY GOVERNOR:

December 2, 2016

EFFECTIVE:

Immediately upon the Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

Not applicable

INCORPORATIONS BY REFERENCE:

Incorporated standards:

Motorcycle Safety Foundation Curriculum (MSFC) 16th revision January 2011

Incorporating rules:

595:40-1-9

Availability:

8:00 a.m. to 4:30 p.m., Monday through Friday, Oklahoma Department of Public Safety, Robert R. Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Also available on-line at www.dps.state.ok.us/rules/

FINDING OF EMERGENCY:

These rules are of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and are necessary to comply with the provisions of Oklahoma Statutes.

ANALYSIS:

The change of rule in this section will allow for the most updated Motorcycle Safety Foundation Curriculum to be used as the prescribed course of study.

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: tsherman@dps.state.ok.us

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

SUBCHAPTER 1. DRIVER EDUCATION INSTRUCTION

595:40-1-9. Prescribed course of study

(a) A prescribed course of study of Driver Education shall be designed to develop knowledge of those provisions of the Oklahoma Vehicle Code and other laws of this state relating to the operation of motor vehicles, acceptance of personal responsibility in traffic, appreciation of the causes, seriousness, and consequences of traffic collisions, and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

(b) Public Schools must be in compliance with Oklahoma State Board of Education rules and regulations. Non public/Commercial schools must meet the following requirements:

(1) Students must be at least fifteen (15) years of age and regularly enrolled and certified by the instructor as taking a prescribed driver education course, certified by the Department of Public Safety.

(2) Private and Parochial students shall receive a minimum of thirty (30) hours of classroom instruction and a minimum of six (6) hours of actual driving in the Driver Education vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor.

(3) Each commercial student, except for commercial motorcycle students, shall receive a minimum of ten (10) hours of classroom instruction and a minimum of six (6) hours of actually driving the Driver Education vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor who is occupying the front seat of the vehicle.

(4) Instruction shall include, but not be limited to, the following:

(A) Signs, signals, highway markings and highway design.

Emergency Adoptions

- (B) Rules of the road, state laws, and local ordinances.
 - (C) Driving attitude toward motorcyclists, bicyclists, and pedestrians.
 - (D) Basic driving maneuvers.
 - (E) Operation of motor vehicle on streets and highways.
 - (F) Familiarity with the Oklahoma Driver's Manual, distributed by the Department of Public Safety. Copies of this manual are available at motor license agencies or online at www.dps.state.ok.us/dls/.
 - (G) Insurance laws of the State.
 - (H) Financial responsibility.
 - (I) Seat belt use and laws.
 - (J) Effects of natural laws on driving.
 - (K) Alcohol and drug substance abuse and the effect on driving.
 - (L) Basic vehicle maintenance including fluid levels, tire pressure and lighting systems.
 - (M) Skills:
 - (i) Starting.
 - (ii) Backing.
 - (iii) Parallel parking.
 - (iv) Hill parking.
 - (v) Starting on hill.
 - (vi) Intersection movement and observance.
 - (vii) Lane observance and changing.
 - (viii) Left and right turns.
 - (ix) Pedestrian and vehicle right-of-way.
 - (x) Proper use of automatic and/or standard transmission.
 - (xi) Use of brake and accelerator.
 - (xii) Traffic lights or signals.
- (5) All passengers, students and instructors in the driver education vehicle shall comply with the Oklahoma Mandatory Seat Belt Use Act, 47 O.S. §§ 12-416 through 12-420, whenever the vehicle is in operation.
- (6) A student roster list must be filed on forms provided for this purpose and approved by the Department of Public Safety before behind-the-wheel instruction begins.
- (7) Driving instruction shall not be conducted within a one mile radius of the Department of Public Safety or any district office thereof.
- (c) The Motorcycle Safety Foundation Curriculum (MSFC) 16th revision January 2011 is hereby adopted by reference, and it ~~which~~ shall be the only course of instruction used by motorcycle education instructors certified by the Department of Public Safety.
- (1) A copy of the curriculum is available at the Department of Public Safety Driver License Examining Division.
 - (2) Every school shall develop written and driving examinations to determine the students knowledge and performance in accordance with the prescribed curriculum.

[OAR Docket #16-893; filed 12-6-16]

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

1:2015-7a.

