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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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 15. OAC GRANT PROGRAM

[OAR Docket #17-925]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 25:15-1-1. Purpose [AMENDED]
- 25:15-1-2. Definitions [AMENDED]
- 25:15-1-3. Planning [AMENDED]
- 25:15-1-4. Programming Implementation Airport Grant Program Requirements and Procedures [AMENDED]

SUMMARY:

The proposed permanent rules will change the name of the Capital Improvement Program to the Airport Construction Program and extend the program from a three-year program to a five-year program. Changes are also being made to the procedures within the program to identify the flexibility of a project for each of the years along with the communication requirements when a project is to be included in the program. The amendments will clarify what types of airport construction projects are eligible to receive grant funds from the Commission. The amendments will develop two basic criteria: one, to determine if a project is eligible to receive airport grant funding from the Commission, and two, to determine if a project is justified for inclusion in the Commission's Airport Construction Program.

AUTHORITY:

3 O.S. Section 85; Oklahoma Aeronautics Commission

COMMENT PERIOD:

Persons may submit written or oral comments to Jane Mitchell at the Oklahoma Aeronautics Commission at 110 N. Robinson Ave., Oklahoma City, OK 73102, or at jmitchell@oac.ok.gov, or by calling (405) 604-6901 during the period from during the period from January 17, 2018 through February 20, 2018.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Monday, February 21, 2018, at the Oklahoma Aeronautics Commission, 110 N. Robinson Ave., Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person on or after January 31, 2018, or at the following website link <http://oac.ok.gov>

CONTACT PERSON:

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

[OAR Docket #17-925; filed 12-22-17]

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 30. AIRCRAFT PILOT AND PASSENGER PROTECTION ACT

[OAR Docket #17-926]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 25:30-1-2. Definitions [AMENDED]
- 25:30-1-4. Who is not required to file [AMENDED]
- Subchapter 7. Notice, Determination and Commission Actions
- 25:30-7-1. Commission review [AMENDED]
- 25:30-7-4. Actions required for approved applications [AMENDED]

SUMMARY:

These are proposed amendments to the permanent rules which regulate obstructions to air navigation that have the potential of endangering the lives and property of aircraft pilots and passengers and those that live or work in the vicinity of public-use airports. These rules also regulate the use of land in close proximity to a public-use airport to ensure compatibility with aircraft operations. These amendments to the permanent rules will provide better clarity to the general public of the specific powers and duties of the Oklahoma Aeronautics Commission in the interest of the health, safety and welfare of the public so that the state may properly fulfill its duty to ensure that land use and structures around a public-use airport are compatible with normal airport operations. The amendments to these permanent rules specifically address changes to the law that were passed during the 2017 legislative session such as changes to the definition of incompatible purpose, clarification to the exemption for temporary structures, extension of

Notices of Rulemaking Intent

the deadline to file an approved permit, and an addition for an applicant to have the ability to micro-site an approved structure.

AUTHORITY:

3 O.S. Section 120.14; Oklahoma Aeronautics Commission

COMMENT PERIOD:

Persons may submit written or oral comments to Jane Mitchell at the Oklahoma Aeronautics Commission at 110 N. Robinson Ave., Oklahoma City, OK 73102, or at jmitchell@oac.ok.gov, or by calling (405) 604-6901 during the period from January 17, 2018 through February 20, 2018.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, February 21, 2018, at the Oklahoma Aeronautics Commission, 110 N. Robinson, Suite 200, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person on or after January 31, 2018, or at the following website link. <http://oac.ok.gov>

CONTACT PERSON:

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

[OAR Docket #17-926; filed 12-22-17]

TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS

[OAR Docket #17-861]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Rules of Professional Conduct [AMENDED]

Subchapter 7. Application [AMENDED]

Subchapter 11. Schedule of Fees [AMENDED]

Subchapter 13. Continuing Education Requirements [AMENDED]

SUMMARY:

The proposed rule change to Subchapter 3 amends the Code of Ethics provision concerning sexual relationships with clients and former clients to clarify the time frame of the prohibition.

Section 2 of Subchapter 7 is amended to clarify the scope of practice of an LADC who does not have the MH designation.

A new subsection is added to define "direct client contact." New language is added to Section 3, providing that it shall be considered unlawful private or independent practice for a candidate for licensure or certification who owns or operates a counseling business to oversee clinical services for the business. Amendments to Sections 6 and 7 establish new criteria for when inactive applications become void, and requirements for applicants with multiple exam failures.

Subchapter 11 is amended to increase the application fees to one hundred seventy-five dollars (\$175.00), the initial license or certification fee to one hundred twenty-five dollars (\$125.00) and the annual license or certification renewal fee to one hundred twenty-five dollars (\$125.00).

New fees added to Subchapter 11 are a twenty-five dollar (\$25.00) annual application maintenance fee to defray the cost of monitoring compliance with supervision requirements and a twenty-five dollar (\$25.00) late fee for each month the maintenance fee is past due up to 3 months. Other new fees are added for approval of continuing education programs. Continuing education providers will be charged a two hundred dollar (\$200.00) annual fee for designation as an approved provider for all programs offered within the year. Licensees will be charged a twenty-five dollar (\$25.00) fee for approval of an event offered by a non-approved provider.

A new section is added to Subchapter 13 setting forth the procedures and requirements for approval of continuing education providers and programs.

AUTHORITY:

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O. S., § 1875-1 and § 1884 (B).

COMMENT PERIOD:

Persons may submit written comments to Richard D. Pierson at 101 N.E. 51st Street, Oklahoma City, Ok. 73105, or P.O. Box 54388, Oklahoma City, Ok. 73154 until the conclusion of the public hearing on February 21, 2018.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 21, 2018 at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N. E. 51st Street, Oklahoma City, Ok. 73105 to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N.E. 51st Street, Oklahoma City, Ok. 73105 or the Board website at www.okdrugcounselors.org under Laws and Regulations.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning January 16, 2018.

CONTACT PERSON:

Richard D. Pierson, Executive Director, (405) 521-0779.

[OAR Docket #17-861; filed 12-18-17]

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

[OAR Docket #17-922]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

40:1-1-3. General course and method of operation [AMENDED]

40:1-1-6. Fees [AMENDED]

SUMMARY:

The proposed rules eliminate unnecessary and outdated restrictions on the allowed method to call for a meeting of the Board. Additionally, the proposed rules remove apparent restrictions on the members of the public that may attend meetings of the Board. Finally, the proposed rules restructure the fee schedule for the agency to reduce the burden on local business and private citizens.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2018 through February 20, 2018.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 22, 2018 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

through February 20, 2018, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2018 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-922; filed 12-22-17]

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

[OAR Docket #17-923]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 40:50-1-1.1. Definitions [AMENDED]
- 40:50-1-2. Device certification process [AMENDED]
 - 40:50-1-2.1. Approval and denial [AMENDED]
 - 40:50-1-2.2. Annual recertification [AMENDED]
 - 40:50-1-2.4. Modification of a certified device [AMENDED]
- 40:50-1-3. Standards and specifications [AMENDED]
 - 40:50-1-3.2. Reportable violations [AMENDED]
- 40:50-1-4.1. Installation requirements [AMENDED]
- 40:50-1-5. Maintenance and calibration [AMENDED]
- 40:50-1-7. Service center licensing process [AMENDED]
 - 40:50-1-7.3. Inactivation, suspension, and revocation [AMENDED]
- 40:50-1-8. Ignition interlock technician [AMENDED]
- 40:50-1-8.3. Inactivation, suspension, and revocation [AMENDED]

