

Volume 35
Number 8
January 2, 2018
Pages 215 - 244

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
Dave Lopez,
Secretary of State
Peggy Coe, Editor-in-Chief

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Claremore - Rogers State University, Stratton Taylor Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Enid Public Library

Goodwell - Oklahoma Panhandle State University, Marvin E.
McKee Library

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Publications Clearinghouse,
Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 34 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 43 copies have been prepared and distributed at a cost of \$125.16. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	v
Notices of Rulemaking Intent	
Abstractors Board, Oklahoma (Title 5)	215
Capitol-Medical Center Improvement and Zoning Commission (Title 120)	215
Education, State Department of (Title 210)	216
Horse Racing Commission, Oklahoma (Title 325)	217, 218
Investigation, Oklahoma State Bureau of (Title 375)	219
Long Term Care Administrators, Oklahoma State Board of Examiners for (Title 490)	219, 220, 222
Public Employees Retirement System, Oklahoma (Title 590)	223
Rehabilitation Services, State Department of (Title 612)	224, 225
Teachers' Retirement System (Title 715)	226
Submissions to Governor and Legislature	
Education, State Department of (Title 210)	229
Emergency Adoptions	
Health Care Authority, Oklahoma (Title 317)	231
Tourism and Recreation Department, Oklahoma (Title 725)	231
Workers' Compensation Commission, Oklahoma (Title 810)	234, 237
Executive Orders (Title 1)	243

Agency/Action/Subject Index

ABSTRACTORS Board, Oklahoma (Title 5)	
<i>Notices of Rulemaking Intent</i>	
Administration of Abstractors Act (Chapter 11)	215
CAPITOL-MEDICAL Center Improvement and Zoning Commission (Title 120)	
<i>Notices of Rulemaking Intent</i>	
Zoning Regulations for Capitol-Medical Center Improvement and Zoning District (Chapter 10)	215
EDUCATION, State Department of (Title 210)	
<i>Notices of Rulemaking Intent</i>	
Finance (Chapter 25)	216
Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools (Chapter 35)	216
<i>Submissions to Governor and Legislature</i>	
Staff (Chapter 20)	229
Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools (Chapter 35)	229
GOVERNOR	
<i>Executive Orders</i>	
Ordering flags at half-staff in recognition of Pearl Harbor Remembrance Day (17-40)	243
Directing state officials and state agencies to build environment free from sexual harassment and unlawful discrimination (17-41)	243
Exempting certain positions at Oklahoma Department of Health from Merit System (17-42)	244
Convoing the Second Extraordinary Session of the Fifty Sixth Oklahoma Legislature (17-43)	244
HEALTH Care Authority, Oklahoma (Title 317)	
<i>Emergency Adoptions</i>	
Medical Providers-Fee for Service (Chapter 30)	231
HORSE Racing Commission, Oklahoma (Title 325)	
<i>Notices of Rulemaking Intent</i>	
Veterinarian Practices (Chapter 40)	217
Pari-Mutuel Wagering (Chapter 65)	218
Oklahoma-Bred Program (Chapter 75)	218
INVESTIGATION, Oklahoma State Bureau of (Title 375)	
<i>Notices of Rulemaking Intent</i>	
Oklahoma Open Records (Chapter 9)	219
LONG Term Care Administrators, Oklahoma State Board of Examiners for (Title 490)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	219
Long Term Care Administrators (Chapter 10)	220
Long Term Care Certified Assistant Administrators (Chapter 15)	222
PUBLIC Employees Retirement System, Oklahoma (Title 590)	
<i>Notices of Rulemaking Intent</i>	
Uniform Retirement System for Justices and Judges (Chapter 15)	223
REHABILITATION Services, State Department of (Title 612)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	224
Management Services Division (Chapter 3)	224
Vocational Rehabilitation and Visual Services (Chapter 10)	225
TEACHERS' Retirement System (Title 715)	
<i>Notices of Rulemaking Intent</i>	
General Operations (Chapter 10)	226
TOURISM and Recreation Department, Oklahoma (Title 725)	
<i>Emergency Adoptions</i>	
Fiscal, Personnel and General Operations [REVOKED] (Chapter 15)	231
WORKERS' Compensation Commission, Oklahoma (Title 810)	
<i>Emergency Adoptions</i>	
General Information (Chapter 1)	234
Practice and Procedure (Chapter 10)	237

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
35:48-3-9.....	[AMENDED] (E)..... 203	340:40-15-1.	[AMENDED] (E)..... 47
35:48-3-10.	[AMENDED] (E)..... 204	340:65-5-1.	[AMENDED] (E)..... 49
35:48-3-12.	[AMENDED] (E)..... 204	460:15-1-10.	[AMENDED] (E)..... 51
35:48-3-13.	[AMENDED] (E)..... 205	460:20-27-6.	[AMENDED] (E)..... 53
35:48-3-14.	[AMENDED] (E)..... 205	710:1-17-1.	[NEW] (E)..... 54
35:48-3-19.	[AMENDED] (E)..... 205	710:1-17-2.	[NEW] (E)..... 54
165:5-7-6.....	[AMENDED] (E)..... 67	710:1-17-3.	[NEW] (E)..... 54
165:5-7-6.1.	[AMENDED] (E)..... 69	710:1-17-4.	[NEW] (E)..... 54
165:5-7-6.2.	[AMENDED] (E)..... 70	710:1-17-5.	[NEW] (E)..... 54
165:5-7-7.	[AMENDED] (E)..... 70	710:1-17-6.	[NEW] (E)..... 55
165:10-3-28.	[AMENDED] (E)..... 71	710:1-17-7.	[NEW] (E)..... 55
175:10-3-16.	[AMENDED] (E)..... 157	710:1-17-8.	[NEW] (E)..... 55
175:10-3-34.	[AMENDED] (E)..... 158	710:1-17-9.	[NEW] (E)..... 55
175:10-3-37.	[AMENDED] (E)..... 159	710:45-9-31.	[AMENDED] (E)..... 56
175:10-3-38.	[AMENDED] (E)..... 159	710:45-9-32.1.	[AMENDED] (E)..... 56
175:10-3-39.	[AMENDED] (E)..... 160	710:45-9-34.	[AMENDED] (E)..... 57
175:10-3-41.	[AMENDED] (E)..... 160	710:45-9-35.	[AMENDED] (E)..... 57
175:10-3-42.	[AMENDED] (E)..... 161	710:45-9-40.	[AMENDED] (E)..... 57
175:10-3-43.	[AMENDED] (E)..... 161	710:45-9-41.	[AMENDED] (E)..... 57
175:10-3-44.	[AMENDED] (E)..... 161	710:45-9-43.	[AMENDED] (E)..... 58
175:10-3-45.	[AMENDED] (E)..... 162	710:45-9-51.	[AMENDED] (E)..... 58
175:10-3-46.	[AMENDED] (E)..... 163	710:45-9-53.	[AMENDED] (E)..... 59
175:10-3-55.	[AMENDED] (E)..... 163	710:45-9-73.	[AMENDED] (E)..... 59
317:30-3-4.1.	[AMENDED] (E)..... 113	710:45-9-82.	[AMENDED] (E)..... 60
317:30-3-30.	[AMENDED] (E)..... 115	710:45-9-84.	[AMENDED] (E)..... 60
317:30-3-57.	[AMENDED] (E)..... 19	710:45-9-93.	[AMENDED] (E)..... 60
317:30-3-88.	[REVOKED] (E)..... 24	710:45-9-94.	[AMENDED] (E)..... 61
317:30-5-72.	[AMENDED] (E)..... 22	725:15-33-1.	[REVOKED] (E)..... 232
317:30-5-72.1.	[AMENDED] (E)..... 22	725:15-33-2.	[REVOKED] (E)..... 232
317:30-5-77.2.	[AMENDED] (E)..... 23	725:15-33-3.	[REVOKED] (E)..... 233
317:30-5-241.6.	[AMENDED] (E)..... 25	725:15-33-4.	[REVOKED] (E)..... 233
317:30-5-696.	[AMENDED] (E)..... 116	725:15-33-5.	[REVOKED] (E)..... 234
317:30-5-1096.	[AMENDED] (E)..... 231	725:15-33-6.	[REVOKED] (E)..... 234
317:30-5-1207.	[NEW] (E)..... 5	725:15-33-7.	[REVOKED] (E)..... 234
317:35-5-41.6.	[AMENDED] (E)..... 6	725:15-33-8.	[NEW] (E)..... 208
317:35-7-40.	[AMENDED] (E)..... 28	725:15-33-9.	[NEW] (E)..... 208
317:35-9-75.	[AMENDED] (E)..... 28	725:15-33-10.	[NEW] (E)..... 209
317:35-15-7.	[AMENDED] (E)..... 28	725:15-33-11.	[NEW] (E)..... 209
317:35-17-12.	[AMENDED] (E)..... 29	725:15-33-12.	[NEW] (E)..... 210
317:35-19-22.	[AMENDED] (E)..... 29	725:15-33-13.	[NEW] (E)..... 210
317:35-23-2.	[AMENDED] (E)..... 11	725:15-33-14.	[NEW] (E)..... 210
317:35-23-3.	[AMENDED] (E)..... 11	800:10-3-5.	[AMENDED] (E)..... 164
317:45-11-20.	[AMENDED] (E)..... 206	800:25-7-81.2.	[NEW] (E)..... 166
340:5-5-2.....	[AMENDED] (E)..... 79	800:30-1-4.	[AMENDED] (E)..... 167
340:10-2-4.	[AMENDED] (E)..... 30	800:30-1-20.	[AMENDED] (E)..... 168
340:10-3-31.1.	[AMENDED] (E)..... 36	810:1-1-2.	[AMENDED] (E)..... 235
340:40-3-1.	[AMENDED] (E)..... 37	810:1-1-6.	[AMENDED] (E)..... 235
340:40-5-1.	[AMENDED] (E)..... 39	810:1-1-8.	[AMENDED] (E)..... 236
340:40-7-10.	[AMENDED] (E)..... 41	810:10-1-3.	[AMENDED] (E)..... 237
340:40-7-13.	[AMENDED] (E)..... 42	810:10-1-4.	[AMENDED] (E)..... 238
340:40-9-1.	[AMENDED] (E)..... 43	810:10-1-7.	[AMENDED] (E)..... 239
340:40-9-2.	[AMENDED] (E)..... 43	810:10-3-3.	[AMENDED] (E)..... 240
340:40-13-1.	[AMENDED] (E)..... 45	810:10-5-95.	[AMENDED] (E)..... 240
340:40-13-2.	[AMENDED] (E)..... 45	810:25-1-2.	[AMENDED] (E)..... 120