AMENDED EXECUTIVE ORDER 2015-07

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the Executive Branch Reform Act of 1986, hereby create the Cabinet System. Pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes, it is hereby ordered:

The Cabinet shall be comprised of the following Secretaries:

1. Secretary of Agriculture;
2. Secretary of Commerce and Tourism;
3. Secretary of Education and Workforce Development;
4. Secretary of Energy and Environment;
5. Secretary of Finance, Administration, and Information Technology;
6. Secretary of Health and Human Services;
7. Secretary of the Military;
8. Secretary of Safety and Security;
9. Secretary of Science and Technology;
10. Secretary of State;
11. Secretary of Transportation;
12. Secretary of Veterans Affairs; and
13. Secretary of Native American Affairs.

The **Secretary of Agriculture** shall be responsible for the following executive entities or their successors:

Agriculture, State Board of, and Agriculture, Food and Forestry, Department of
Apiary Committee
Boll Weevil Eradication Organization
Commodity Commissions and entities (Peanut, Oilseed, Sheep and Wool, Sorghum and Wheat)
Conservation Commission, Oklahoma
Emergency Drought Commission
Horse Racing Commission, Oklahoma
Industry Advisory Committee
South Central Interstate Forest Fire Protection Compact and Advisory Committee
Southern Dairy Compact
Standards, Bureau of
Veterinary Medical Examiners, State Board of

The **Secretary of Commerce and Tourism** shall be responsible for the following executive entities or their successors:

1921 Tulsa Race Riot Memorial of Reconciliation Design Committee
African-American Centennial Plaza Design Committee
Alarm and Locksmith Industry Committee
Arts Council, Oklahoma
Commerce, Oklahoma Department of
Employment Security Commission, Oklahoma, and State Advisory Council and Board of Review
Geographic Information Council, State
Greenwood Area Redevelopment Authority
Historic Preservation Review Committee, Oklahoma
Historical Records Advisory Board
Historical Society, Oklahoma
Housing Finance Agency, Oklahoma
Industrial Finance Authority, Oklahoma
J.M. Davis Memorial Commission
Jazz Hall of Fame Board, Oklahoma
Labor Commissioner and Department of Labor
Midwestern Oklahoma Development Authority
Northeast Oklahoma Public Facilities Authority
Office for Minority and Disadvantaged Business Enterprises
Ordinance Works Authority, Oklahoma
Quartz Mountain Arts and Conference Center and Nature Park, Board of Trustees, and Quartz Mountain Arts and Conference Center and Nature Park
Register of Natural Heritage Areas, State
Rural Action Partnership Program
Rural Area Development Task Force
Rural Development, Center for
Sam Noble Museum of Natural History, Oklahoma
Tourism and Recreation Commission, Oklahoma, and Department of Tourism and Recreation
Tourism Promotion Advisory Committee, Oklahoma
Will Rogers Memorial Commission

The **Secretary of Education and Workforce Development** shall be responsible for the following executive entities or their successors:

Accrediting Agency, State
Anatomical Board, State
Career and Technology Education, State Board of, and Department of Career and Technology Education
College and University Boards of Regents or Trustees

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Dyslexia Teacher Training Pilot Program Advisory Committee
Education Commission of the States
Educational Quality and Accountability, Office of, and Commission for Educational Quality and Accountability
Education, State Board of, Superintendent of Public Instruction and State Department of Education
Educational Television Authority (OETA), Oklahoma
Governor's Council for Workforce and Economic Development
Municipal Clerks and Treasurers Division of the Oklahoma Career and Technology Education, Advisory Committee to the Partnership for School Readiness Board, Oklahoma
Physician Manpower Training Commission
Private Vocational Schools, Oklahoma Board of
School and County Funds Management, Commission on
School of Science and Mathematics, Oklahoma Board of Trustees of, and Oklahoma School of Science and Mathematics
State Regents for Higher Education, Oklahoma
Student Loan Authority
Teacher and Leader Effectiveness Commission
Textbook Committee, State
Virtual Charter School Board, Statewide

The **Secretary of Energy and Environment** shall be responsible for the following executive entities or their successors:

Arkansas River Basin Compact Commission, Arkansas-Oklahoma
Arkansas River Basin Compact and Commission, Kansas-Oklahoma
Canadian River Commission
Central Interstate Low-Level Radioactive Waste Compact and Commission
Climatological Survey
Corporation Commission, Oklahoma
Energy Resources Board, Oklahoma
Energy Initiative and Energy Initiative Board, Oklahoma
Environmental Quality Board and Air Quality Advisory Council
Hazardous Materials Emergency Response Commission
Hazardous Waste Management Advisory Council
Radiation Management Advisory Council
Solid Waste Management Advisory Council
Water Quality Management Advisory Council
Department of Environmental Quality
Grand River Dam Authority Board of Directors and Grand River Dam Authority
Geological Survey
Interstate Oil Compact Commission
Liquefied Petroleum Gas (LPG) Board, Oklahoma
LPG Research, Marketing and Safety Commission, Oklahoma
Mining Commission, Interstate
Mining Commission, Oklahoma, and Department of Mines
Miner Training Institute, Oklahoma
Municipal Power Authority Board, Oklahoma
Oil and Gas Compact Commission, Interstate