SUMMARY:

The proposed rules update, add, and remove the definitions of various terms related to the ignition interlock device. The proposed rules correct citations to the agency's website and provide more appropriate citations for incorporation

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by reference. The proposed rules provide for the creation of procedures to accommodate the temporary conditional approval of ignition interlock devices. The rules change the device certification period from one year to three years. The proposed rules establish a more appropriate penalty set point for the reporting of breath results recorded by the ignition interlock device. The rules update the reporting requirements for ignition interlock manufacturers and revise the terminology related to participants who violate the program by missing service appointments. The proposed rules eliminate the "inclusion zone" that required out of state service centers to become licensed in Oklahoma. The proposed rules eliminate the possibility of using wet bath simulators in the maintenance and calibration process, and require dry gas reference methods. The proposed rules eliminate references to fees that are being done away with and require service centers to prominently display the fees charged for interlock services. The rules establish more flexibility for the agency when suspending both ignition interlock service centers and ignition interlock technicians.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2018 through February 20, 2018.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 22, 2018 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2018, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules

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

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2018 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-923; filed 12-22-17]

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

[OAR Docket #17-924]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Alcohol Screening Devices
40:55-1-1. Approved devices [AMENDED]

SUMMARY:

The proposed rules update and add citations to the federal register regarding incorporation by reference.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 17, 2018 through February 20, 2018.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 22, 2018 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 20, 2018, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 17, 2018 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-924; filed 12-22-17]

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

[OAR Docket #17-868]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:2-1-2 [AMENDED]

317:2-1-2.5 [NEW]

(Reference APA WF # 17-10A)

SUMMARY:

The proposed revisions will clarify timelines for appeal decisions and add a new section outlining expedited appeals, which are required by new regulations in cases when an appellant's life or health could be in jeopardy. The timelines and process for expedited appeals are outlined in the new section of policy. Additionally, language referring to nursing home wage enhancement is being deleted due to changes in state statute that resulted in the policy being obsolete. Further revisions will clarify the purpose and other details of the appeal process and other general language cleanup.

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 431.224

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-868; filed 12-19-17]

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

[OAR Docket #17-884]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:2-1-16 [AMENDED]

(Reference APA WF # 17-33A)

SUMMARY:

The proposed revisions will update and revise the nursing home supplemental payment program for nursing facilities by changing the methodology for computing the Upper Payment Limit (UPL). Additionally, the proposed revisions will update the care criteria section and eligibility requirements that a nursing facility will be required to meet to participate in

Notices of Rulemaking Intent

the UPL program and receive the UPL payments. Finally, revisions will update some acronyms, definitions and references to other legal authorities.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-884; filed 12-19-17]

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

[OAR Docket #17-863]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-24 [AMENDED]
Part 5. Eligibility [REVOKED]
317:30-3-88 [REVOKED]
(Reference APA WF # 17-05A)

SUMMARY:

The proposed revisions remove the section that refers to the issuing of member medical identification cards and cleans up a sentence pertaining to SoonerCare insurance verification. This policy change is the result of the Oklahoma Health Care Authority no longer printing and/or issuing plastic medical identification cards. Members now have access to print their medical identification card from their online member account, or non-online enrollment members can visit their local county DHS office to obtain a printed card. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed revisions also amend a sentence pertaining to SoonerCare insurance verification by a provider.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-863; filed 12-19-17]

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

[OAR Docket #17-865]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
- Part 3. General Medical Program Information
- 317:30-3-57 [AMENDED]
- Subchapter 5. Individual Providers and Specialties
- Part 5. Pharmacies
- 317:30-5-70 [AMENDED]
- 317:30-5-70.1 [AMENDED]
- 317:30-5-70.2 [AMENDED]
- 317:30-5-72 [AMENDED]
- 317:30-5-72.1 [AMENDED]
- 317:30-5-76 [AMENDED]
- 317:30-5-77.2 [AMENDED]
- 317:30-5-78.1 [AMENDED]

(Reference APA WF # 17-06)

SUMMARY:

The proposed pharmacy revisions removed coverage of optional non-prescription drugs for adults (insulin, nicotine replacement products for smoking cessation, and family planning products are not optional). Additionally, compounded prescriptions now require a prior authorization for allowable cost exceeding a pre-determined limit. Rules amended the number of prescriptions allowed for adults receiving services under the 1915 (c) Home and Community-Based Services Waivers from two to three, which aligned policy with current practices. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously

reviewed: The proposed pharmacy revisions will require non-resident pharmacies to have an Oklahoma license. Revisions will outline that pharmacies may be selected for audits, therefore, pharmacy records must be available for seven years. Additionally, Phenylketonuria drug products will no longer be exempted from the prescription limit; however, naloxone for use in opioid overdose will be exempted. In addition, revisions will remove coverage for over the counter cough and cold medicine. New rules will require providers to substitute generic medications for brand name medication when the net cost of the brand name is lower than the net cost of the generic medication. Furthermore, language will clarify and outline how claims are to be handled for submissions and/or reversals. Finally, revisions will update policy terminology to align with current practice.

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; Article 10, Section 23 of the Oklahoma Constitution; Oklahoma Administrative Code 535:15-3-9

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #17-865; filed 12-19-17]

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

[OAR Docket #17-866]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 103. Qualified Schools as Providers of Health Related
Services

317:30-5-1020 [AMENDED]

317:30-5-1021 [AMENDED]

317:30-5-1023 [AMENDED]

(Reference APA WF # 17-07)

SUMMARY:

The proposed school-based revisions will remove unintended barriers for medical services rendered in the school setting pursuant to an Individual Education Plan (IEP). Revisions align with state statute that recognizes certain providers who provide services pursuant to the Individual with Disabilities Education Act as practitioners of the healing arts. The proposed revisions will eliminate the need for prior authorization for certain services in a school setting if the therapies are documented in the child's IEP and have been prescribed or referred by a physician or other licensed practitioner of the healing arts. The Oklahoma State Department of Education will be required to be the referring entity for IEP services. Finally, the revisions remove specific references that are no longer applicable.

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 440.110; 34 CFR 300.154

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-866; filed 12-19-17]

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

[OAR Docket #17-867]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services

317:30-5-241.1 [AMENDED]

317:30-5-241.6 [AMENDED]

(Reference APA WF # 17-09)

SUMMARY:

The proposed revisions established yearly limits on the amount of basic case management/resource coordination that is reimbursable by SoonerCare on a fee-for-service basis. The limit of 25 units per member per month for basic case management/resource coordination was reduced to 16 units per member per year. A process for authorizing up to 25 units per member per month will be used for individuals who meet established medical necessity criteria demonstrating the need for additional units. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed policy revisions will change requirements for behavioral health assessments by allowing for diagnostic

impressions on the assessment, while still requiring a diagnosis on the service plan. Additionally, proposed rules will allow for one client signature that will apply to both the assessment and treatment plan as well as allow a temporary change of service provider to be documented in a progress note for the service provided. These changes will allow for more flexibility in performing an assessment and developing a treatment plan. Other revisions will include minor updates of terminology to keep language consistent throughout the Oklahoma Health Care Authority policy.