Agency/Title Index

[Assigned as of 01-02-18]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305	
Oklahoma ACCOUNTANCY Board	10	Board of Regents of EASTERN Oklahoma State College (<i>exempted</i> 11-1-98)	205
State ACCREDITING Agency	15	EDGE Fund Policy Board	208
AD Valorem Task Force (<i>abolished</i> 7-1-93)	20	State Department of EDUCATION	210
Oklahoma AERONAUTICS Commission	25	EDUCATION Oversight Board (<i>merged under</i> Office of Educational Quality and Accountability 7-1-14 - <i>See</i> Title 218)	215
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted</i> 11-1-98)	30	Office of EDUCATIONAL Quality and Accountability	218
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	[RESERVED]	225
Board of Tests for ALCOHOL and Drug Influence	40	State ELECTION Board	230
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly</i> : Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma)	55	Oklahoma EMPLOYMENT Security Commission	240
ARCHIVES and Records Commission	60	Oklahoma ENERGY Resources Board	243
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted</i> 11-1-98)	65	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly</i> : State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Oklahoma ARTS Council	70	Board of Trustees for the ENID Higher Education Program (<i>exempted</i> 11-1-98)	250
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		Department of ENVIRONMENTAL Quality	252
ATTORNEY General	75	State Board of EQUALIZATION	255
State AUDITOR and Inspector	80	ETHICS Commission (<i>Title revoked</i>)	257
State BANKING Department	85	ETHICS Commission	258
Oklahoma State Employees BENEFITS Council (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	86	Office of MANAGEMENT and Enterprise Services (<i>Formerly</i> : Office of State FINANCE)	260
Oklahoma State Employees BENEFITS Council	87	State FIRE Marshal Commission	265
Council of BOND Oversight	90	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission)	92	Oklahoma FIREFIGHTERS Pension and Retirement System	270
State BURIAL Board (<i>abolished</i> 7-1-92)	95	[RESERVED]	275
[RESERVED]	100	FORENSIC Review Board	277
Oklahoma CAPITAL Investment Board	105	State Board of Registration for FORESTERS	280
Oklahoma CAPITOL Improvement Authority	110	FOSTER Care Review Advisory Board	285
State CAPITOL Preservation Commission	115	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	Oklahoma FUTURES	290
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
Board of Regents of CARL Albert State College (<i>exempted</i> 11-1-98)	125	GRAND River Dam Authority	300
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		Group Self-Insurance Association GUARANTY Fund Board	302
CEREBRAL Palsy Commission	130	Individual Self-Insured GUARANTY Fund Board	303
Commission on CHILDREN and Youth	135	STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED ; <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	304
Board of CHIROPRACTIC Examiners	140	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns)	305
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma State Department of HEALTH	310
Oklahoma Department of COMMERCE	150	Oklahoma Basic HEALTH Benefits Board (<i>abolished</i> 11-1-97)	315
COMMUNITY Hospitals Authority	152	Oklahoma HEALTH Care Authority	317
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		HIGHWAY Construction Materials Technician Certification Board	318
Oklahoma CONSERVATION Commission	155	Oklahoma HISTORICAL Society	320
CONSTRUCTION Industries Board	158	Oklahoma HORSE Racing Commission	325
Department of CONSUMER Credit	160	Oklahoma HOUSING Finance Agency	330
CORPORATION Commission	165	Oklahoma HUMAN Rights Commission	335
Department of CORRECTIONS	170	Department of HUMAN Services	340
State Board of COSMETOLOGY and Barbering	175	Committee for INCENTIVE Awards for State Employees	345
Oklahoma State CREDIT Union Board	180	Oklahoma INDIAN Affairs Commission	350
CRIME Victims Compensation Board	185	Oklahoma INDIGENT Defense System	352
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma INDUSTRIAL Finance Authority	355
Board of DENTISTRY	195	INJURY Review Board	357
Oklahoma DEVELOPMENT Finance Authority	200	Oklahoma State and Education Employees Group INSURANCE Board (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	360
		INSURANCE Department	365

Agency/Title Index – *continued*

Agency	Title	Agency	Title
COMPSOURCE Oklahoma (Formerly: State INSURANCE Fund)	370	PUBLIC Employees Relations Board	585
Oklahoma State Bureau of INVESTIGATION	375	Oklahoma PUBLIC Employees Retirement System	590
Council on JUDICIAL Complaints	376	Department of PUBLIC Safety	595
Office of JUVENILE Affairs	377	REAL Estate Appraiser Board	600
Department of LABOR	380	Oklahoma REAL Estate Commission	605
Department of the Commissioners of the LAND Office	385	Board of Regents of REDLANDS Community College (<i>exempted</i> <i>11-1-98</i>)	607
Council on LAW Enforcement Education and Training	390	State REGENTS for Higher Education	610
Oklahoma LAW Enforcement Retirement System	395	State Department of REHABILITATION Services	612
Board on LEGISLATIVE Compensation	400	Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615
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 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACT

[OAR Docket #17-848]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Abstract Licenses Certificates of Authority, and Permits

5:11-3-6. Transfer of Certificate of Authority [NEW]

SUMMARY:

The proposed revisions to Subchapter 3 addresses the need for proof that the Title 1:42 five (5) year period of liability for abstract certificates of the transferring holder has been provided for with the Transfer of certificate of authority.

AUTHORITY:

Oklahoma Abstractors Board; 1 § 1-22 B. et. seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 16, 2018 at the following address: Katherine Smith, Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, or Katherine.Smith@abstract.ok.gov.

PUBLIC HEARING:

A public hearing during the regularly scheduled Board Meeting will be held at 10:00 a.m. on Tuesday, February 20, 2018 at the 421 NW 13th Street, OLERS Conference Room, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Abstractors Board 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 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 Katherine Smith, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.abstract.ok.gov or contacting the Oklahoma Abstractors

Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, 405-522-5019, Fax 405-522-5503 or via electronic mail to Katherine.smith@abstract.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be viewed by visiting <http://www.abstract.ok.gov>.

CONTACT PERSON:

Katherine Smith, State Administrator of Abstracting, (405) 522-5019, Katherine.Smith@abstract.ok.gov.

[OAR Docket #17-848; filed 12-8-17]

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

[OAR Docket #17-847]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULES:

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

SUMMARY:

The purpose of this proposed rulemaking action is to update references to rules that were renumbered last year, add additional definitions, 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 2, 2018 through 5 p.m., February 7, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for 9:00 a.m., February 7, 2018 at the Office of Management and Enterprise Services, Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building), Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-847; filed 12-7-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #17-856]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria
210:25-3-4. Personnel [AMENDED]

SUMMARY:

Two new provisions are proposed for inclusion in the rule that establishes how teaching experience is calculated for application toward Oklahoma's minimum salary schedule for public school teachers. The first added provision clarifies that under federal law, teachers who are members of the uniformed services called to active duty (includes all reserve components of the military branches, as well as Air National Guard and Army National Guard) are entitled to accrue experience during their active duty deployment that applies toward their seniority on the teacher salary schedule. The second addition to the rule provides that certified educators who deliver educational services to young children through the SoonerStart Early Intervention Program, jointly operated by the State Department of Education and the State Department of Health, are eligible to accrue teaching experience if the services they provide through SoonerStart are substantially equivalent to the educational services they would provide if employed by a public school district.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 38 U.S.C. § 4301 et seq.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 2, 2018 until 4:30 p.m. on Friday, February 2, 2018.

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) 522-6256. 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 2, 2018 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 #17-856; filed 12-8-17]

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

[OAR Docket #17-857]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Additional Standards for Secondary Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment
and Climate

210:35-9-31. Program of studies and graduation
requirements [AMENDED]

SUMMARY:

Under House Bill 3218 (2016), the State Board of Education is directed to "promulgate rules to ensure that students who transfer into an Oklahoma school district from out-of-state after the junior year of high school shall not be denied the opportunity to be awarded a standard diploma due to differing testing requirements" (70 O.S. § 1210.508(F)(4)). The proposed amendment adds a provision to the "Program of studies and graduation requirements" rule that authorizes a school board to waive Oklahoma School Testing Program (OSTP) graduation requirements for a student who transfers to the district after the junior year of high school, upon determining that the student was on track to meet assessment requirements in their previous state.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.508

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from January 2, 2018 until 4:30 p.m. on Friday, February 2, 2018.

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) 522-6256. 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 2, 2018 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 #17-857; filed 12-8-17]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 40. VETERINARIAN PRACTICES**

[OAR Docket #17-851]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 40. Veterinarian Practices [AMENDED]

SUMMARY:

The proposed amendments extensively revise, update, and reorganize existing veterinary practices rules, including but not limited to, adding, amending, and deleting existing definitions and rules to clarify the responsibilities of Commission licensed veterinarians, and identify prohibited practices.

AUTHORITY:

3A O.S. § 200 et seq.; and 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 2, 2018 and ending February 6, 2018.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., Tuesday, February 6, 2018 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

Notices of Rulemaking Intent

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 2, 2018 and ending February 6, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.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 #17-851; filed 12-8-17]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 65. PARI-MUTUEL WAGERING

[OAR Docket #17-852]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Pari-Mutuel Wagering [AMENDED]

SUMMARY:

The proposed rule amendments revise existing wagering rules to add new wagering contests and provide for refunds of wagers under certain circumstances.

AUTHORITY:

3A O.S. § 200 et seq. and 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 2, 2018 and ending February 6, 2018.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., Tuesday, February 6, 2018 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 2, 2018 and ending February 6, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.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 #17-852; filed 12-8-17]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 75. OKLAHOMA-BRED PROGRAM

[OAR Docket #17-853]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 75. Oklahoma-Bred Program [AMENDED]

SUMMARY:

The proposed rule amendments revise the fee structure and filing deadlines of the Oklahoma-Bred program. The yearly certification fee is reduced but late penalties are added if owners fail to timely recertify certain Oklahoma-Bred horses.

AUTHORITY:

3A O.S. § 200 et seq. and 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 2, 2018 and ending February 6, 2018.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Tuesday, February 6, 2018 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 2, 2018 and ending February 6, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.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 #17-853; filed 12-8-17]

**TITLE 375. OKLAHOMA STATE BUREAU OF INVESTIGATION
CHAPTER 9. OKLAHOMA OPEN RECORDS**

[OAR Docket #17-844]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Criminal History Information
- 375:9-1-1.1 [AMENDED]
- 375:9-1-2 [AMENDED]
- 375:9-1-3 [AMENDED]

SUMMARY:

The amendments to OAC 375:9-1-1.1 adds a definition of "CHIRP". "CHIRP" shall mean the Criminal History Information Request Portal, the OSBI's online system for members of the public to request criminal history records checks. The amendments to OAC 375:9-1-2 details the procedures for the public to request OSBI criminal history information online through CHIRP. The amendments to 375:9-1-3 amends one of the notations of which the results of a criminal history record search shall bear pursuant to this administrative code provision.

AUTHORITY:

State Bureau of Investigation; 74 O.S. §150.7

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 p.m. on February 9, 2018 at the following address: Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00am. on February 9, 2018 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 8:50 a.m. and will be provided five (5) minutes to express their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Because this amendment involves the online access of OSBI criminal history records to the public (which might include business entities), it is recognized that it may have

some financial impact on business entities. It is anticipated, however, that the impact will be a positive one for such business entities because it provides and allows for more convenient and more efficient ways to obtain records without an increase in fees. Additionally, the amendments do not remove any other avenues of access to such records that were previously available to such business entities. Nevertheless, the OSBI requests that such entities that may be financially affected by the amendment provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the office of the Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Copies of proposed rules may be obtained at a cost of 25 cents per page copying charge from the Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available on and after December 15, 2017, and may be obtained from the OSBI at the above address.

CONTACT PERSON:

Jimmy Bunn Jr., OSBI Chief Legal Counsel, 6600 N. Harvey, Oklahoma City, OK., 73116, (405) 879-2605

[OAR Docket #17-844; filed 12-5-17]

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

[OAR Docket #17-840]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 490:1-1-2. Definition [AMENDED]
- Subchapter 7. Fees and Deposits
- 490:1-7-2. Schedule of fees [AMENDED]
- Subchapter 9. Continuing Education
- 490:1-9-2. Criteria for continuing education programs [AMENDED]

SUMMARY:

The whole of the proposed amended rules are the result of a "Rules Task Force" which was appointed by the Board Chair and included representatives of our key stakeholders which include various associations, to include the Oklahoma Association of Health Care Providers (OAHCP), the Oklahoma Assisted Living Association (OKALA), LeadingAge

Notices of Rulemaking Intent

Oklahoma, Oklahoma Residential Care and Assisted Living Association (ORALA), the Oklahoma Chapter of the American College of Health Care Administrators (ACHCA) and representatives from DHS' Office of the Ombudsman, the Oklahoma State Department of Health (OSDH) and the Oklahoma Department of Mental Health and Substance Abuse Services (OKDMHSAS) as well as a representative from the Aging Partners coalition. Most of the changes being proposed are as a result of those discussions with consensus achieved in this group with some additional changes that are more "housekeeping" related that were not necessarily discussed but are not expected to be controversial.