Red River Compact and Commission, Arkansas-Louisiana-Oklahoma-Texas
Southern States Energy Compact and Southern States Energy Board
Storage Tank Advisory Council
Sustaining Oklahoma's Energy Resources, Committee
Water for 2060 Advisory Council
Water Resources Board, Oklahoma
Well Drillers and Pump Installers Advisory Council
Wildlife Conservation Commission and Department of Wildlife Conservation

The **Secretary of Finance, Administration, and Information Technology** shall be responsible for the following executive entities or their successors:

Abstractors Board, Oklahoma
Accountancy Board, Oklahoma
Alternative Fuels Technician Examiners and Board, Oklahoma
Auditor and Inspector, State
Banking Board, State, and State Banking Department
Bipartisan Legislative Apportionment Commission
Bond Advisor, State
Bond Oversight, Council of
Building Bonds Commission
Capital Investment Board, Oklahoma
Capitol-Medical Center Improvement and Zoning Commission
Capitol Preservation Commission, State
Cash Management Oversight Committee
Compensation and Unclassified Positions Review Board, Oklahoma
Construction Industries Board
Consumer Credit Commission and Department of Consumer Credit
Contingency Review Board
Development Finance Authority, Oklahoma
Electronic and Information Technology Accessibility Advisory Council
Employee Assistance Program, State, and Advisory Council
Employee Insurance & Benefits Board, Oklahoma
Equalization, State Board of
Firefighters Pension and Retirement System and Board
Home Inspector Examiners, Committee of
Incentive Approval Committee
Incentive Awards for State Employees, Committee for
Insurance Commissioner and State Insurance Department
Interstate Cooperation, Oklahoma Commission on
Land Office, Commissioners of the
Law Enforcement Retirement System and Board, Oklahoma
Legislative Compensation, Board on
Life and Health Insurance Guaranty Association and Board of Directors, Oklahoma
Long-Range Capital Planning Commission
Lottery Commission and Board of Trustees, Oklahoma
Management and Enterprise Services, Office of
Manufactured Home Advisory Committee
Market Assistance Association and Board of Directors

Merit Protection Commission
 Motor Vehicle Commission, Oklahoma
 Oversight Committee for State Employee Charitable Contributions
 Pension Commission, Oklahoma State
 Police Pension and Retirement System and Board, Oklahoma
 Program Development and Credit Review Committee
 Public Employees Relations Board
 Public Employees Retirement System and Board, Oklahoma
 Securities Commission, Oklahoma, and Department of Securities
 State Credit Union Board, Oklahoma
 State Governmental Technology Applications Review Board
 Tax Commission, Oklahoma
 Teachers' Retirement System, Board of Trustees of the, and Teachers' Retirement System
 Treasurer, State
 Used Motor Vehicle and Parts Commission, Oklahoma

The **Secretary of Health and Human Services** shall be responsible for the following executive entities or their successors:

Advancement of Wellness Advisory Council
 Agent Orange Outreach Committee
 Alcohol and Drug Counselors, Oklahoma Board of Licensed Alcohol, Drug Abuse and Community Mental Health Planning and Coordination Boards
 Alzheimer's Research Advisory Council
 Athletic Commission, Oklahoma State
 Athletic Trainers Advisory Committee
 Behavioral Health Licensure, Board of
 Blind Vendors, Committee of
 Catastrophic Health Emergency Planning Task Force, Oklahoma
 Cerebral Palsy Commission and J.D. McCarty Center for Children with Developmental Disabilities
 Child Abuse Examination, Board of
 Child Abuse Prevention, Office of
 Child Abuse Prevention, Training, and Coordination Council
 Child Death Review Board
 Children and Youth, Oklahoma Commission on
 Chiropractic Examiners, Board of
 Community Hospitals Authority
 Community Social Services Center Authority
 Cosmetology and Barbering, State Board of
 Consumer Advocacy, Office of
 Consumer Protection Licensing Advisory Council
 Dentistry, Board of
 Dietetic Registration, Advisory Committee on
 Developmental Disabilities Council
 Disability Concerns, Governor's Advisory Committee to the Office of, and Office of Disability Concerns
 Early Childhood Intervention, Interagency Coordinating Council for
 Employment of People with Disabilities, Governor's Advisory Committee on