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; Article 10, Section 23 of the Oklahoma Constitution

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-867; filed 12-19-17]

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

[OAR Docket #17-870]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. ~~Long-Term~~Long-Term Care Facilities

317:30-5-131.1 [REVOKED]

317:30-5-131.2 [AMENDED]

(Reference APA WF # 17-12)

SUMMARY:

The proposed revisions are necessary in order to remove wage enhancement language and requirements for specified employees in nursing facilities (NF) serving adults and intermediate care facilities for individuals with intellectual disabilities (ICFs/IIDs). As a result of the increase of federal minimum wage and the change in rate setting methodology related to wages for employees of NFs serving adults and ICFs/IIDs, Section 5022 and 5022.1 of Title 63 of the Oklahoma Statutes were repealed. The repeal of these sections results in the Oklahoma Health Care Authority policy being obsolete; therefore, the removal of the language is necessary to comply with state regulation.

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; Title XIX State Plan; Sections 5022 and 5022.1 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-870; filed 12-19-17]

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

[OAR Docket #17-871]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-695 [AMENDED]

317:30-5-696 [AMENDED]

(Reference APA WF # 17-14)

SUMMARY:

The proposed revisions clarified dental coverage for adults by amending the rule that limits dental services for adults to emergency extractions. The policy was initially intended for emergency extractions and was later revised to medically necessary extractions. The intent of the change was to ensure the emergency extractions were medically necessary; however, there was some confusion regarding interpretation. Therefore, the policy was reverted to the original language to include the term emergency along with reference to where emergency dental care is defined in policy. The proposed revisions also added new language regarding the medically necessary images and oral examination that can accompany an emergency extraction. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed revisions add a new definition for the images that can accompany an emergency extraction and a definition for emergency extraction.

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 483.55; Oklahoma Medicaid State Plan

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-871; filed 12-19-17]

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

[OAR Docket #17-873]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 21. Outpatient Behavioral Health Agency Services

317:30-5-240.1 [AMENDED]

317:30-5-240.2 [AMENDED]

317:30-5-241.2 [AMENDED]

(Reference APA WF # 17-16)

SUMMARY:

The proposed behavioral health revisions will add the Accreditation Commission for Health Care (ACHC) as an

additional accreditation option for outpatient behavioral health agencies.

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; Part 488 of Title 42 of the Code of Federal Regulations [42 CFR § 488.4 and 42 CFR § 488.8 (d)(3)]

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-873; filed 12-19-17]

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

[OAR Docket #17-874]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. ~~Long-Term~~Long-Term Care Facilities
317:30-5-126 [AMENDED]

(Reference APA WF # 17-18)

SUMMARY:

The proposed revisions will eliminate therapeutic leave days for children and adults who reside in long-term care facilities with the exception of intermediate care facilities serving individuals with intellectual disabilities.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-874; filed 12-19-17]

Notices of Rulemaking Intent

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

[OAR Docket #17-875]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric ~~Hospitals~~ Services

317:30-5-95 [AMENDED]

317:30-5-95.1 [AMENDED]

317:30-5-95.4 [AMENDED]

317:30-5-95.6 [AMENDED]

317:30-5-95.9 [AMENDED]

317:30-5-95.10 [AMENDED]

317:30-5-95.11 [AMENDED]

317:30-5-95.12 [AMENDED]

317:30-5-95.13 [AMENDED]

317:30-5-95.14 [AMENDED]

317:30-5-95.16 [AMENDED]

317:30-5-95.19 [AMENDED]

317:30-5-95.20 [AMENDED]

317:30-5-95.21 [AMENDED]

317:30-5-95.33 [AMENDED]

317:30-5-95.35 [AMENDED]

317:30-5-95.39 [AMENDED]

317:30-5-97 [AMENDED]

(Reference APA WF # 17-19)

SUMMARY:

The proposed inpatient behavioral health policy will be amended to cleanup definitions and align these with federal regulations. In addition, the term "American Osteopathic Accreditation" will be removed as an accrediting body for psychiatric residential treatment facilities (PRTFs), as it is no longer an accreditation option for these types of facilities. The term "Licensed independent practitioner" will be removed from the rules, and the new rules now describe in detail which types of practitioners can order restraint or seclusion, or perform face-to-face assessments of patients. Rules are also amended to make rule language consistent with federal regulations regarding the standards of restraint or seclusion for members under the age of 21 receiving inpatient psychiatric services. PRTFs must comply with the condition of participation for restraint or seclusion, as is established by federal regulation. All general and psychiatric hospitals must comply with the standards of restraint or seclusion, as is established by 42 CFR § 482.13(e) - (g). Additionally, proposed inpatient behavioral health revisions will require general hospitals and psychiatric hospitals to maintain medical records and other documentation to demonstrate they comply with certification of need for care, plan of care, and utilization review plans requirements. Psychiatric hospitals will also

need to maintain these records to demonstrate they comply with medical evaluation and admission review requirements. Rule revisions add medical necessity criteria for admission in cases of psychiatric disorders and chemical dependency detoxification for adults. Additionally, rule revisions will specify that the individual plan of care (IPC) must be developed in consultation with the member or others in whose care the member will be released after discharge. Revisions also describe the team of professionals and credentials required in the IPC development and review. Moreover, revisions will expand certificate of need requirements for PRTFs to mirror federal regulation. Other revisions will include replacing incorrect terminology used to refer to PRTFs and other settings.

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; 10 O.S. §§ 401 to 402; 63 O.S. § 1-702(A); 10A O.S. § 1-2-101; 43A O.S. § 10-104; 22 O.S. § 58; 42 CFR § 435.1010; 42 CFR 441 Subpart C and D; 42 CFR Part 456, Subpart C; 42 CFR Parts 482.13 and 483 Subpart G; Title 42 of the United States Code [42 USC § 1395x(f)]; Section 1905(a) 16 and (h) of the Social Security Act

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-875; filed 12-19-17]

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

[OAR Docket #17-877]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
- Part 1. General Scope and Administration
- 317:30-3-31 [NEW]
- 317:30-3-32 [NEW]
- Part 5. Eligibility [REVOKED]
- 317:30-3-78 [REVOKED]
- 317:30-3-79 [REVOKED]
- 317:30-3-82 [REVOKED]
- 317:30-3-83 [REVOKED]

(Reference APA WF # 17-22A)

SUMMARY:

The proposed revisions will update the prior authorization (PA) policy by revoking sections no longer needed and adding language about how a provider can obtain information on how and/or where to submit PA requests. Additional revisions will update a list of services requiring a PA but clarify that the list is not exhaustive. Further revisions will add a new section that clarifies what was previously called preauthorization of emergency medical services for certain aliens is actually retrospective review for payment for emergency medical services to certain aliens. Finally, revisions will revoke certain sections of policy because they are covered in other parts of policy.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-877; filed 12-19-17]

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

[OAR Docket #17-881]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 75. Federally Qualified Health Centers
- 317:30-5-660.1 [AMENDED]
- 317:30-5-660.5 [AMENDED]
- 317:30-5-661.4 [AMENDED]
- 317:30-5-661.7 [AMENDED]
- 317:30-5-664.1 [AMENDED]
- 317:30-5-664.3 [AMENDED]
- 317:30-5-664.10 [AMENDED]
- 317:30-5-664.12 [AMENDED]

(Reference APA WF # 17-28)

SUMMARY:

The proposed policy revisions will introduce a new optional payment methodology for Federally Qualified Health Centers (FQHCs). FQHCs are currently reimbursed through a Prospective Payment System (PPS) methodology; the proposed revision will add the Alternative Payment Methodology (APM) as an optional reimbursement method for FQHCs. In order to align with the methodology change,

Notices of Rulemaking Intent

the FQHC policy will also be updated to reflect the term and definition for APM.