Section 1-1-2 deals with definitions. We are proposing adding a new definition for "Administrator of Record" as the term is used throughout our rules and there are differences in expectations of an Administrator of Record versus that of an administrator. We've also added some language to clarify the definition of the "Certified Assistant Administrator" or "CAA" to make it consistent with the Nursing Home Care Act and not mislead anyone regarding the requirements for their use. And, we've added the definition of the "Health Services Executive" or "HSE" which is a new qualification offered by the National Association of Long Term Care Administrator Boards (NAB) which is intended to make the portability of licenses more expedient. We already have administrators in Oklahoma who are qualified for this designation and our rules simply need to speak to it directly, starting with the definition.

Section 1-7-2 includes clarification language to address some ambiguities in the current language and really does not change anything *per se* and (to be clear) while the title is "Schedule of fees," this is NOT proposing a fee change.

Section 1-9-2 addresses a current requirement for Continuing Education providers to report program attendees to Board staff and makes a change for NAB approved programs to use the NAB CE Registry in lieu of the current requirement but maintains the existing requirement for Board approved programs.

AUTHORITY:

Oklahoma Board of Examiners for Long Term Care Administrators; 63 O.S. 2001, §§ 330.51 et seq.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 2, 2018 at the following address: Gaylord Thomas, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 NW 23rd Street, Suite 2H, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Wednesday, February 21, 2018 at 2401 NW 23rd Street, Suite 2H (OSBELTCA Conference Room in the Shepherd Center office complex). Anyone who wishes to speak must sign in at the door by 8:45 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

possible, the increase in the direct costs, indirect cost, 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 Gaylord Z. Thomas at the above address during the period from January 2, 2018 to February 2, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners for Long Term Care Administrators office located at 2401 NW 23rd Street, Suite 2H, Oklahoma City, OK 73107 or through the OSBELTCA website at www.ok.gov/osbeltca.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available at the above address.

CONTACT PERSON:

Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 405-522-1624.

[OAR Docket #17-840; filed 12-1-17]

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

[OAR Docket #17-841]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing of the Long Term Care Administrators

490:10-1-3. Requirements for initial licensure for nursing/skilled nursing facility (includes ICF/MR) administrator (also known as nursing home administrator) [AMENDED]

490:10-1-3.1. Requirements for initial licensure for residential care/assisted living (RC/AL) administrators [AMENDED]

490:10-1-3.3. Requirements for initial licensure for residential care (RC) administrators [AMENDED]

490:10-1-4. Requirements for licensure by endorsement for long term care administrators [AMENDED]

Subchapter 3. Application for Long Term Care Administrator Licensure

490:10-3-2. National examination [AMENDED]

Subchapter 5. Discipline

490:10-5-3. Disciplinary action [AMENDED]

Subchapter 7. Administrator University

490:10-7-3. General Provisions [AMENDED]

Subchapter 8. Administrator in Training (AIT) Internship Program for Nursing Home Administrators

490:10-8-2. Application [AMENDED]

- 490:10-8-6. Curriculum for nursing home administrator AITs [AMENDED]
- 490:10-8-7. Module reports for nursing home administrator AITs [AMENDED]
- 490:10-8-14. AIT Internship exempt status [AMENDED]
- Subchapter 13. Standards for Administrators
- 490:10-13-2. Administrator responsibilities [AMENDED]
- 490:10-13-3. Requirements for administrators who serve as the Administrator-of-Record of two (2) or more licensed long term care (nursing) facilities located within a fifty (50) mile radius of each other, wherein the total number of occupied beds does not exceed one-hundred-twenty (120) beds and wherein one-or-more individuals is/are employed in Certified Assistant Administrator capacities [AMENDED]

SUMMARY:

The whole of the proposed amended rules are the result of a "Rules Task Force" which was appointed by the Board Chair and included representatives of our key stakeholders which include various associations, to include the Oklahoma Association of Health Care Providers (OAHCP), the Oklahoma Assisted Living Association (OKALA), LeadingAge Oklahoma, Oklahoma Residential Care and Assisted Living Association (ORALA), the Oklahoma Chapter of the American College of Health Care Administrators (ACHCA) and representatives from DHS' Office of the Ombudsman, the Oklahoma State Department of Health (OSDH) and the Oklahoma Department of Mental Health and Substance Abuse Services (OKDMHSAS) as well as a representative from the Aging Partners coalition. Most of the changes being proposed are as a result of those discussions with consensus achieved in this group with some additional changes that are more "housekeeping" related that were not necessarily discussed but are not expected to be controversial.

Section 10-1-3 contains some clarification language and also addresses the Health Services Executive (HSE) qualification and explains what that means to the Board when an applicant presents themselves for licensure by endorsement with that qualification.

Section 10-1-3.1 has some added language which is adopted directly from the current prerequisites used by OKALA (who is currently the only approved training source in Oklahoma to conduct the training for this license). The requirements are taken directly from the application form OKALA uses and are being incorporated into our rules and gives those agreed upon requirements actual standing. It also includes some clarifications and corrects a reference to another related rule.

Section 10-1-3.3 is similar to the latter part of the above in that it corrects a reference to another related rule.

Section 10-1-4 changes the term "nursing home" to "long term care" as it discusses licensure by endorsement and was previously limited to nursing home administrators but with this rule making proposal the Board plans to open that process up to RCAL administrators so it needs a more all-inclusive term in this paragraph. In another place, again related to licensure by endorsement, the Board is restricted to receiving

documents related to current or previous licensure from other state appointed authorities (such as our Board) and this also includes NAB as a source that is approved for (and because of) the new HSE qualification which is brokered through NAB instead of through individual jurisdictions. There is also additional language inserted in this section to allow the Board to license RCAL administrators by endorsement and that new language is modeled after the existing language for the current NHA endorsement process in our rules. This also includes some "housekeeping" to re-letter some paragraphs.

Section 10-3-2 adds an explanatory paragraph concerning "NAB Examination(s)" because prior to July 2017, applicants took only a single exam but after this date, the examinations were two part examinations. This makes this clear as to what the changes in the examination being in two parts now means. It also explains the HSE credential testing requirements which was related to the change in multiple part exams. In essence, we're memorializing this recent change in the exam process which occurred at the national level. It also includes some housekeeping to re-letter subsequent paragraphs following the additional information.

Section 10-5-3 adds language to include "applicants" among those people to whom our Board's disciplinary actions apply because it is inferred but not spelled out in that the Board has the authority not to issue a license, for example, which would clearly be an action against an applicant but it's not currently in the language as to who this applies to. Likewise, we've included unlicensed persons acting as administrators without a license in this list as the Board has a statutorily defined duty to take action against such persons but they're not listed either. Other changes included in this section are primarily for clarification purposes.

Section 10-7-3 is the first instance of where you will see the initiative proposed by the Task Force to upgrade the training requirements for our Certified Assistant Administrators (CAAs) by requiring them to attend our Administrators University (AU). And we've put a date of that to be effective on January 1, 2019.

Section 10-8-2 continues to address the CAA requirements. In this section we include them in the AIT program (previously limited to our Nursing Home Administrator applicants as we are offering these candidates the "alternative path" to certification to have an AIT program in lieu of the required experience.

Sections 10-8-6 and 10-8-7 are very similar and simply add the CAA into the headings for both of these sections to include them and make those requirements applicable to them.

Section 10-8-8 is merely another instance where we are including the CAA in the discussion about the AITs as it may apply to them following inclusion of the "alternative path" that is being proposed for them.

Section 10-8-14 is really another "housekeeping" effort as it deletes an entire subparagraph that is no longer applicable and in doing so, shortens the paragraph as well, primarily because the AIT program is tailorable.

Notices of Rulemaking Intent

Section 10-13-2 has added text to be more clear that you cannot serve as the administrator of record (AOR) of a nursing facility and also as AOR concurrently at another facility type (ALF, RCF, Adult Day Care) and spells out the restriction from serving as DON more clearly than has ever been stated. It is not changing anything but makes it amply clear. There are only certain conditions where one is currently "permitted" to serve as AOR concurrently at more than one facility and those are spelled out. To be clearer, this states more clearly some of the things that are actually "prohibited" along those lines. If not permitted, as it is currently written, it should be prohibited, but this language makes it clearer (and it's really not a change at all). It also adds a paragraph to address the restrictions that have heretofore been absent regarding how far apart and how many beds an administrator over two ALFs can have responsibility for (and that is a needed change as it is a question that comes up repeatedly). NHAs and RCAL Administrators are addressed because both license types have the ability (scope) to be AOR at an ALF. The numbers (60 miles and 130 occupied beds) were OKALA's recommendation as participants in the Task Force. Without this change, one could be an administrator at an unlimited number of ALFs concurrently without any restriction on how far apart the facilities are or how many beds they're responsible for? this is clearly needed in order to protect the public from that occurrence. Additionally it provides instructions for CAAs to display their certification (not previously spelled out) and re-letters paragraphs due to the addition of one of the above paragraphs. In a later paragraph we add clarifying language that one must pay the prescribed fee to change your name on a license. We also re-letter some paragraphs because of the additional paragraph being added in this section and we have added another paragraph that requires administrators and CAAs to register with the NAB CE Registry to enable CEU providers to document their attendance in this new system. This is listed under the heading "Administrator responsibilities" and it is a new responsibility to do this so we're including it in the rules.

Section 10-13-3 makes an attempt to shorten the title of this section which actually appears to attempt to have the requirement stated in the section title. It also adds a reference to the Nursing Home Care Act regarding requirements for the CAAs.

AUTHORITY:

Oklahoma Board of Examiners for Long Term Care Administrators; 63 O.S. 2001, §§ 330.51 et seq.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 2, 2018 at the following address: Gaylord Thomas, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 NW 23rd Street, Suite 2H, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Wednesday, February 21, 2018 at 2401 NW 23rd Street, Suite 2H (OSBELTCA Conference Room in the Shepherd Center

office complex). Anyone who wishes to speak must sign in at the door by 8:45 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested by the agency to provide, in dollar amounts if possible, the increase in the direct costs, indirect cost, 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 Gaylord Z. Thomas at the above address during the period from January 2, 2018 to February 2, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners for Long Term Care Administrators office located at 2401 NW 23rd Street, Suite 2H, Oklahoma City, OK 73107 or through the OSBELTCA website at www.ok.gov/osbeltca.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available at the above address.

CONTACT PERSON:

Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 405-522-1624.

[OAR Docket #17-841; filed 12-1-17]

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

[OAR Docket #17-842]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Certification of Long Term Care Assistant Administrators

490:15-1-1. Purpose [AMENDED]

490:15-1-3. Minimum qualifications for an individual applicant to meet certification requirements for a Certified Assistant Administrator (CAA) [AMENDED]

SUMMARY:

The whole of the proposed amended rules are the result of a "Rules Task Force" which was appointed by the Board Chair and included representatives of our key stakeholders which include various associations, to include the Oklahoma Association of Health Care Providers (OAHCP), the Oklahoma Assisted Living Association (OKALA), LeadingAge Oklahoma, Oklahoma Residential Care and Assisted Living Association (ORALA), the Oklahoma Chapter of the American College of Health Care Administrators (ACHCA) and representatives from DHS' Office of the Ombudsman,

the Oklahoma State Department of Health (OSDH) and the Oklahoma Department of Mental Health and Substance Abuse Services (OKDMHSAS) as well as a representative from the Aging Partners coalition. Most of the changes being proposed are as a result of those discussions with consensus achieved in this group with some additional changes that are more "housekeeping" related that were not necessarily discussed but are not expected to be controversial.

Section 15-1-1 focuses on getting our rules in line not only with our own statute (corrects an inconsistency) but also the requirements in the Nursing Home Care Act where a Certified Assistant Administrator (CAA) is required at "each facility." We include the reference to the Nursing Home Care Act guidance in the change that is made.