Faith-based and Community Initiatives
 Food Service Advisory Council
 Funeral Board, Oklahoma
 Group Homes for Persons with Developmental or Physical Disabilities Advisory Board
 Health Care Authority, Oklahoma
 Health Care Information Advisory Committee
 Health, State Board of, and Department of Health
 Home Care and Hospice Advisory Council
 Hospital Advisory Committee, Oklahoma
 Hospital Advisory Council, Oklahoma
 Human Services, Department of
 Infant and Children's Health Advisory Council
 Juvenile Affairs, Board of, and Office of Juvenile Affairs
 Juvenile Justice, State Advisory Group on
 Licensed Social Workers, State Board of
 Long-Term Care Administrators, Oklahoma State Board of Examiners for
 Long-Term Care Facility Advisory Board
 Medical Care for Public Assistance Recipients, Advisory Committee for
 Medical Licensure and Supervision, Board of
 Mental Health and Substance Abuse, Board of, and Department of Mental Health and Substance Abuse
 Mental Health, Interstate Compact on
 Nursing, Board of, and Formulary Advisory Council
 Occupational Therapy Advisory Committee, Oklahoma
 Oklahoma State University Medical Authority
 Optometry, Board of Examiners in
 Osteopathic Examiners, State Board of
 Partnership for Children's Behavioral Health
 Perfusionists, State Board of Examiners of
 Pharmacy, Board of
 Physical Therapy Committee
 Physician's Assistant Advisory Committee
 Placement of Children, Interstate Compact on the
 Podiatric Medical Examiners, Board of
 Post Adjudication Review Advisory Board
 Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases, Interagency Coordinating Council for Coordination of Efforts for
 Psychologists, State Board of Examiners of
 Public Guardian, Office of
 Registered Electrologists, Advisory Committee of
 Rehabilitation Services Commission, Oklahoma Rehabilitation Services, Department of
 Residents and Family State Council
 Respiratory Care Advisory Committee
 Sanitarian and Environmental Specialist Registration Advisory Council
 Santa Claus Commission
 Self-Directed Services Program Committee
 Speech Pathology and Audiology, Board of Examiners for
 Statewide Independent Living Council
 Suicide Prevention Council, Oklahoma
 Tobacco Settlement Endowment Trust Fund Board of Directors
 Trauma and Emergency Response Advisory Council

Executive Orders

Traumatic Spinal Cord and Traumatic Brain Injury, Advisory Council on
University Hospitals Authority
Vulnerable Adult Intervention Task Force

The **Secretary of the Military** shall be responsible for the following executive entities or their successors:

Adjutant General, State
Military Department, Oklahoma

The **Secretary of Safety and Security** shall be responsible for the following executive entities or their successors:

Adult Offender Supervision, Oklahoma State Council for Interstate
Alcohol and Drug Influence, Board of Tests for
Alcoholic Beverage Laws Enforcement
Bureau of Investigation Commission, Oklahoma State, and Oklahoma State Bureau of Investigation
Bureau of Narcotics and Dangerous Drugs Control Commission, Oklahoma State, and Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
Chief Medical Examiner, Office of, and Board of Medicolegal Investigations
Corrections, Department of, and Board of Corrections
Domestic Violence Fatality Review Board
Driver License Compact
Driver's License Medical Advisory Committee
Emergency Management, Oklahoma Department of
Homeland Security Director, Office of
Law Enforcement Education and Training, Council on (CLEET), and CLEET Advisory Council
Motorcycle Safety and Education, Committee for
National Crime Prevention and Privacy Compact Council
Nonresident Violator Compact Board of Administrators
Polygraph Examiners Board
Public Safety, Department of
State Fire Marshal Commission, and State Fire Marshal, Office of
Statewide Nine-One-One Advisory Board

The **Secretary of Science and Technology** shall be responsible for the following executive entities or their successors:

Center for the Advancement of Science and Technology, Oklahoma, and Oklahoma Health Research Committee
Experimental Program to Stimulate Competitive Research Advisory Committee
Science and Technology Council
Science and Technology Research and Development Board, Oklahoma
Space Industry Development Authority, Oklahoma

The **Secretary of State** shall be responsible for the following executive entities or their successors:

Access to Justice Commission, Oklahoma
Archives and Records Commission
Attorney General, Oklahoma
County Government Personnel Education and Training, Commission on
Crime Victims Compensation Board
District Attorneys Council
Election Board, State
Ethics Commission, Oklahoma
Indigent Defense System Board and Appellate Indigent Defender System
Judicial Compensation, Board of
Judicial Complaints, Council on
Judicial Nominating Commission
Library Board, State, and Department of Libraries
Licensed Architects, Landscape Architects and Interior Designers of Oklahoma, Board of Governors of
National Conference of Commissioners on Uniform State Laws Pardon and Parole Board, Oklahoma
Professional Engineers and Land Surveyors, State Board of Registration for
Professional Responsibility Tribunal
Real Estate Appraiser Board
Real Estate Commission, Oklahoma
Real Estate Contract Form Committee, Oklahoma
Secretary of State
Workers' Compensation, Advisory Council on
Workers' Compensation Commission