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; Section 1902(bb)(6)(B) of the Social Security Act; 42 CFR 491.1

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-881; filed 12-19-17]

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

[OAR Docket #17-882]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. ~~Long-Term~~Long-Term Care Facilities

317:30-5-137 [NEW]

(Reference APA WF # 17-30)

SUMMARY:

The proposed revisions add new language that define and describe the eligibility criteria for the Focus on Excellence (FOE) program. Additionally, the proposed revisions add new language on the quality measure care criteria that a nursing facility must meet to continue status in the FOE program. Finally, the proposed revisions also add new language on the FOE payment and appeals processes.

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; Title XIX State Plan; Oklahoma State Statute, Title 56, Section 56-1011.5

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-882; filed 12-19-17]

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

[OAR Docket #17-883]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 4. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program/Child Health Services
 - 317:30-3-65 [AMENDED]
 - 317:30-3-65.1 [REVOKED]
 - 317:30-3-65.2 [AMENDED]
 - 317:30-3-65.4 [AMENDED]
 - 317:30-3-65.6 [AMENDED]
 - 317:30-3-65.7 [AMENDED]
 - 317:30-3-65.8 [AMENDED]
 - 317:30-3-65.9 [AMENDED]
 - 317:30-3-65.10 [AMENDED]
 - Subchapter 5. Individual Providers and Specialties
 - Part 73. Early Intervention Services
 - 317:30-5-640.1 [AMENDED]
 - Part 103. Qualified Schools as Providers of Health Related Services
 - 317:30-5-1022 [AMENDED]
- (Reference APA WF # 17-32)**

SUMMARY:

The proposed revisions will update the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Periodicity Schedule recommended for physicians and other practitioners who provide screening services to children. The proposed periodicity schedule will reflect recommendations by the American Academy of Pediatrics (AAP) and the American Academy of Pediatric Dentistry (AAPD). Additionally, it amends other sections that refer to the outdated periodicity schedule recommendations and updates the hearing, vision, and dental EPSDT sections to align with current industry standards. Finally, revisions will correct misspelled words and grammatical mistakes for better flow and understanding.

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; Title XIX State Plan; Periodicity Schedule, 42 Code of Federal Regulations, Sec. 441.58

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at

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

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-883; filed 12-19-17]

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

[OAR Docket #17-885]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
 - Part 9. ~~Long-Term~~Long-Term Care Facilities
 - 317:30-5-136 [AMENDED]
- (Reference APA WF # 17-33B)**

SUMMARY:

The proposed revisions will update and revise the nursing home supplemental payment program for nursing facilities by changing the methodology for computing the Upper Payment Limit (UPL). Additionally, the proposed revisions will update the care criteria section and eligibility requirements that a nursing facility will be required to meet to participate in the UPL program and receive the UPL payments. Finally, revisions will update some acronyms, definitions and references to other legal authorities.

Notices of Rulemaking Intent

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-885; filed 12-19-17]

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

[OAR Docket #17-864]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Medical Services

Part 5. Determination of Eligibility for Medical Services

317:35-7-40. [AMENDED]

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

Part 9. Certification, Redetermination and Notification

317:35-9-75. [AMENDED]

Subchapter 15. Personal Care Services

317:35-15-7. [AMENDED]

Subchapter 17. Advantage Waiver Services

317:35-17-12. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-22. [AMENDED]

(Reference APA WF # 17-05B)

SUMMARY:

The proposed revisions remove references that refer to the issuing/mailling of member medical identification cards. This policy change is the result of the Oklahoma Health Care Authority no longer printing and/or issuing plastic medical identification cards. Members now have access to print their medical identification card from their online member account, or non-online enrollment members can visit their local county DHS office to obtain a printed card. Providers can verify the eligibility online via Eligibility Verification System (EVS). In addition, revisions update language to reflect how the Oklahoma Department of Human Services (OKDHS) notifies members of eligibility and ineligibility for medical services by the mailing out computer-generated forms. Finally, the policy revisions update the language for the medical and financial certification processes for the OKDHS Advantage program.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-864; filed 12-19-17]

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

[OAR Docket #17-869]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 7. Application, ~~and~~ Eligibility Determination and Notification Procedures

317:35-5-65 [NEW]

317:35-5-66 [NEW]

Subchapter 6. SoonerCare for Pregnant Women and Families with Children

Part 7. Certification, Redetermination and Notification

317:35-6-62 [AMENDED AND RENUMBERED TO 317:35-5-65]

317:35-6-62.1 [AMENDED AND RENUMBERED TO 317:35-5-66]

(Reference APA WF # 17-10B)

SUMMARY:

The proposed revisions will move two sections of policy regarding notification processes from the "SoonerCare for Pregnant Women and Families with Children" section of policy to the "Eligibility and Countable Income" section of policy, as the notification policy applies to all SoonerCare programs. Federal regulations require the agency to communicate with all members through the members' choice of electronic format or regular mail. The revisions are necessary per regulation including notification and expedited appeals requirements, to ensure effective communication with all SoonerCare members.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-869; filed 12-19-17]

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

[OAR Docket #17-872]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-42 [AMENDED]

(Reference APA WF # 17-15)

SUMMARY:

The proposed revisions remove specific amounts for the income disregard of a student's earned income and instead refer to the Oklahoma Department of Human Services (OKDHS)

Notices of Rulemaking Intent

Appendix C-1. These amounts are used by OKDHS when determining countable income and eligibility for the ABD category. The Student Earned Income Exclusion is revised yearly by the Social Security Administration. Additionally, proposed revisions clarify the definition of student status. The proposed revisions will help ensure that an unintended barrier is not created for the access of SoonerCare.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-872; filed 12-19-17]

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

[OAR Docket #17-876]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Medical Services

Part 5. Determination of Eligibility for Medical Services
317:35-7-48 [AMENDED]

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

Part 7. Determination of Financial Eligibility
317:35-9-67 [AMENDED]

Subchapter 10. Other Eligibility Factors for Families with Children and Pregnant Women

Part 3. Resources
317:35-10-10 [AMENDED]

Part 5. Income
317:35-10-26 [AMENDED]

Subchapter 15. Personal Care Services
317:35-15-6 [AMENDED]

Subchapter 19. Nursing Facility Services
317:35-19-20 [AMENDED]

(Reference APA WF # 17-21)

SUMMARY:

The proposed revisions revise the income policy for how income is computed for non-disabled adults and children to mirror current system computations for income. The online eligibility system rounds cents down to the nearest dollar in its calculations therefore policy will be revised to match. Revisions also revise multiple sections of policy that paired "Prior to October 1, 2013" policy with "Effective October 1, 2013" policy. The pre-MAGI policy was removed as it is no longer applicable.

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-876; filed 12-19-17]

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

[OAR Docket #17-878]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 3. Coverage and Exclusions
317:35-3-3 [REVOKED]
 - Subchapter 5. Eligibility and Countable Income
Part 3. Non-Medical Eligibility Requirements
317:35-5-25 [AMENDED]
- (Reference APA WF # 17-22B)**

SUMMARY:

The proposed revisions amend prior authorization policy by revoking a section no longer needed in Chapter 35 because it is more appropriately covered in Chapter 30. Additional revisions remove language about preauthorization of emergency medical services for certain aliens because it will be covered in a new section in Chapter 30 called "Retrospective review for payment for emergency medical services to certain aliens".