Section 15-1-3 addresses the Task Force recommended changes to the requirements for certification which include a requirement for them to complete the Board's Administrator University (AU) and creates an "alternative path" for Certified Assistant Administrators (CAA) to be certified by substituting an Administrator-in-training (AIT) experience for actual experience while also lessening the experience level from two (2) years of supervisory experience to only one (1) year.

AUTHORITY:

Oklahoma Board of Examiners for Long Term Care Administrators; 63 O.S. 2001, §§ 330.51 et seq.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 2, 2018 at the following address: Gaylord Thomas, Oklahoma State Board of Examiners for Long Term Care Administrators, 2401 NW 23rd Street, Suite 2H, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Wednesday, February 21, 2018 at 2401 NW 23rd Street, Suite 2H (OSBELTCA Conference Room in the Shepherd Center office complex). Anyone who wishes to speak must sign in at the door by 8:45 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested by the agency to provide, in dollar amounts if possible, the increase in the direct costs, indirect cost, 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 Gaylord Z. Thomas at the above address during the period from January 2, 2018 to February 2, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners for Long Term Care Administrators office located at 2401 NW 23rd Street, Suite 2H, Oklahoma City, OK 73107 or through the OSBELTCA website at www.ok.gov/osbeltca.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available at the above address.

CONTACT PERSON:

Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators, 405-522-1624.

[OAR Docket #17-842; filed 12-1-17]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 15. UNIFORM RETIREMENT SYSTEM FOR JUSTICES AND JUDGES**

[OAR Docket #17-843]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Uniform Retirement System for Justices and Judges [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Uniform Retirement System for Justices and Judges more efficient and member service oriented. The topics include defining "major fraction of a year" for the purpose of calculating service credit.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 20 O.S. Section 1108.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 14, 2018, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 200, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 15, 2018, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 200, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Dessa Baker-Inman, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 200, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 15, 2018, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 200, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

Dessa Baker-Inman, General Counsel (405) 858-6737.

[OAR Docket #17-843; filed 12-4-17]

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

[OAR Docket #17-833]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Program Divisions Within the Department
612:1-5-2. Division of Vocational Rehabilitation (DVR)
[AMENDED]

612:1-5-3. Division of Visual Services (DVS)
[AMENDED]

Subchapter 7. Relationships with Department Established
by Law

612:1-7-3. Relationships with state boards: ex officio
representation from the Department [AMENDED]

612:1-7-4. Relationships with federal officials
[AMENDED]

SUMMARY:

Changes to Chapter 1 consist of removing the references to the Independent Living Program which is no longer operated by the Division of Vocational Rehabilitation. Adding language to clarify the Division of Visual Services may serve individuals with sight threatening progressive conditions or functional limitations due to sight loss. Updating statutory references and removing descriptive material that no longer matches current law and revise the description of the relationship between DRS and the SILC to reflect changes in federal law (WIOA). Update agency and program names to remove obsolete references.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.1 et seq.; 29 USC 701; 29 USC 725; 29 USC 796c(c)

COMMENT PERIOD:

Written and oral comments will be accepted December 1, 2017 through February 7, 2018 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 5, 2018
4:00 P.M. - 5:00 P.M.

Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma

Tuesday, February 6, 2018

1:00 P.M. - 2:00 P.M.

Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma

Wednesday, February 7, 2018

1:00 P.M. - 2:00 P.M.

Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 700, Room 701
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, 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:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Process Improvement Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 4, 2018, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #17-833; filed 11-29-17]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 3. MANAGEMENT SERVICES DIVISION

[OAR Docket #17-834]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Human Resources Unit
Part 3. Human Resources Management Section - Personnel Programs
612:3-3-20. Department of Rehabilitation Services recruitment and selection plan [AMENDED]

SUMMARY:

Changes to Chapter 3 consist of recent revisions of the merit rules to clarify career progression to supervisory levels, employment application process and probationary period guidelines.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.1 et seq.; Merit Rule 260:25-11-51

COMMENT PERIOD:

Written and oral comments will be accepted December 1, 2017 through February 7, 2018 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 5, 2018
4:00 P.M. - 5:00 P.M.
Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma

Tuesday, February 6, 2018
1:00 P.M. - 2:00 P.M.
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma

Wednesday, February 7, 2018
1:00 P.M. - 2:00 P.M.
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 700, Room 701
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, 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:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Process Improvement Unit, attention Tina Calloway, Department of

Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 4, 2018, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #17-834; filed 11-29-17]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES**

[OAR Docket #17-835]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:10-1-2. Definitions [AMENDED]
- Subchapter 3. Client Participation in Cost of Services
- 612:10-3-5. Basic living requirements [AMENDED]
- Subchapter 7. Vocational Rehabilitation and Visual Services
- Part 3. Case Processing Requirements
- 612:10-7-24.3. Trial Work Experience ~~and Extended Evaluation~~ [AMENDED]
- 612:10-7-24.5. Closed - Not Accepted for Services [AMENDED]
- 612:10-7-25.1. Order of selection [AMENDED]
- Part 5. Case Status and Classification System
- 612:10-7-45. Case statuses and case flow [AMENDED]
- 612:10-7-58. Closed Rehabilitated [AMENDED]
- Part 19. Special Services for Individuals who are Blind, Deaf, or have other ~~Severe~~ Significant Disabilities
- 612:10-7-201. Rehabilitation teaching services [AMENDED]
- Subchapter 9. Rehabilitation Teaching Services
- Part 1. General Provisions
- 612:10-9-1. Philosophy and scope of program [AMENDED]
- 612:10-9-2. Consumer rights [AMENDED]
- 612:10-9-3. Rehabilitation teacher's role [AMENDED]
- Part 3. Case Processing and Recording
- 612:10-9-13. Case recording [AMENDED]
- 612:10-9-15. Case status [REVOKED]
- 612:10-9-17. Application Status [REVOKED]
- 612:10-9-18. Closure from Application [REVOKED]
- 612:10-9-19. Eligibility Status [REVOKED]
- 612:10-9-20. Service Status [REVOKED]

Notices of Rulemaking Intent

- 612:10-9-21. Successful Closure [REVOKED]
- 612:10-9-22. Unsuccessful Closure after IPE Initiation [REVOKED]
- 612:10-9-24. Closed from Eligibility Status [REVOKED]
- 612:10-9-25. Post-Employment Service Status [REVOKED]
- 612:10-9-26. Post-Employment Closure Status [REVOKED]
- Part 5. Services
- 612:10-9-33. Communication Skills [AMENDED]
- 612:10-9-34. Personal management skills [AMENDED]
- 612:10-9-34.2. ~~Indoor mobility~~ Mobility within home environment [AMENDED]
- 612:10-9-34.3. Other adaptive skills [REVOKED]
- 612:10-9-35. Home management [AMENDED]
- 612:10-9-37. Referral for support services [AMENDED]
- 612:10-9-38. Vocational rehabilitation [AMENDED]
- Subchapter 13. Special Services for the Deaf and Hard of Hearing
- Part 3. Certification of Interpreters
- 612:10-13-16. Evaluation [AMENDED]
- 612:10-13-17. Evaluation team [AMENDED]
- 612:10-13-18. Fees [AMENDED]
- 612:10-13-20. Certification maintenance [AMENDED]

SUMMARY:

Revisions to Chapter 10 consist of definition updates, removal of extended evaluation language and removal of homemaker employment outcome language to reflect WIOA changes. Basic living requirements revised to lower the family income level above which a VR client will be required to participate in the cost of services. Revoke case status policy along with following case status policies due to the Rehab Act's elimination of Homemaker as an acceptable employment outcome for the VR program. Amended language to clarify the interpreter evaluation process, qualifications, evaluation fees and certification maintenance. Update definitions for Priority Groups 1 & 2 for clarity and incorporate current federal regulations terms. Policy titles modified to better describe policy content and removal of antiquated language.

AUTHORITY:

Commission for Rehabilitation Services; 56 O.S. § 199.1-2; 74 O.S. § 166.1 et seq.; 34 CFR 361; 34 CFR 361.36; 34 CFR 361.42; 34 CFR 361.48; 34 CFR 361.48(b); 34 CFR 361.5; 34 CFR 361.5(c)(15); 34 CFR 361.5(c)(29) and (30); 34 CFR 361.54; 29 USC 701 et seq; 29 USC 705; 29 USC 705(11); 29 USC 709(c); 29 USC 720(a)(2); 29 USC 722(a); 29 USC 722(a)(2)(B); 29 USC 722(b)(4)(A); 29 USC 723(a)

COMMENT PERIOD:

Written and oral comments will be accepted December 1, 2017 through February 7, 2018 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 5, 2018
4:00 P.M. - 5:00 P.M.

Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma

Tuesday, February 6, 2018
1:00 P.M. - 2:00 P.M.
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma

Wednesday, February 7, 2018
1:00 P.M. - 2:00 P.M.
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 700, Room 701
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, 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:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Process Improvement Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 4, 2018, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #17-835; filed 11-29-17]

TITLE 715. TEACHERS' RETIREMENT SYSTEM CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #17-849]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Service Eligibility

- 715:10-3-1. Requirements for creditable service [AMENDED]
- Subchapter 13. Contributions for Membership Service
- 715:10-13-15. Board waiver of employer late fees [NEW]
- Subchapter 15. Service Retirement
- 715:10-15-10.3. Partial Lump-sum Option Factors [AMENDED]
- 715:10-15-11. Designation of beneficiaries for retirement options [AMENDED]
- 715:10-15-25. Changes and corrections to retirement benefit payments [AMENDED]
- 715:10-15-28. Waiver of retirement application deadline [NEW]
- Subchapter 17. Post-Retirement Employment
- 715:10-17-2. Break between employment and retirement [NEW]
- 715:10-17-6. Earnings limits [NEW]
- 715:10-17-8. Repayment of benefits [AMENDED]
- 715:10-17-10. [REVOKED]
- 715:10-17-11. [REVOKED]
- 715:10-17-13. Election to return to qualifying employment [AMENDED]

SUMMARY:

715:10-3-1 is being amended to clarify how service credit is calculated. There is no substantive change to how it actually is calculated.

715:10-13-15 is being added to provide guidelines for Board waiver of employer late fees.

715:10-15-10.3 is being amended to indicate where retirement reduction factors can be found.

715:10-15-11 is being amended to make it clear multiple people or a trust can be named as the beneficiary for an Option 4 retirement.

715:10-15-25 is being amended to include a deadline for change of direct deposit information.

715:10-15-28 is being added to provide a procedure and guidelines for the waiver of the retirement application deadline by the Executive Director.

715:10-17-2 is being amended to provide clarity regarding when a retiree may return to work.

715:10-17-6 is being amended to clarify the earnings limits for members working post-retirement.

715:10-17-8 is being amended to change the deadline and procedure for repayment of benefits.

715:10-17-10 is being revoked as it is obsolete and moot.

715:10-17-11 is being revoked as it is obsolete and moot.

715:10-17-13 is being amended to provide clarity regarding how a retiree may return to work after retirement and subsequently re-retire thereafter.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from January 3, 2018, through February 2, 2018, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on February 5, 2018, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, until 5:00 p.m. on January 27, 2018. Written notice may be mailed to: Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, and also will be available on the TRS website (www.ok.gov/TRS).

RULE IMPACT STATEMENT:

The Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.ok.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning December 7, 2017, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Phyllis Bennett, Rules Liaison (405) 521-4745.

[OAR Docket #17-849; filed 12-8-17]

Submissions to Governor and Legislature

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

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #17-854]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 17. Full (Subject Matter) Competencies for Licensure and Certification

210:20-9-172. Full (subject matter) competencies for licensure and certification [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2017

[OAR Docket #17-854; filed 12-8-17]

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

[OAR Docket #17-855]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

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

Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate

210:35-3-61. Statement of the standard [AMENDED]

210:35-3-66. Curriculum [AMENDED]

210:35-3-67. Instruction [AMENDED]

210:35-3-68. Assessment [AMENDED]

Subchapter 5. Additional Standards for Elementary Schools

Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate

210:35-5-31. Program of Studies [AMENDED]

Subchapter 27. Proficiency Based Promotion

210:35-27-2. Proficiency based promotion and evaluations of student placement [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2017

[OAR Docket #17-855; filed 12-8-17]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #17-832]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties
Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/US)
317:30-5-1096 [AMENDED]
(Reference APA WF # 17-03)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR PART 136; 42 CFR 440.90; P.L. 93-638

ADOPTION:

November 9, 2017

APPROVED BY GOVERNOR:

November 16, 2017

EFFECTIVE:

Effective January 1, 2018

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The agency finds that a compelling public interest exists and finds that an imminent peril exists to the preservation of the public health, safety, or welfare, which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to comply with federal regulations.