The **Secretary of Transportation** shall be responsible for the following executive entities or their successors:

Aeronautics Commission
Highway Construction Materials Technician Certification Board
Port Authorities
Tourism Signage Advisory Task Force, Oklahoma
Transportation Commission and Department of Transportation
Transportation County Advisory Board, Department of
Transportation Tribal Advisory Board, Department of
Turnpike Authority, Oklahoma
Waterways Advisory Board

The **Secretary of Veterans Affairs** shall be responsible for the following executive entities or their successors:

Strategic Military Planning Commission, Oklahoma
Veterans Affairs, Department of
Veterans Commission

The **Secretary of Native American Affairs** shall be responsible for the following executive entities or their successors:

Native American Cultural and Educational Authority
Native American Liaison, Oklahoma

It shall be the duty of each board, commission, agency or other entity of the executive branch of state government to facilitate the purposes of this Order and the Executive Branch Reform Act of 1986 and to cooperate fully with designated cabinet secretaries.

The State Chief Information Officer shall remain an appointee of the Governor and an employee of the Office of Management and Enterprise Services pursuant to 62 O.S. §34.11.1. The CIO shall continue to administer the OMES Information Services Division and the statewide plan to reform, streamline, and consolidate the state of Oklahoma's information technology and telecommunications structure, operations, and purchasing procedures in order to reduce the size of government and ensure that essential public services are delivered to Oklahoma taxpayers in the most efficient, cost-effective manner possible. The information technology consolidation has brought positive attention to Oklahoma as a progressive state in the information technology arena and the legislative intent of the consolidation effort remains a priority of this administration.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 12th day of December, 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Mike Hunter
Secretary of State

[OAR Docket #16-908; filed 12-20-16]

1:2016-41.

EXECUTIVE ORDER 2016-41

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution hereby direct the Oklahoma Works Leadership Team (Team) to implement an Educational Attainment Goal for the State of Oklahoma.

Oklahoma will be well-served by establishing the goal of seventy (70) percent of our residents 25-64 years-old having

education training beyond high school by the year 2025. The goal is called Launch Oklahoma. The Team shall develop and recommend a strategic plan to accomplish this goal. The strategic plan shall include, but is not limited to:

- Recommended strategies to increase post-secondary education and training attainment and decrease the skills gap;
- Metrics and benchmarks to demonstrate progress toward the seventy (70) percent goal. These metrics and benchmarks shall include, but are not limited to:
 - o Progress toward reducing the socioeconomic, ethnic and racial achievement gaps in PK-12th grade and increasing equity in post-secondary enrollment; and
 - o Progress toward increasing the percent of traditional-age students and adult learners who earn post-secondary degrees, certificates, or other credentials.
- Assessment of whether post-secondary degrees, certificates, and other credentials awarded by Oklahoma post-secondary institutions align with high-demand job needs and job-placement rates; and
- Other goals and objectives as requested by the Governor.

The final strategic plan shall be submitted to the Office of the Governor by November 1, 2017.

For the purposes of carrying out this work, the Secretary of Education & Workforce shall serve as the Chairperson of the Team. The members of the Team are the Chancellor of the Oklahoma State System of Higher Education or designee, the Director of the Oklahoma Department of Career & Technology Education or designee, the Executive Director of the Oklahoma Office of Workforce, the Deputy Superintendent for Academic Affairs & Planning for the State Department of Education, the Director of Research & Economic Analysis Services for the Oklahoma Department of Commerce, the Executive Director of the Oklahoma Educated Workforce Initiative, and shall be supported by the Governor's staff, the Oklahoma Works Coordinator and the Statewide Performance Management Division of the Office of Management & Enterprise Services.

The Team shall meet at such times and places as the Chairperson deems appropriate. Members shall serve without compensation. Administrative support for the Task Force shall be provided by the Office of the Governor.

All Executive departments, officers, agencies and employees of this State shall cooperate with the Team in carrying out its duties and responsibilities, including providing any information, records and reports as may be requested by the Chairperson.

This Executive Order shall be distributed to the Secretary of State.

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 21st day of December, 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Mike Hunter
Secretary of State

[OAR Docket #16-983; filed 12-29-16]