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

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-878; filed 12-19-17]

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

[OAR Docket #17-879]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Provisions
317:45-1-3 [AMENDED]
317:45-1-4 [AMENDED]
- Subchapter 5. Insure Oklahoma Qualified Benefit Plans
317:45-5-1 [AMENDED]
- Subchapter 7. Insure Oklahoma ESI Employer Eligibility
317:45-7-1 [AMENDED]

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Subchapter 9. Insure Oklahoma ESI Employee Eligibility
317:45-9-1 [AMENDED]
317:45-9-2 [AMENDED]
Subchapter 11. Insure Oklahoma IP
Part 3. Insure Oklahoma IP Member Health Care Benefits
317:45-11-10 [AMENDED]
317:45-11-11 [AMENDED]
Part 5. Insure Oklahoma IP Member Eligibility
317:45-11-20 [AMENDED]
317:45-11-23 [AMENDED]
317:45-11-25 [REVOKED]

(Reference APA WF # 17-26)

SUMMARY:

The proposed Insure Oklahoma revisions made it incumbent upon the self-employed applicant to verify self-employment by completing and submitting certain documentation. Revisions helped ensure that self-employed applicants are engaged in routine, for-profit activity, in accordance with Internal Revenue Service guidelines. The aforementioned changes were approved during promulgation of the emergency rule. The following are proposed changes not previously reviewed: The proposed Insure Oklahoma policy revisions remove an outdated section referencing "Premium Payment" and removal of the term "self-funded" and its affiliated language. Additionally, the revisions update the Insure Oklahoma IP member eligibility requirements, regarding the terms "employed" and "unemployed" to comply with Oklahoma State Statute Title 40 Sections 40-1-210 and 40-1-217. Finally, proposed revisions update acronyms in an effort to better align with current business processes.

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 435.945 42 CFR 435.948; 42 CFR 435.949; 42 CFR 435.952 42 CFR 435.960; 1115 Waiver

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional

the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-879; filed 12-19-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 50. HOME AND COMMUNITY BASED SERVICES WAIVERS

[OAR Docket #17-880]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Medically Fragile Waiver Services
317:50-1-2 [AMENDED]
317:50-1-3 [AMENDED]
317:50-1-5 [AMENDED]
317:50-1-6 [AMENDED]
317:50-1-9 [AMENDED]
317:50-1-11 [AMENDED]
317:50-1-12 [AMENDED]
317:50-1-14 [AMENDED]

(Reference APA WF # 17-27)

SUMMARY:

The proposed Medically Fragile revisions include provisions for the Medically Fragile Waiver renewal changes. In addition, new language will provide guidelines on when the Uniform Comprehensive Assessment Tool is required to be updated if submitted after 90 days. In order to align revisions with federal regulation requirements, new Environmental Modifications service guidelines were added in addition to guidelines on how payments are to be submitted for this service. Revisions will also provide new criteria in determining a member's eligibility for Self-Directed services. Finally, proposed revisions include removal of outdated language relating to program medical eligibility and updating obsolete acronyms.

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; Social Security Act § 1915(c)

COMMENT PERIOD:

Persons may submit written comments through February 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, February 20, 2018 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on February 16, 2018.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 17, 2018.

CONTACT PERSON:

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

[OAR Docket #17-880; filed 12-19-17]

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

[OAR Docket #17-907]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 3. Office of Client Advocacy
- Part 3. Investigations
- 340:2-3-34 [AMENDED]
- 340:2-3-36 [AMENDED]
- Part 9. Advocacy Programs
- 340:2-3-71 through 340:2-3-73 [AMENDED]
- 340:2-3-74 [REVOKED]

340:2-3-75 [AMENDED]

(Reference WF 18-11)

SUMMARY:

The proposed rule amendments to Chapter 2, Subchapter 3 amend the rules to: (1) clarify language regarding evidence; (2) update citations; (3) revoke a Section and move the language to another Section; and (4) delete duplicative language.

AUTHORITY:

Director of Human Services; O.S. 56 § 162; 10A O.S. § 162; 10A O.S. §§ 1-1-101 et seq.; 43A O.S. §§ 10-102 et seq.; and Section 5101 et seq. of Title 42 of the United States Code.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Dawn Leemon, Oklahoma Department of Human Services (DHS), Office of Client Advocacy, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-522-2877.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-907; filed 12-21-17]

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

[OAR Docket #17-908]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 28. Office of Administrative Hearings: Child Support
- 340:2-28-4.1 through 340:2-28-4.3 [AMENDED]
- 340:2-28-24 [AMENDED]
- 340:2-28-30 [AMENDED]

Notices of Rulemaking Intent

(Reference WF 18-05)

SUMMARY:

The proposed amendments to the rules are necessary to formalize the transition from the Office of Administrative Hearings (OAH): Child Support's former primary hearing model, in which the Administrative Law Judge (ALJ) was physically present to conduct hearings, to the current primary hearing model, in which the ALJ conducts hearings through video/tele-conferencing means. The proposed amendments reflect the impact of the current hearing model on the assignment of ALJs, regardless of the physical location of all participants, and the improved ability to provide an ALJ, on request, to preside over a contested hearing. Further, the changes memorialize, in part, OAH's ability to schedule/continue hearings to protect the continuity of an ALJ in an individual action and to minimize inconvenience to DHS personnel and the general public. The proposed amendments redefine when OAH may be considered "in session" and clarifies how filings may be made. In addition, the proposed amendments also update the duties of the OAH court clerks. The proposed amendments also authorize alternative means to record hearings, while clarifying that OAH is not required to make or maintain video recordings of hearings.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and 340:2-28-1.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Travis Smith, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-3638.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-908; filed 12-21-17]

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

[OAR Docket #17-909]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Human Resources ~~Resource~~ Management

Part 1. General Provisions

340:2-1-5 [AMENDED]

340:2-1-7 [REVOKED]

Part 3. Internal Human Resources

340:2-1-26 through 340:2-1-29 [AMENDED]

340:2-1-31 through 340:2-1-32 [AMENDED]

340:2-1-34 [AMENDED]

Part 5. Administrative Procedures

340:2-1-55 [AMENDED]

340:2-1-58 [AMENDED]

Part 7. Recruitment, Selection, and Placement Policy and Procedures

340:2-1-75 through 340:2-1-79 [AMENDED]

340:2-1-81 through 340:2-1-83 [AMENDED]

340:2-1-84 [REVOKED]

340:2-1-85 [AMENDED]

340:2-1-88 through 340:2-1-89 [AMENDED]

340:2-1-93 [AMENDED]

(Reference WF 18-13)

SUMMARY:

The proposed amendments to Chapter 2, Subchapter 1 are to: (1) implement policy changes recommended during the Human Resource Management (HRM) policy review process; (2) continue improving HRM quality services; (3) align policy citing administrative code and statutes; and (4) amend legal authority as necessary to clarify procedures language clarify existing rules reflect agency structural change is amended to comply with Oklahoma Administrative Code (OAC) 260:25, Merit System of Personnel Administration Rules.