GIST/ANALYSIS:

These emergency rule revisions are to allow Indian Health Services, Tribal Program and Urban Indian Clinics, who are designated as Federally Qualified Health Centers, to be reimbursed at the Office of Management and Budget rate for services provided outside of the four walls of their facilities. These changes are necessary to comply with federal regulations.

CONTACT PERSON:

Tywanda Cox, 405-522-7153, Tywanda.Cox@okhca.org

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULES ARE
CONSIDERED PROMULGATED UPON APPROVAL**

**BY THE GOVERNOR AS SET FORTH IN 75 O.S.,
SECTION 253(F), WITH A LATER EFFECTIVE DATE
OF JANUARY 1, 2018:**

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 110. INDIAN HEALTH SERVICES, TRIBAL PROGRAMS, AND URBAN INDIAN CLINICS (I/T/US)

317:30-5-1096. ~~I/T/U off-site services~~ Off-site services

~~I/T/U covered services provided off-site or outside of the I/T/U setting, including mobile clinics or places of residence, are compensable when billed by the I/T/U. I/T/U covered services provided off-site or outside of the I/T/U setting, including mobile clinics or places of residence, are compensable at the OMB rate when billed by an I/T/U that has been designated as a Federally Qualified Health Center. The I/T/U must meet provider participation requirements listed in OAC 317:30-5-1088. I/T/U off-site services may be covered if the services rendered were within the provider's scope of practice and are of the same integrity of services rendered at the I/T/U facility.~~

[OAR Docket #17-832; filed 11-27-17]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS [REVOKED]

[OAR Docket #17-845]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 33. Oklahoma Tourism Development Act Tax Credit Program
725:15-33-1. Necessity, function, and conformity [REVOKED]
725:15-33-2. Definitions [REVOKED]

Emergency Adoptions

725:15-33-3. Standards for preliminary approval [REVOKED]
725:15-33-4. Oklahoma Tourism Development Act Tax Credit Program application [REVOKED]
725:15.33-5. Final Approval [REVOKED]
725:15-33-6. Application form [REVOKED]
725:15-33-7. Appeals [REVOKED]

AUTHORITY:

Title 68. Oklahoma Tourism Development Act, Revenue and Taxation O.S. 2391 *et seq.* Oklahoma Tourism and Recreation commission - Powers, Rights, and Duties; Oklahoma Tourism and Recreation Commission.

ADOPTION:

October 25, 2017

APPROVED BY GOVERNOR:

November 17, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Emergency Rule Revocation of rules that were promulgated under the repealed version of the Oklahoma Tourism Development Act. The Department is requesting approval of enclosed Emergency Rules Revocation as they are necessary to "avoid serious prejudice to the public interest" by causing acute confusion between having two sets of rules that are similar.

GIST/ANALYSIS:

The purpose of the proposed emergency rule revocation removes rules that were applicable under the repealed version of the Oklahoma Tourism Development Act. The proposed emergency rule revocation will avoid confusion as to which set of rules applies to the current statutes in effect.

CONTACT PERSON:

Irish Hill, Oklahoma Tourism and Recreation Department, Division of Administrative Offices, 405-522-9557, or irish.hill@travelok.com.

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

SUBCHAPTER 33. OKLAHOMA TOURISM DEVELOPMENT ACT TAX CREDIT PROGRAM

725:15-33-1. Necessity, function, and conformity [REVOKED]

68 O.S. Supp. 2005, § 2357.37 requires that the Director, with approval of the Oklahoma Tourism and Recreation Commission, shall establish standards for the making of applications for inducements to eligible companies and their tourism attraction projects or film or music production and development facility project by the promulgation of rules in accordance with the Administrative Procedures Act.

725:15-33-2. Definitions [REVOKED]

(a) "Agreement" means an agreement entered into pursuant to Section 2357.39 of Title 68 of the Oklahoma Statutes, by and between the Director of the Oklahoma Tourism and Recreation Department and an approved company, with respect to a tourism attraction project or film or music production and development facility project.

(b) "Approved company" means any eligible company that is seeking to undertake a tourism attraction or film or music production and development facility project and is approved by the Director pursuant to Sections 2357.38 and 2357.39 of Title 68 of the Oklahoma Statutes.

(c) "Approved costs" means:

(1) obligations incurred for labor and to vendors, contractors, subcontractors, builders and suppliers in connection with the acquisition, construction, equipping and installation of a tourism attraction project or film or music production and development facility project;

(2) the costs of acquiring real property or rights in real property in connection with a tourism attraction project or film or music production and development facility project, and any costs incidental thereto;

(3) the costs of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping and installation of a tourism attraction project or film or music production and development facility project which is not paid by the vendor, supplier, contractor, or otherwise provided;

(4) all costs of architectural and engineering services including, but not limited to, estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping and installation of a tourism attraction project or film or music production and development facility project;

(5) all costs required to be paid under the terms of any contract for the acquisition, construction, equipping and installation of a tourism attraction project or film or music production and development facility project;

(6) all costs required for the installation of utilities in connection with a tourism attraction project or film or music production and development facility project including, but not limited to, water, sewer, sewage treatment, gas, electricity and communications, and including off-site construction of utility extensions paid for by the approved company; and

(7) all other costs comparable with those described in this paragraph.

(d) "Director" means the Director of the Oklahoma Tourism and Recreation Department or the Director's designated representative.

(e) "Eligible company" means any corporation, limited liability company, partnership, sole proprietorship, business trust or any other entity, operating or intending to operate a tourism attraction project or undertake film or music production and development facility project, whether owned or leased, within this state that meets the standards promulgated by the Director pursuant to Section 2357.37 of Title 68 of the Oklahoma Statutes.

(f) "Final approval" means the action taken by the Director authorizing the eligible company to receive inducements under Section 2357.40 of Title 68 of the Oklahoma Statutes.

(g) "Increased state sales tax liability" means that portion of an approved company's reported state sales tax liability resulting from taxable sales of goods and services to its customers at the tourist attraction or for purposes of a film or music production and development facility project for any monthly sales tax reporting period after the approved company provides the certification required by subsection B of Section 2357.40 of this title, which exceeds the reported state sales tax liability for sales to its customers for the same month in the calendar year immediately preceding the certification

(h) "Inducements" means the income tax credit or sales tax credit as prescribed in Section 2357.40 of Title 68 of the Oklahoma Statutes.

(i) "Preliminary approval" means the action taken by the Director conditioned upon final approval by the Director upon satisfaction by the eligible company of the requirements of the Oklahoma Tourism Development Act.

(j) "Tourism Attraction" means a cultural or historical site; a recreational or entertainment facility; an area of natural phenomenon or scenic beauty; a theme park; an amusement or entertainment park; an indoor or outdoor play or music show; a botanical garden, or a cultural or educational center. A tourism attraction shall not include:

- (1) lodging facilities, unless the facilities constitute a portion of a tourism attraction project and represent less than fifty percent (50%) of the total approved costs of the tourism attraction project;
- (2) facilities that are primarily devoted to the retail sale of goods, unless the goods are created at the site of the tourism attraction project or if the sale of goods is incidental to the tourism attraction project;
- (3) facilities that are not open to the general public;
- (4) facilities that do not serve as a likely destination where individuals who are not residents of this state would remain overnight in commercial lodging at or near the tourism attraction project;
- (5) facilities owned by the State of Oklahoma or a political subdivision of this state; or
- (6) facilities established for the purpose of conducting legalized gambling. However, a facility regulated under Section 200 et seq. of Title 3A of the Oklahoma Statutes shall be a tourism attraction for purposes of the Oklahoma Tourism Development Act for any approved project as outlined in subparagraph a of this paragraph or for an approved project relating to pari-mutuel racing at the facility and not for establishing a casino or for offering casino-style gambling; and

(k) "Tourism attraction project" means the acquisition, including the acquisition of real estate by leasehold interest with a minimum term of ten (10) years, construction, and equipping of a tourism attraction or film or music production and development facility, and the construction and installation of improvements to facilities necessary or desirable for the acquisition, construction, and installation of a tourism attraction or film or music production and development facility, including, but not limited to:

- (1) surveys; and

(2) installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications, and similar facilities, and off site construction of utility extensions to the boundaries of the real estate on which the facilities are located.

725:15-33-3. Standards for preliminary approval [REVOKED]

When a written request is submitted to the Director for consideration of preliminary approval of the eligible company and its tourism attraction project, the Director shall base approval of the request upon the information in the application; recommendations from staff and advisory review committees; and any written or oral communications with the eligible company.

725:15-33-4. Oklahoma Tourism Development Act Tax Credit Program application [REVOKED]

(a) An eligible company wishing to participate in the Oklahoma Tourism Development Act Tax Credit Program shall file three (3) copies of an application with the Director. If the application does not contain all information and materials identified below it shall be returned to the applicant and will not be considered.

(b) The following information and materials shall be submitted as a part of the application:

- (1) Eligible company name, address, phone and telefax numbers, contact person and federal employer tax identification number;
- (2) Location of tourism attraction project or film or music production and development facility project;
- (3) Form of organization of eligible company;
- (4) Previous participation of eligible company in Oklahoma tax incentive programs;
- (5) Ownership of eligible company;
- (6) Bankruptcy history of eligible company;
- (7) Governmental denial, suspension or revocation of licenses of eligible company;
- (8) Attorney for eligible company, including address, phone and telefax numbers;
- (9) Contact person of bank for eligible company, including address, phone and telefax numbers and contact person;
- (10) Accountant for eligible company, including address, phone and telefax numbers;
- (11) Tourism attraction project or film or music production and development facility project description;
- (12) Eligible company ownership or leasing of tourism attraction project or film or music production and development facility project;
- (13) Estimated tourism attraction project or film or music production and development facility project costs;
- (14) Proposed sources of financing tourism attraction project or film or music production and development facility project;

Emergency Adoptions

- (15) Contractor for tourism attraction project or film or music production and development facility project, including address, phone and telefax numbers and contact person;
- (16) The total number of jobs projected upon completion of and within two (2) years after completion of the tourism attraction project or film or music production and development facility project;
- (17) Five (5) year history of attendance at tourism attraction project or film or music production and development facility project for an expansion;
- (18) Five (5) year attendance projections for tourism attraction project or film or music production and development facility project;
- (19) Months of the year during which the tourism attraction project or film or music production and development facility project is open;
- (20) Marketing plans and media type to be used for the tourism attraction project or film or music production and development facility project, including five (5) year proposed advertising budget;
- (21) Value of Oklahoma tangible property before and after completion of the tourism attraction project or film or music production and development facility project;
- (22) Ten (10) year estimate of tourism attraction project or film or music production and development facility project payroll;
- (23) Estimated federal and state income tax liability of eligible company for first ten (10) fiscal years of the eligible company after commencement of operations of the tourism attraction project or film or music production and development facility project;
- (24) Estimated state sales tax liability of eligible company for first ten (10) fiscal years of the eligible company after commencement of operations of the tourism attraction project or film or music production and development facility project;
- (25) If the tourism attraction project or film or music production and development facility project is an expansion, federal and state income tax liability of eligible company for the past three (3) fiscal years;
- (26) Ten (10) year estimated revenue of eligible company subject to Oklahoma income tax from the tourism attraction project or film or music production and development facility project; and
- (27) Ten (10) year estimated additional revenue the tourism attraction project or film or music production and development facility project will generate to the community.
- (28) Type of tax credit desired.
- (29) A signed and dated Certification of Application.

725:15-33-5. Final Approval [REVOKED]

The Director shall provide his/her final approval required by Title 68 O.S. Supp. 2005, § 2357.38 based upon:

- (1) The eligible company's satisfaction of statutory requirements of Title 68 O.S. Supp. 2005, § 2357.34 to 2357.40;

- (2) The findings of the consultants report required by paragraph C of Title 68 O.S. Supp. 2005, § 2357.37; and
- (3) The application submitted to the Director under Section 3 of this administrative regulation, and written and oral communications with the eligible company.

725:15-33-6. Application form [REVOKED]

- (a) The "Application for the Oklahoma Tourism Development Act Income Tax Credit Program (11/2000)" is incorporated by reference.
- (b) A copy of the form of application may be inspected, copied or obtained at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, Oklahoma, between 8 a.m. and 4:30 p.m., Monday through Friday.

725:15-33-7. Appeals [REVOKED]

An applicant may appeal the denial of final approval by the Executive Director to the Oklahoma Tourism and Recreation Commission.

- (1) **Applicant notification.** An applicant shall submit a written appeal to the Chairman of the Oklahoma Tourism and Recreation Commission within ten (10) days of the date of denial. The appeal shall state all facts and reasons for the appeal.
- (2) **Director actions and determination.** The Chairman of the Commission shall assign the appeal to an administrative law judge retained by the Commission. The administrative law judge shall conduct an administrative hearing pursuant to the provisions of 75 O.S., Section 309 et seq. The administrative law judge shall establish necessary procedures for the administrative hearing. The administrative law judge shall provide proposed findings of fact and conclusions of law to the Commission. The Commission shall sustain or deny the applicant's appeal.
- (3) **Applicant appeal of Commission denial.** If the Commission denies an applicant's appeal, the applicant may further appeal pursuant to provisions of 75 O.S., Section 309 et seq.

[OAR Docket #17-845; filed 12-5-17]

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

[OAR Docket #17-838]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- 810:1-1-2 [AMENDED]
- 810:1-1-6 [AMENDED]
- 810:1-1-8 [AMENDED]

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.; 85A O.S. § 101

ADOPTION:

November 9, 2017

APPROVED BY GOVERNOR:

November 17, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

Incorporated standards:

IAIABC Electronic Data Interchange Implementation Guide, Release 3.1

Incorporating rules:

810:1-1-8

Availability:

8:00 a.m. to 5:00 p.m., Monday through Friday at the Oklahoma Workers Compensation Commission offices 1915 N. Stiles Avenue, Oklahoma City, OK 73105, 405-522-3222 and 440 South Houston, Tulsa, OK 74127, 918-295-3732. The incorporated standards are also available online at www.okwccedi.info

FINDING OF EMERGENCY:

Pursuant to 85A O.S. §101, the Commission is required to implement an electronic data interchange (EDI) system. The Commission permanent rules, now in effect, establish a mandatory EDI implementation date of January 1, 2018. Numerous entities have requested additional time to implement and test a new EDI system. The Commission has also learned that the International Association of Industrial Accident Board and Commissions (IAIABC) Release 3.1 standards will be released in August 2018. By delaying the mandatory EDI implementation date, the Commission can implement the most recent standards and avoid the costs involved with upgrading to the new standards later this year. In order to avoid serious prejudice to the public interest, the emergency rule amendments are necessary due to the change in the mandatory EDI implementation date and the change in the version of the release required for EDI implementation.

GIST/ANALYSIS:

The emergency rule amendments change the mandatory implementation date of the EDI system from January 1, 2018 to September 1, 2018. The amendments also change the version of the release required for EDI implementation from IAIABC Release 3.0 to IAIABC Release 3.1 standards.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, OWCC, 212 Kerr State Office Building, 440 S. Houston, Tulsa, Oklahoma 74127, 918-295-3731, lindsey.christopher@wcc.ok.gov

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

810:1-1-2. Definitions

In addition to the terms defined in 85A O.S. § 2, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Administrative Law Judge" means an Administrative Law Judge of the Commission to whom the Commission has delegated by order or otherwise, the authority to conduct a hearing.

"AWCA" means the Administrative Workers' Compensation Act, 85A O.S. § 1, et seq.

"Certificate of noncoverage" or **"CNC"** means a certificate which may be issued by the Oklahoma Workers' Compensation Commission after proper application and reasonable investigation to a sole proprietor or the partners of a partnership who do not elect to be covered by the AWCA.

"Claimant" means a person who claims benefits for an alleged work injury, occupational disease or illness, or death, pursuant to the provisions of the AWCA.

"Claim administrator" means the trading partner sending electronic transactions to the Commission, which can be an insurer filing directly with the Commission on its own behalf, or a servicing company/third party administrator filing on behalf of the insurer.

"Claim Information" means data submitted via First Report of Injury (FROI) or Subsequent Report of Injury (SROI).

"Commission" means the Oklahoma Workers' Compensation Commission, a designee, or an Administrative Law Judge to whom the Commission has delegated responsibility as authorized by 85A O.S. § 21(D).

"Electronic Data Interchange" means the transmission of claim information through electronic means, in a format established by the Commission.

"EDI" means electronic data interchange.

"Executive Director" means the Executive Director of the Commission.

"FROI" means first report of injury.

"Insurer" means the entity responsible for making electronic filings as prescribed by law and these rules. This term includes self-insurers.

"Mandatory EDI implementation date" means September 1, 2018, unless a subsequent date is adopted by the Commission.

"Self-insurer" means any duly qualified individual employer or group self-insurance association authorized by the Commission to self-fund its workers' compensation obligations.

"SROI" means subsequent report of injury.

"Trading Partner" means an entity that has registered with the Commission to exchange data through Electronic Data Interchange.

"Workers' Compensation Commission fee schedule" means a state mandated schedule of maximum allowable reimbursement levels for health care providers, including hospitals, ambulatory surgical centers, and inpatient rehabilitation facilities, rendering reasonable and necessary health care services and supplies to an injured employee for a compensable injury pursuant to the Oklahoma workers' compensation laws.

"Written" means that which is expressed in writing, and includes electronic records.

810:1-1-6. Requests for agency public information

(a) Public access to Commission records is subject to the Oklahoma Open Records Act, 51 O.S. § 24A.1, et seq. and 85A O.S. § 120. Any person making a request for a Commission record shall comply with the following:

(1) The request must be in writing and directed to the Clerk of the Commission when the request is to access information on workers' compensation claims information, to the Commission's Insurance Division Director when the request is for workers' compensation insurance related information maintained by the Commission, or to the Executive Director for all other requests.

Emergency Adoptions

(2) Requests to access information on workers' compensation claims information are subject to the written request and search fee requirements of 85A O.S. § 120, unless an exemption outlined in the law applies. The Commission may request information of a requester sufficient to determine whether or not an exemption pertains.

(A) To access information on workers' compensation claim information claims, the request must be made in writing, on a form prescribed by the Commission. The request form requires identification of the person requesting the information and the person for whom a search is being made. The request form must contain an affidavit signed by the requester under penalty of perjury stating that the information sought is not requested for a purpose in violation of state or federal law. Those making a request shall pay the Commission One Dollar (\$1.00) per search request, not to exceed One Dollar (\$1.00) per claims record of a particular worker, plus applicable copy charges set forth in 85A O.S. § 119(A), any applicable fees according to the Oklahoma Open Records Act, 51 O.S. § 24A.5(3), and certification fees if any.

(B) Electronic searches of workers' compensation claims data using public terminals at the Commission's offices may be made. The search function permits searches using the name of a claimant or the Commission file number. Certain information related to the search criteria will be displayed on the terminal. Access to additional information on claims information pertaining to the search results is subject to the written request and search fee requirements described in this Paragraph.

(3) Requests not subject to Paragraph (2) of this Subsection, should describe the record(s) requested, indicate the name of the party making the request, and have the party's mailing address and telephone number. The requesting party shall pay for copies and research of such records in accordance with 85A O.S. § 119(A) and the Oklahoma Open Records Act, 51 O.S. § 24A.5(3), and, if applicable, for certification of the record according to a fee established by the Commission if any.

(4) Copy charges may be waived at the Commission's discretion for copies requested by the media or by a public officer or public employee in the performance of his or her duties on behalf of a governmental entity.

(b) This Section does not apply to records specifically required by state or federal law, or by state or federal administrative rule, or by order of a court of competent jurisdiction, to be kept confidential, including, but not limited to, financial data obtained by or submitted to the Commission for the purpose of obtaining a license or permit and records subject to proprietary agreements, confidentiality orders and sealed exhibits.

810:1-1-8. Electronic data interchange

(a) **Mandatory compliance.** Mandatory compliance with all provisions of Commission rules pertaining to electronic data interchange shall commence January 1, 2018 on the mandatory EDI implementation date. ~~Beginning January 1, 2018~~ On the

mandatory EDI implementation date, claim administrators shall submit all claim information via EDI, according to electronic record layouts adopted by the International Association of Industrial Accident Board and Commissions (IAIABC) in its Release 33.1 standards, until such time as the Commission may adopt a subsequent release of the IAIABC standards. Any subsequent version of the IAIABC standards is deemed adopted upon approval by the Commission. Claim administrators shall adhere to the IAIABC standards most recently adopted by the Commission. Paper forms postmarked received before the mandatory EDI implementation date of January 1, 2018 will be accepted and filed.

(b) **Trading partner profile.** Each claim administrator shall submit to the Commission's EDI vendor a completed EDI trading partner profile at least two (2) business days before submitting claim information via EDI. A claim administrator shall have a trading partner profile on file with the Commission before EDI submissions from that claim administrator will be accepted. The claim administrator shall report changes to its profile information at least two (2) business days prior to sending transactions containing revised profile-related information to the Commission. Failure to report changes to the trading partner profile information may result in the rejection of an entire transmission or individual transaction(s) containing profile information different from information reported on profile documents mostly recently submitted to the Commission.

(c) **Trading partner agreement.** If required by the Commission, a trading partner agreement adopted by the Commission shall be submitted by each trading partner prior to submitting claims information via EDI. The signing party understands 85A O.S., § 6 is applicable to each FROI and SROI submission, and the party is signing under penalty of perjury as prescribed by 85A O.S., §123.

(ed) **Implementation guides incorporated by reference.** Claim administrators shall file all claim information according to the IAIABC EDI Implementation Guide for claims, the Oklahoma Workers' Compensation Commission EDI Implementation Guide, which includes, but is not limited to, the Event Table, Element Requirements and Edit Matrix as referenced, and as otherwise specified in these rules. The IAIABC EDI Implementation Guide for claims and the Oklahoma Workers' Compensation Commission EDI Implementation Guide are herein incorporated by reference. The Commission's EDI Implementation Guide can be found at www.okwccedi.info.

(de) **Paper forms.** On or after January 1, 2018 ~~the mandatory EDI implementation date~~, paper copies of the following forms will not be accepted and will only be satisfied by filing FROI and SROI as specified in the Oklahoma Workers' Compensation Commission EDI Implementation Guide:

- (1) CC-Form-2 Employer's First Notice of Injury;
- (2) CC-Form-2A Employer's Intent to Controvert Claim;
- (3) CC-Form-2A Extension Employer's Application and Authorization for Extension of Time to File CC-Form-2A; and
- (4) CC-Form-4 Report of Compensation Paid/Suspension of Payments.

(¶f) **Social security number.** All EDI reports submitted to the Commission shall include the last five (5) digits of the claimant's social security number, in addition to other information that may be required. If no social security number can be obtained, the report shall include the worker's USCIS (green card) number, employment visa number, or passport number.