AUTHORITY:

Affordable Care Act, Section 18031 of Title 42 of the United States Code 2010; Oklahoma Discovery Code, 12 O.S. §§ 3224, et seq.; Oklahoma Open Records Act, 51 O.S. §§ 4A.1 et seq.; Director of Human Services; 56 O.S. § 162; 74 O.S. § 840; and OAC 260:25-1-5.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Chris Lambert, Oklahoma Department of Human Services (DHS), Human Resource Management, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-522-6006.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105,

Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-909; filed 12-21-17]

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

[OAR Docket #17-910]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 46. Office of Background Investigations
[NEW]

340:2-46-1 through 340:2-46-5 [NEW]

(Reference WF 17-22)

SUMMARY:

The proposed rules establish the: (1) purpose and authority of the Office of Background Investigations (OBI); (2) applicable definitions related to the rules; and (3) confidentiality and dissemination guidelines for a national criminal history records check. The proposed rules also identify the background investigation process for child care programs, including language being moved from Oklahoma Administrative Code (OAC) 340:110-1-8.1 and language implementing new requirements of the Child Care Development Fund (CCDF) and Senate Bill (SB) 717 and SB 723 during the 2017 Oklahoma legislative session.

The reauthorization of CCDF requires additional criminal history prohibitions and repeating background investigations every five years for child care programs. The passage of SB 723 amended Section 404.1 and 405.3 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 404.1 and 405.3), Oklahoma Child Care Facilities Licensing Act to align with the federal mandates.

The passage of SB 717 amended 10 O.S. §§ 404.1 and 405.3 of the Oklahoma Child Care Facilities Licensing Act. Statutory amendments include requiring additional registry

searches of the nontechnical services worker abuse registry and community services worker registry for owners prior to issuance of a child care permit or license.

AUTHORITY:

Director of Human Services; 56 O.S. § 162; 10 O.S. § 404.1 and 405.3 of the Oklahoma Child Care Facilities Act.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Molly Green, Oklahoma Department of Human Services (DHS), Office of Inspector General, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-522-0541.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-910; filed 12-21-17]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 5. ADULT PROTECTIVE SERVICES**

[OAR Docket #17-911]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. ~~General Provisions~~ Adult Protective Services
340:5-1-1 [AMENDED]

340:5-1-2 through 340:5-1-3 [REVOKED]

340:5-1-4 through 340:5-1-6 [AMENDED]

340:5-1-7 [REVOKED]

340:5-1-8 [AMENDED]

Subchapter 3. ~~Reports of Maltreatment of Vulnerable Adults~~ Maltreatment Allegations

340:5-3-1 [AMENDED]

340:5-3-2 through 340:5-3-3 [REVOKED]

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340:5-3-4 through 340:5-3-6 [AMENDED]

Subchapter 5. Investigation of Adult Protective Services
Referrals Reports

340:5-5-1 through 340:5-5-8 [AMENDED]

Subchapter 7. Long-Term Care Investigations ~~Section~~

340:5-7-1 through 340:5-7-7 [AMENDED]

(Reference WF 18-10)

SUMMARY:

The proposed amendments to Chapter 5, Subchapter 1 amend the rules to: (1) reflect Oklahoma Department of Human Services (DHS) structural changes; (2) clarify procedures; and (3) add definitions.

The proposed amendments to Chapter 5, Subchapter 3 amend the rules to: (1) implement distinction between referral and report; (2) authorize supervisors to delegate screening responsibilities; (3) clarify response to persons with substance use and abuse issues; (4) direct 911 response to emergency situations; (5) direct collaboration with domestic violence resources when indicated; and (6) clarify electronic storage and destruction of paper records.

The proposed amendments to Chapter 5, Subchapter 5 amend the rules to: (1) modify investigation initiation deadline from three to five days; (2) modify response deadlines; (3) authorize supervisors to delegate responsibilities; and (4) clarify duties in guardianship cases.

The proposed amendments to Chapter 5, Subchapter 7 amend the rules to: (1) clarify existing rules and the distinction between referral and report; and (2) extend the deadline for investigation initiation from five to 20 business days.

AUTHORITY:

Director of Human Services; Sections 162 and 230.52 of Title 56 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Gail Wettstein, Oklahoma Department of Human Services (DHS), Adult Protective Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-3660.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-911; filed 12-21-17]

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

[OAR Docket #17-911A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

340:10-2-1 [AMENDED]

340:10-2-4 [AMENDED]

340:10-2-6.1 through 340:10:10-2-7 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 3. Income

340:10-3-31.1 [AMENDED]

(Reference WF 17-17 and 18-01)

SUMMARY:

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to: (1) update education or training work activities to require clients to attend through a TANF contracted provider, when available at the facility; define what is considered satisfactory progress; how to verify progress; and require approval of a probationary period if satisfactory progress is not met; (2) remove the Supported Transitional Employment Program (STEP) as a subsidized employment option; (3) update child care rules upon TANF cash assistance closure to align with emergency child care rule changes; (4) add legal and rule citations. (5) add clarifying language for enhanced understanding; and (6) update terminology.

The proposed revisions to Chapter 10, Subchapter 3 amend the rules to add: (1) information regarding loss of the earned income disregard period upon job loss when the client does not obtain a new job within 10-calendar days; (2) the worker's responsibility to update the client's employability plan to include the client's place of employment and job hours; (3) information regarding the client's eligibility for child care during the earned income disregard (EID) period, upon job loss, and upon TANF closure to align with emergency child care rule changes; (4) information regarding the client's eligibility for Supplemental Nutrition Assistance Program (SNAP) food benefits and SoonerCare (Medicaid) upon TANF closure; and (5) rule citations.

AUTHORITY:

Director of Human Services; Section 162 and 230.52 of Title 56 of the Oklahoma Statutes; Sections 261.2, 262.10, 261.30 and 261.33 of Part 261 of Title 45 of the Code of

Federal Regulations (45 C.F.R. §§ 261.2, 262.10, 261.30 and 261.33); Section 5(N) of the CCDBG of 2014, P.L. 113-186; and 45 C.F.R. § 98.21.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services (DHS), Adult and Family Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-2396.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-911A; filed 12-21-17]

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

[OAR Docket #17-912]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Low Income Home Energy Assistance Program

- 340:20-1-1 [AMENDED]
- 340:20-1-2.1 [NEW]
- 340:20-1-3 through 20-1-7 [AMENDED]
- 340:20-1-9 through 20-1-13 [AMENDED]
- 340:20-1-15 [AMENDED]
- 340:20-1-17 [AMENDED]
- 340:20-1-19 through 20-1-20 [AMENDED]

(Reference WF 17-13 and 18-03)

SUMMARY:

The proposed amendments to Chapter 20, Subchapter 1 amend the rules to: (1) update: (a) terminology; (b) information regarding how the Oklahoma Department of Human Services (DHS) coordinates with utility suppliers; (c) information regarding how DHS collaborates with Community Action Agencies and utility suppliers to lower client energy costs; (d) how DHS facilitates the application process for individuals who are 60 years of age and older, blind, or disabled; (e) language regarding income exclusions to better align with Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) rules; (f) LIHEAP, including Energy Crisis Application Program (ECAP) application methods; (g) procedures regarding weatherization services, fair hearings, overpayments, and vendor fraud referrals since LIHEAP is now centralized; (2) change: (a) the ECAP application period from March to intermittent periods throughout the year; (b) a Section title name; (c) the income standard for LIHEAP from net to gross income; (d) how self-employment income and business expenses are computed; (e) payment procedures and verification requirements when other utilities are included with the fuel bill; (3) add: (a) policy and legal citations; (b) non-discrimination provisions; (c) taglines; (d) appendices used to determine financial eligibility and benefit amounts; (e) clarifying information regarding when income must be calculated and how to calculate earned income and income of an ineligible alien; (f) child care copayments to allowable income deductions; (g) LIHEAP benefit amount information; (h) additional notice information; (i) clarifying information regarding the household's responsibility to report moving to another location within 10-calendar days; (j) what utility information is needed when submitting a LIHEAP application; (k) information to ECAP eligibility criteria to clarify that an energy crisis must be from a temporary or short-term situation and how ECAP payments are limited per fiscal year; (l) information to ECAP payment requirements regarding when DHS does not make direct payments to the energy supplier and how ECAP payments are limited or denied when other utilities are included with the heating or cooling bill; (m) add a requirement that household members must not change from the previous year to be pre-approved for LIHEAP; and (n) information regarding what charges are paid by LIHEAP funds; (4) clarify: (a) information regarding what is considered acceptable verification that the household is assessed an energy surcharge, (b) how eligibility is determined when an undocumented or ineligible alien is present in the home or a household member does not provide a Social Security number (SSN); (c) that LIHEAP eligibility is based on gross income; (d) gross income and liquid resources must be verified for household members not receiving other benefits; (e) what constitutes a life-threatening energy crisis; and (f) how payment is made to the household when direct payment cannot be made to the energy supplier; (5) change a Section title and payment procedures and verification requirements when other utilities are included with the fuel bill; (6) reorder information

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and add taglines within a Section for greater clarity; (7) define unearned income and the household's primary energy source for heating and cooling; (8) exempt all educational assistance income; (9) exclude money deposited into or withdrawn from a qualified Achieving a Better Life Experience (ABLE) Program account from income and resource consideration per State Statute and federal regulations; (10) describe which households are pre-authorized for winter heating and summer cooling; (11) include Child Care Subsidy and SoonerCare (Medicaid) for the aged, blind, and disabled as programs from which staff may use the most recent income and resource information; (12) remove obsolete application procedures and licensed practitioners of the healing arts and county directors as authorities for designating a crisis situation as life-threatening; and (13) reference the appendix that contains estimated benefit amounts and on what factors the benefit amount is based.

AUTHORITY:

Director of Human Services; Section 162 and 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes; Sections 529A and 2503 of Title 26 of the United States Code (26 U.S.C. § 529A); and U.S.C. 42 §§ 8621 through 8625.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services (DHS), Adult and Family Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-2396.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-912; filed 12-21-17]

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

[OAR Docket #17-913]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Scope and Applicability

340:25-1-1.1 [AMENDED]

Subchapter 5. Operational Policies

Part 15. Case Initiation, Case Management, and Case Closure

340:25-5-117 [AMENDED]

340:25-5-123 [AMENDED]

340:25-5-134 [NEW]

Part 21. Establishment

340:25-5-176 through 340:25-5-176.1 [AMENDED]

340:25-5-178 [AMENDED]

Part 22. Review and Modification

340:25-5-198.1 through 340:25-5-198.2 [AMENDED]

Part 23. Enforcement

340:25-5-200 [AMENDED]

340:25-5-212 [AMENDED]

Part 38. Title IV-D and Non-Title IV-D Central Case Registry Information

340:25-5-340 [AMENDED]

Part 39. Accounting and Distribution

340:25-5-350.3 [AMENDED]

(Reference WF 18-09)

SUMMARY:

The proposed amendments to Chapter 25, Subchapters 1 and 5, amend the rules to: (1) implement policy changes recommended during the annual Child Support Services (CSS) policy review process; (2) amend legal authority as necessary; (3) make changes to meet compliance with federal rule changes issued December, 2016; and (4) make non-substantive cleanup to improve rule clarity.

AUTHORITY:

Director of Human Services, 56 O.S. § 162; Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B); 42 U.S.C., Chapter 7, Subchapter IV, Part D; 50A U.S.C. §§ 501 through 596; Chapter III of Subtitle B of Title 45 of the Code of Federal Regulations; 3A O.S. § 724.1; 10 O.S. §§ 80, 83, 90.5, 7700-101 through 7800; 12 O.S. §§ 1170, 1171.2 through 1171.4, 2004, and 2005; 21 O.S. §§ 566, 566.1, 567, and 852; 36 O.S. § 6058A; 43 O.S. §§ 109.2 through 110, 112, 112A, 112.1A, 114 through 120, 135 through 139.1, 140, 410 through 413, 601-100 through 601-903; 47 O.S. §§ 1-153, 6-201, 6-201.1, 6-211, and 6-212; 56 O.S. §§ 166.1, 183, 230.60, and 231 through 240.24; 63 O.S. §§ 1-311, 1-311.2, 1-311.3, and 1-321; 68 O.S. § 205.2; and 70 O.S. §§ 3970.1 through 3970.12. Executive Order 13563: Improving Regulation and Regulatory Review.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Tammy Hall, Oklahoma Department of Human Services (DHS), Child Support Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-522-0022.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-913; filed 12-21-17]

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

[OAR Docket #17-914]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Initial Application
340:40-3-1 [AMENDED]
 - Subchapter 5. Child Care Plan
340:40-5-1 [AMENDED]
 - Subchapter 7. Eligibility
340:40-7-10 [AMENDED]
340:40-7-13 [AMENDED]
 - Subchapter 9. Procedures Related to Case Changes
340:40-9-1 [AMENDED]
340:40-9-2 [AMENDED]
 - Subchapter 13. Child Care Rates and Provider Issues
340:40-13-1 [AMENDED]
340:40-13-2 [AMENDED]
 - Subchapter 15. Overpayments
340:40-15-1 [AMENDED]
- (Reference WF 17-16)**

SUMMARY:

The proposed revisions to Chapter 40, Subchapter 3 amend the rules to: (1) update rule and legal citations; and (2) change reporting requirements.

The proposed revisions to Chapter 40, Subchapter 5 amend the rules to: (1) remove the one star center provider exception because it is no longer valid; (2) only allow a client to choose an in-home provider who is related to the child; (3) change information to only allow child care plan hours to be reduced or the family share copayment to be increased at renewal; (4) add two income eligibility thresholds; one based on state income guidelines for applicants and one based on federal income guidelines for recipients; (5) update terminology; and (6) simplify and clarify language.

The proposed revisions to Chapter 40, Subchapter 7 amend the rules to: (1) add tag lines and rule citations; (2) add anticipated income to income considered when determining eligibility for subsidy benefits; (3) update how income from a new source is considered; (4) change income information to not increase income until the renewal month and only require households to report income changes between eligibility determinations when the income exceeds the exit income threshold and child care benefits must be closed; (5) add information to decrease income between eligibility periods when reported; (6) remove information that income must be verified within 90 calendar days when the last 30 days of income was not available at application or renewal; (7) update terminology and how income is considered and calculated at initial certification; (8) add two income eligibility thresholds; one for initial certification and one for ongoing eligibility; and (8) simplify and clarify income information.

The proposed revisions to Chapter 40, Subchapter 9 amend the rules to: (1) update rule citations; (2) add graduated phase-out of subsidized care information to include two income eligibility thresholds; one for initial certification and one for ongoing eligibility; (3) change reporting requirements between renewals to only require the client to report when household income exceeds federal income guidelines; (4) no longer allow decreases in benefits or increases in the family share copayment between renewals, (5) reorganize information; (6) update reasons for benefit closures; (7) remove reasons a new application is required; and (8) add legal citations.