(¶g) **Catastrophic event.** Claim administrators, who directly or through a third party vendor, experience a catastrophic event resulting in the insurer's failure to meet timely filing requirements, shall submit a written or electronic request to the Commission for approval to submit required electronic form equivalents in an alternative filing timeline. The request shall be sent to the Commission within fifteen (15) days after the catastrophic event. The request shall contain a detailed explanation of the nature of the event, date of occurrence, and measures being taken to resume electronic submission. The claim administrator shall also provide an estimated date by which electronic submission of affected EDI filings will be resumed. Approval to submit in an alternative filing timeline shall be granted by the Commission if a catastrophic event prevents electronic submission. If approved, the electronic form equivalents that were due to be filed during the time the claim administrator was unable to file due to a catastrophic event, shall be sent with Late Reason Code "LB" (Late notification/payment due to Natural Disaster) or "LC" (Late notification/payment due to an act of Terrorism).

[OAR Docket #17-838; filed 11-30-17]

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

[OAR Docket #17-839]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
 - 810:10-1-3 [AMENDED]
 - 810:10-1-4 [AMENDED]
 - 810:10-1-7 [AMENDED]
- Subchapter 3. Informal Dispute Resolution Processes
 - 810:10-3-3 [AMENDED]
- Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners
 - Part 15. Settlements
 - 810:10-5-95 [AMENDED]

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 1 et seq.; 85A O.S. § 101

ADOPTION:

November 9, 2017

APPROVED BY GOVERNOR:

November 17, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

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

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Pursuant to 85A O.S. §101, the Commission is required to implement an electronic data interchange (EDI) system. The Commission permanent rules, now in effect, establish a mandatory EDI implementation date of January 1, 2018. Numerous entities have requested additional time to implement and test a new EDI system. The Commission has also learned that the International Association of Industrial Accident Board and Commissions (IAIABC) Release 3.1 standards will be released in August 2018. By delaying the mandatory EDI implementation date, the Commission can implement the most recent standards and avoid the costs involved with upgrading to the new standards later this year. In order to avoid serious prejudice to the public interest, the emergency rule amendments are necessary due to the change in the mandatory EDI implementation date and the change in the version of the release required for EDI implementation.

GIST/ANALYSIS:

The emergency rules change the mandatory implementation date of the EDI system from January 1, 2018 to September 1, 2018.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, OWCC, 212 Kerr State Office Building, 440 S. Houston, Tulsa, Oklahoma 74127, 918-295-3731, lindsey.christopher@wcc.ok.gov

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

SUBCHAPTER 1. GENERAL PROVISIONS

810:10-1-3. Definitions

In addition to the terms defined in 85A O.S. § 2, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Acceptable Electronic Signature Technology" means technology that is capable of creating a signature that is unique to the person using it, is capable of verification, is under the sole control of the person using it, and is linked to the data in such a manner that if the data is changed, the electronic signature is invalidated.

"Administrative Law Judge" means an Administrative Law Judge of the Commission to whom the Commission has delegated by order or otherwise, the authority to conduct a hearing.

"Attorney" means an attorney licensed to practice law in Oklahoma and a member in good standing of the Oklahoma Bar Association, or an out-of-state attorney.

"AWCA" means the Administrative Workers' Compensation Act, 85A O.S. §§1, et seq.

"Business day" means a day that is not a Saturday, Sunday, or legal holiday.

"Certified workplace medical plan" means an organization that is certified by the Oklahoma State Department of Health to provide management of quality treatment to injured employees for injuries and diseases compensable pursuant to the workers' compensation laws of the State of Oklahoma.

"Claim administrator" means the trading partner sending electronic transactions to the Commission, which can be an

Emergency Adoptions

insurer filing directly with the Commission on its own behalf, or a servicing company/third party administrator filing on behalf of the insurer.

"Claim for compensation" means a Commission prescribed form filed by or on behalf of an injured worker or the worker's dependents to initiate a claim for benefits pursuant to the AWCA for an alleged work injury, occupational disease or illness, or death.

"Claim Information" means data submitted via First Report of Injury (FROI) or Subsequent Report of Injury (SROI).

"Claimant" means a person who claims benefits for an alleged work injury, occupational disease or illness, or death, pursuant to the provisions of the AWCA.

"Commission" means the Oklahoma Workers' Compensation Commission, a designee, or an Administrative Law Judge to whom the Commission has delegated responsibility as authorized by 85A O.S. § 21(D).

"Commission Chair" means the Chair of the Oklahoma Workers' Compensation Commission.

"Continuance" means postponing a hearing from the time or date set, and rescheduling it on a later time or date.

"Controverted claim" means there has been a contested hearing before the Commission over whether there has been a compensable injury or whether the employee is entitled to temporary total disability, temporary partial disability, permanent partial disability, permanent total disability, or death compensation.

"Discovery" means the process by which a party may, before the hearing, obtain evidence relating to the disputed issue or issues from the other parties and witnesses.

"Document" means any written matter filed in a cause, including any attached appendices.

"Electronic Data Interchange" means the transmission of claim information through electronic means, in a format established by the Commission.

"EDI" means electronic data interchange.

"Electronic Signature" means an electronic symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Executive Director" means the Executive Director of the Commission.

"FROI" means first report of injury.

"Good cause" means, in the context of a request for continuance or failure of a party to comply with the Rules of this Chapter, circumstances beyond the party's control or that the party could not reasonably foresee. In the context of a claim, defense, or order, it means a reasonable legal basis.

"Insurance carrier" means any stock company, mutual company, or reciprocal or interinsurance exchange authorized to write or carry on the business of workers' compensation insurance in this state, and includes an individual own risk employer or group self-insurance association duly authorized by the Commission to self fund its workers' compensation obligations.

"Insurer" means the entity responsible for making electronic filings as prescribed by law and these rules. This term includes self-insurers.

"Joint Petition Settlement" means a settlement between the employer/insurance carrier and the employee, of all or some issues and matters in a claim for compensation.

"Legal holiday" means only those days declared legal holidays pursuant to 25 O.S. § 82.1 or by proclamation of the Governor of Oklahoma.

"Mandatory EDI implementation date" means September 1, 2018, unless a subsequent date is adopted by the Commission.

"Mediation" means the process of resolving disputes with the assistance of a mediator, outside of a formal administrative hearing.

"Out-of-state attorney" means a person who is not admitted to practice law in the State of Oklahoma, but who is admitted in another state or territory of the United States, the District of Columbia, or a foreign country.

"Pro se" means without an attorney.

"Proceeding" means any action, case, hearing, or other matter pending before the Commission.

"Representative" means a person designated in writing by an injured employee, person claiming a death benefit, employer, insurance carrier or health or rehabilitation provider, to assist or represent them before the Commission in a matter arising under the AWCA.

"Sanction" means a penalty or other punitive action or remedy imposed by the Commission on an insurance carrier, representative, employee, employer, or health care provider for an act or omission in violation of the AWCA or a rule, judgment, order, or decision of the Commission.

"Self-insurer" means any duly qualified individual employer or group self-insurance association authorized by the Commission to self fund its workers' compensation obligations.

"SROI" means subsequent report of injury.

"Subpoena" means a Commission issued writ commanding a person to attend as a witness to testify or to produce documents, including books, papers and tangible things, at a deposition or at a hearing.

"Trading Partner" means an entity that has registered with the Commission to exchange data through Electronic Data Interchange.

"Workers' compensation fee schedule" means a state mandated schedule of maximum allowable reimbursement levels for health care providers, including hospitals, ambulatory surgical centers, and inpatient rehabilitation facilities, rendering reasonable and necessary health care services and supplies to an injured employee for a compensable injury pursuant to the Oklahoma workers' compensation laws.

"Written" means that which is expressed in writing, and includes electronic records.

810:10-1-4. Reporting injuries or deaths

(a) **Employer's first report of injury (formerly CC Form 2).**

- (1) Within ten (10) days after the date of receipt of notice or of knowledge of death or injury which results in the loss of time beyond the shift or which requires medical

attention away from the work site the ~~claim administrator~~ employer shall file a CC-Form-2 Employer's First Notice of Injury with the Commission or effective on or after the mandatory EDI implementation date, the claim administrator shall file a FROI with the Commission via EDI.

(2) The report shall contain the information required by 85A O.S. § 63 and any additional information prescribed by the Commission.

(3) Failure or refusal of an ~~insurer~~ employer to comply with the reporting requirements of this Section may subject the ~~insurer~~ employer to sanctions prescribed in 85A O.S. § 63.

(b) Employer's First or Subsequent Report of Injury (formerly, CC-Form 2A and CC-Form 2A Extension).

(1) Each ~~insurer~~ employer is required by 85A O.S. § 86 to file a report of controversion, if intending to controvert, within fifteen (15) days of notice or knowledge of injury. ~~Insurer~~ Employer, if intending to controvert, shall do so by ~~the claim administrator making the appropriate filing~~ the CC-Form-2A Employer's Intent to Controvert Claim or, effective on or after the mandatory EDI implementation date, by the claim administrator submitting the appropriate FROI and/or SROI filings as provided in the Oklahoma Workers' Compensation Commission EDI Implementation Guide.

(2) A ~~FROI UI (Under Investigation) or SROI UI (Under Investigation)~~ CC-Form-2A Extension is submitted to request an extension to investigate compensability of the claim. Effective on or after the mandatory EDI implementation date, a FROI UI (under investigation) or SROI UI (under investigation) shall be filed to request such extension. The request must be submitted within the fifteen (15) days after notice of the injury, or by such later date as fixed by the Commission, in its discretion. The extension shall be deemed granted upon request, and extends the filing deadline for a standard time period of thirty (30) days from the original due date of the CC-Form-2A or FROI or SROI, as applicable, for a total of forty-five (45) days from the date of the employer's notice or knowledge of injury/death. The Commission reserves the right to alter the extension period and may audit extension requests.

(3) ~~Within fifteen (15) days of notice or knowledge of injury~~ Effective on or after the mandatory EDI implementation date, the claim administrator, if not controverting, shall report first payment of benefits on either a FROI or SROI within fifteen (15) days of notice or knowledge of injury, in accordance with the Oklahoma Workers' Compensation Commission EDI Implementation Guide.

(c) Employer's Subsequent Report of Injury, Report of Compensation Paid (formerly CC-Form 4).

(1) ~~Within~~ Effective on or after the mandatory EDI implementation date, the claim administrator shall, within fifteen (15) days of the initial payment of a benefit, change in benefit amount, change in benefit type, reinstatement of a benefit or suspension of a benefit, the employer shall file a SROI reporting such initial payment, change, suspension or reinstatement and the reason therefore.

(2) Within thirty (30) days of making the final payment of compensation, including payments made for medical treatment, the employer shall file a CC-Form-4. Effective on or after the mandatory EDI implementation date, the claim administrator shall file a SROI FN (Final) reporting such final payment.

(3) ~~The~~ Effective on or after the mandatory EDI implementation date, the claim administrator shall file a sub-annual report (SROI SA) every 6 months for every indemnity or medical only claim where indemnity and/or medical benefits were paid during the reporting year. For ongoing claims, reports are due six months from the date of injury and every six months following. If the claim is closed prior to the initial six months from when the SROI SA (Sub-Annual) is due, a SROI FN (Final) shall be filed.

(d) **Additional reporting requirements.** Reports or additional reports with respect to the death, injury and of the condition of the employee shall be sent by the employer to the Commission at such time and in such manner as the Commission may prescribe.

(e) **Evidentiary effect of reports.** Any report provided pursuant to this Section shall not be evidence of any fact stated in the report in any proceeding with respect to the injury or death for which the report is made.

810:10-1-7. Forms and other documents generally

(a) All forms, pleadings, proposed orders, correspondence or other documents submitted to the Commission shall:

- (1) be typewritten or printed legibly on 8 ½" by 11" paper, unless electronically filed;
- (2) refer to the Commission file number if assigned;
- (3) bear the typed or printed name, mailing address, telephone number, and signature, of the person who prepared the document, including the firm name if applicable; and
- (4) include the attorney's Oklahoma Bar Association number, if the document is submitted by an attorney licensed to practice law in Oklahoma.

(b) The signature of an attorney or party constitutes the following:

- (1) a certification that the claim, request for benefits, request for additional benefits, controversion of benefits, request for a hearing, pleading, form, motion, or other paper has been read;
- (2) that to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and
- (3) that it is not brought for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(c) If a claim, request for benefits, request for additional benefits, request for hearing, pleading, motion, or other paper:

- (1) is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant; or

Emergency Adoptions

- (2) is signed in violation of the AWCA, the Commission, including Administrative Law Judges, on motion or on their own initiative, shall impose an appropriate sanction as prescribed in 85A O.S. § 83.
- (d) An electronic signature using acceptable electronic signature technology may be used to sign a document or a form and shall have the same force and effect as a hand written signature.
- (e) All documents filed with the Commission shall be served on all parties and shall have a certificate of service setting forth the manner of such service. A copy of all correspondence addressed to the Commission with respect to a pending matter shall be sent to all parties at the time it is sent to the Commission and shall list the parties to whom copies were sent.
- (f) All forms filed with the Commission, except forms submitted ~~via EDI~~electronically, shall be file-stamped by the Clerk of the Commission on the date of receipt.
- (g) All FROI and SROI filings properly submitted through EDI according to the standards specified in 810:1-1-8 shall be deemed to comply with the requirements of this section.

SUBCHAPTER 3. INFORMAL DISPUTE RESOLUTION PROCESSES

810:10-3-3. Counselor program

- (a) The Commission shall maintain a workers' compensation counselor program to assist injured employees, employers and persons claiming death benefits under the AWCA. The program shall be administered by the Counselor Division of the Commission.
- (b) A Division counselor shall:
- (1) meet with or otherwise provide information to injured employees;
 - (2) investigate complaints;
 - (3) communicate with employers, insurance carriers, individual own risk employers, group self-insurance associations, and health care providers on behalf of injured employees;
 - (4) provide informational seminars and workshops on workers' compensation for medical providers, insurance adjusters, and employee and employer groups; and
 - (5) develop informational materials for employees, employers and medical providers.
- (c) Notice of the availability of the services of the counselor program and of the availability of mediation and other forms of alternative dispute resolution to assist injured workers shall be mailed to the injured worker within ten (10) days of the filing of the applicable Employer's First Notice of Injury or FROI as provided in 810:10-1-4(a). Information about the counselor program and the availability of alternative dispute resolution also shall be made part of the Commission's training materials for self-insurers and claims representatives handling Oklahoma workers' compensation claims.

SUBCHAPTER 5. HEARINGS CONDUCTED BY ADMINISTRATIVE LAW JUDGES AND COMMISSIONERS

PART 15. SETTLEMENTS

810:10-5-95. Joint petition settlements

- (a) Under 85A O.S. § 87 and 85A O.S. § 115, upon and after the filing of a claim for compensation, or, in the absence of a claim for compensation, the filing of the applicable Employer's First Notice of Injury or FROI per 810:10-1-4(a) in a claim involving a pro se employee, the parties may engage in a compromise and release of any and all liability which is claimed to exist under the AWCA on account of the injury or occupational disease or illness, subject to approval by the Commission, an Administrative Law Judge, or a Benefit Review Officer.
- (b) The parties in interest to a claim for compensation may settle upon and determine any and all issues and matters by agreement, subject to the terms and conditions of this Section.
- (c) Any agreement submitted to the Commission, Administrative Law Judge or Benefit Review Officer of the Commission's Counselor Division, for approval shall be set forth in a Commission prescribed CC-Joint Petition Settlement. Nothing in this rule shall preclude the Multiple Injury Trust Fund from compromising a claim as authorized by 85A O.S. § 32(F).
- (d) No CC-Joint Petition Settlement agreement shall be binding on the parties in interest unless it is approved by the Commission pursuant to 85A O.S. § 22, Administrative Law Judge of the Commission pursuant to 85A O.S. § 115, or a Commission Benefit Review Officer pursuant to 85A O.S. § 70. The CC-Joint Petition Settlement, including any attached appendix as provided in 85A O.S. § 115(B), identifying the outstanding issues that are subject to the Commission's continuing jurisdiction and possible reopen, shall be approved unless it is determined that:
- (1) The agreement is unfair, unconscionable, or improper as a matter of law; or
 - (2) The agreement is the result of an intentional misrepresentation of a material fact; or
 - (3) The agreement, if for permanent disability, is not supported by competent medical evidence as required by 85A O.S. § 2(33).
- (e) As used in this Section, "parties in interest" means the respondent (employer and the employer's insurance carrier if insured), and an employee. An employee who is not represented by legal counsel may effect a CC-Joint Petition Settlement upon the employer's filing of the applicable Employer's First Notice of Injury or FROI as provided in 810:10-1-4(a), or the employee's filing of a claim for compensation (CC-Form-3 or CC-Form-3B), regarding the injury or occupational disease or illness which is the subject of the CC-Joint Petition Settlement.
- (f) In no instance shall the total attorney's fee amount provided for in a CC-Joint Petition Settlement exceed the maximum attorney fee allowed by law.
- (g) No CC-Joint Petition Settlement shall be made upon written interrogatory or deposition except in cases where the

claimant is currently engaged in the military service of the United States, is outside of the state, is a nonresident of Oklahoma, or in cases of extreme circumstances.

(h) A stenographic record of the terms and conditions of an approved joint petition settlement and the understanding of the claimant concerning the effect of the settlement must be made by a Commission court reporter and transcribed at the expense of the employer or insurance carrier. The transcript shall be prepared and provided to the parties within ninety (90) days. Medical reports and other exhibits submitted in support of a CC-Joint Petition Settlement shall not be transcribed. The original exhibits or duplicate copies thereof shall be affixed to the original transcript and placed in the Commission file.

(i) A file-stamped copy of an approved CC-Joint Petition Settlement shall be mailed by the Commission to all unrepresented parties and attorneys of record.

(j) A CC-Joint Petition Settlement that fully and finally resolves all issues in a claim for compensation between the employee and the employer, shall not be deemed an adjudication of the rights between the medical or rehabilitation provider and the employer for reasonable and necessary medical and rehabilitation expenses incurred by the employee due to the injury before the file-stamped date of the approved CC-Joint Petition Settlement.

(k) Within seven (7) days of the date a medical provider provides initial treatment for a work-related accident, the medical provider shall provide notice in writing to the Commission, if and only if, a CC-Form-3 or CC-Form-3B has been filed

with the Commission, and in all cases shall provide notice in writing to the patient's employer, and if known, the employer's insurance carrier. If the medical provider fails to provide the required notification, the medical provider forfeits any rights to future notification, including those circumstances where a case is fully and finally settled by a CC-Joint Petition Settlement, unless the medical provider is actually known to the employer or insurance carrier or is listed by the employee.

(l) If the issue of medical treatment is fully and finally settled by a CC-Joint Petition Settlement, the employee shall provide to the employer or insurance carrier a list of all medical providers known to the employee. The Commission prescribed Form CC-Joint Petition Settlement shall be used for that purpose. Within ten (10) days from the file-stamped date of the CC-Joint Petition Settlement, the employer or insurance carrier shall send notice of the CC-Joint Petition Settlement to all medical providers listed by the employee and to all medical providers known to the employer or insurance carrier. The employee is liable for payment of any medical services rendered after the CC-Joint Petition Settlement is filed. The employee also is responsible for informing any future medical providers that the case or issue of medical treatment was fully and finally disposed of by a CC-Joint Petition Settlement and that the employee, rather than the employer or insurance carrier, is the party financially responsible for such services.

[OAR Docket #17-839; filed 11-30-17]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2017-40.

EXECUTIVE ORDER 2017-40

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.10 of Title 25 of the Oklahoma Statutes, in recognition of Oklahoma Pearl Harbor Remembrance Day and those who died or were injured in World War II, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff all day on Thursday, December 7, 2017, to honor the many Oklahoma and United States citizens who died on December 7, 1941, as a result of the attack by the Japanese on Pearl Harbor, Hawaii.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 7th day of December, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Dave Lopez
Secretary of State

[OAR Docket #17-846; filed 12-7-17]

1:2017-41.

EXECUTIVE ORDER 2017-41

To the Honorable Members of the Oklahoma House of Representatives, the Honorable Members of the Oklahoma State Senate, the Attorney General of the State of Oklahoma, and all directors of state agencies:

WHEREAS, there has been a growing number of sexual harassment incidents reported in Oklahoma and across the nation;

WHEREAS, all Oklahomans have a right to live free from any form of sexual harassment and other forms of harassment and unlawful discrimination; and

WHEREAS, as Governor of the State of Oklahoma, it is my desire to foster a culture that does not tolerate sexual harassment or unlawful discrimination in Oklahoma.

THEREFORE, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution I hereby direct:

1. all state officials and state agency directors to build an environment free from sexual harassment and unlawful discrimination, to be proactive in training their employees about inappropriate behavior, and prohibiting employees from engaging in such behavior; and
2. all state officials and state agency directors to clearly notify their employees of the agency's policy in the area of sexual harassment and unlawful discrimination and to notify their employees of the procedure for filing and processing a complaint of sexual harassment and unlawful discrimination with the Attorney General's Office of Civil Rights Enforcement, or the Equal Employment Opportunity Commission (EEOC), as appropriate.

Further, I request the Attorney General to make training available in the area of sexual harassment and unlawful discrimination to all public officials, and state agencies in order to educate the state workforce on how to effectively recognize sexual harassment and effectively reduce its occurrence in Oklahoma.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives; every member of the Oklahoma State Senate; the Clerk of the House of Representatives; the Secretary of the Senate; Director of the Office of Management and Enterprise Services; and the cabinet secretaries to further distribute to directors of agencies.

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 8th day of December, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-850; filed 12-8-17]

1:2017-42.

EXECUTIVE ORDER 2017-42

To the Secretary of State, the Director of Office of Management and Enterprise Services, to the Secretary of Health and Human Services and to the Commissioner of Health:

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 and by Section 840-4.1 of Title 74 of the Oklahoma Statutes hereby reaffirm and Order that the Oklahoma State Department of Health and the employees of the Oklahoma State Department of Health are under the Merit System of Personnel Administration for the State of Oklahoma.

Pursuant to the power and authority vested in me by Section 840-4.1(A) of Title 74 of the Oklahoma Statutes, I hereby exempt from the Merit System the following positions: Director of Human Resources, Chief of Staff, Chief Operating Officer, Chief Security Officer, Chief Financial Officer, and Director of Communications.

The exemption listed above is in addition to any other general exemption or exception from the Merit System of Personnel Administration codified in state law and any specific exemptions for the Oklahoma State Department of Health and the following Executive Orders: (1) the Unnumbered Executive Order dated November 6, 1959 issued by then Governor J. Howard Edmondson originally placing the Oklahoma State Department of Health under the Merit System of Personnel Administration; and (2) Executive Order 85-8 originally issued by then Governor George Nigh on July 1, 1985, which amended the Executive Order issued by Governor J. Howard Edmondson.

Copies of this Executive Order shall be distributed to the Secretary of State, the Director of Office of Management and Enterprise Services, the Secretary of Health and Human Services and to the Commissioner of Health.

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 14th day of December, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-859; filed 12-14-17]

1:2017-43.

EXECUTIVE ORDER 2017-43

To the Honorable Members of the Oklahoma House of Representatives and the Honorable Members of the Oklahoma State Senate:

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 7 of Article VI of the Oklahoma Constitution, hereby convoke the Second Extraordinary Session of the Fifty Sixth Legislature to convene at the State Capitol on Monday, December 18, 2017. I recommend the following subjects for the Legislature's consideration:

To provide funding for FY18 to the Oklahoma Health Care Authority to avoid provider rate cuts.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives, every member of the Oklahoma State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of Management and Enterprise Services.

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 15th day of December, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-860; filed 12-15-17]