The proposed revisions to Chapter 40, Subchapter 13 amend the rules to: (1) require an in-home provider to be related to the child; (2) define the term related to; (3) remove personal references from caregiver qualifications; (4) update in-home provider requirements to include current certification in first aid and infant and child cardiopulmonary resuscitation (CPR); (5) remove specific examples of recommended training for providers caring for children who receive the special needs rate; (6) add legal citations; and (7) update terminology and simplify language.

The proposed revisions to Chapter 40, Subchapter 15 amend the rules to: (1) add taglines; (2) specify client overpayment referrals are sent to Adult and Family Services (AFS) Benefit

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and Recovery (BIR) and provider overpayments are sent to Financial Services Electronic Payment Systems (EPS); (3) reorganize and clarify overpayment determination and claim establishment procedures and monthly account statement information; (4) clarify agency error client overpayments; (5) add rule citation; (6) remove provider error overpayments based on failure to maintain records; (7) remove repetitive information; (8) clarify provider overpayment repayment procedures; and (9) update terminology.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; CCDBG Act of 2014 [P.L. 113-186]; and Sections 98.10, 98.11, 98.16, 98.21, and 98.41 of Title 45 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4396.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-914; filed 12-21-17]

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

[OAR Docket #17-915]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Application Process
340:50-3-2 [AMENDED]

Subchapter 5. Non-Financial Eligibility Criteria
Part 1. Household Definition
340:50-5-10.1 [AMENDED]
Part 5. Students, Strikers, Resident Farm Laborers, Migrant Households, Sponsored Aliens, and School Employees
340:50-5-48 [AMENDED]
Part 7. Related Provisions
340:50-5-64 [REVOKED]
Part 9. Work Registration
340:50-5-85 through 340:50-5-87 [AMENDED]
340:50-5-88 [REVOKED]
340:50-5-89 [AMENDED]
340:50-5-90 through 340:50-5-91 [REVOKED]
340:50-5-92 [AMENDED]
340:50-5-93 [REVOKED]
340:50-5-94 [AMENDED]
340:50-5-95 through 340:50-5-96 [REVOKED]
Part 10. Able-Bodied Adult without Dependents [NEW]
340:50-5-100 through 340:50-101 [NEW]
Part 11. Supplemental Nutrition Assistance Program Employment and Training Program [NEW]
340:50-5-106 [NEW]
Subchapter 7. Financial Eligibility Criteria
Part 3. Income
340:50-7-29 [AMENDED]
Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-5 [AMENDED]
Subchapter 11. Special Procedures
Part 1. Households Entitled to Expedited Services
340:50-11-3 [AMENDED]
Subchapter 13. Fair Hearings and Quality Control [AMENDED]
340:50-13-1 [REVOKED]
340:50-13-3 [AMENDED]
340:50-13-4 [REVOKED]
Subchapter 15. Overpayments and Fraud
Part 1. Overpayments
340:50-15-6 [AMENDED]
(Reference WF 18-02)

SUMMARY:

The proposed amendments to Chapter 50, Subchapter 3 amends the rule to: (1) add clarifying language regarding when a postponed interview must be completed and the worker's responsibility to inform applicants of the household's responsibility to cooperate with Supplemental Nutrition Assistance Program (SNAP) Quality Control (QC); (2) clarify the civil rights complaint process; and (3) update the party responsible for taking action when a household refuses to cooperate with a QC review.

The proposed amendments to Chapter 50, Subchapter 5 amends the rules to: (1) add to the list of persons disqualified from receiving SNAP food benefits, those failing to meet work registration requirements; (2) update fleeing felon information to add the four-part criteria that establishes fleeing felon status and remove staff instructions; (3) define "actively seeking,"

when determining if a person is considered a fleeing felon or a probation or parole violator; (4) add work registration requirements for migrant farm laborers; (5) revoke the work requirements section in Part 7, regarding able-bodied adults without dependents (ABAWDs) in order to move the rule to issued Part 10 for ABAWD rules; (6) add legal citations and add or remove policy citations; (7) update terminology; (8) update work registration requirements, loss of work registration exemption status, and failure to comply information; (9) update work registration information to add information regarding: (a) the worker's responsibility to explain the work registration statement and each household member's responsibility; (b) good cause provisions; (c) what is considered suitable work; and (d) an age limit work registration exemption; (10) clarify that a refugee participating in a refugee-specific training program meets student exemption criteria; (11) update work registration information regarding employed persons, Temporary Assistance for Needy Families (TANF), and unemployment insurance benefits (UIB) exemptions and, when failure to comply may apply; (12) change the work registration disqualification from a household to an individual disqualification; and (13) revoke and move information to another Section regarding: (a) ABAWD work requirements; (b) work registration disqualification periods; (c) the SNAP Employment and Training (E&T) Program Section; and (d) voluntary quit determination information, verification requirements, and ending a voluntary quit disqualification period; (14) update voluntary quit rules to: (a) add information regarding reduction of work effort; (b) increase the number of hours a person must have worked from 20 to 30 hours before the voluntary quit provision applies; (c) revoke information regarding the head of household as it applies to voluntary quit so the disqualification penalty is the same for any adult household member that voluntarily quits a job; and (d) update good cause provisions as they relate to voluntary quit and reduction of work effort; (15) revoke information duplicated in another Section; (16) change two Section titles; (17) update voluntary quit disqualification information to: (a) clarify information regarding application of the disqualification period for participating households; (b) add information regarding when to certify a household applying in the last month of the penalty period; (c) add information revoked from 340:50-5-95 regarding ending a voluntary quit disqualification; (d) correct when the penalty period starts for applicant households; (d) remove inaccurate information regarding overpayments and information regarding head of household as it applies to a voluntary quit penalty that is no longer applicable; and (e) update terminology for consistency throughout the Section; (18) clarify and simplify language; (19) move and revise ABAWD rules from Part 7 to issued Part 10 to: (a) add that an ABAWD meets work requirements when he or she works and participates in a work program for 20 or more hours per week; (b) add information to explain the general ABAWD rule including benefit time limits; how to determine countable ABAWD months in Oklahoma and from other states; how Oklahoma measures the 36-month time period;

worker and ABAWD responsibilities; (c) remove exemptions from ABAWD work requirements that are considered work registration exemptions; and (d) revise information regarding how an ABAWD regains eligibility after he or she receives three-countable months of food benefits; and (e) explain how the Oklahoma Department of Human Services (DHS) applies and tracks the 15 percent exemption from countable ABAWD months allowed by Food and Nutrition Services (FNS); and (20) move SNAP E&T Program rules from Part 9 to issued Part 11; and add worker responsibility information.

The proposed amendments to Chapter 50, Subchapter 7 amends the rule to: (1) add to the list of persons disqualified, those failing to meet work registration requirements; and (2) remove worker instructions regarding the imposition of an intentional program violation penalty and duplicative information regarding allowable expenses for ineligible household members.

The proposed amendments to Chapter 50, Subchapter 9 amends the rule to: (1) require action to be taken when a household member is identified as a disqualified or an ineligible person; (2) require verification to be provided before benefits are increased; (3) update change reporting rules for semi-annual reporters to the tenth of the month, following the month the change occurred; and (4) update rule citations.

The proposed amendment to Chapter 50, Subchapter 11 amends the rule to: (1) add legal citations and clarifying information; (2) correct information regarding how to consider income from a new source for the application month; and (3) update terminology.

The proposed amendments to Chapter 50, Subchapter 13 amend the rules to: (1) add Quality Control to the Subchapter title; (2) revoke complaints of alleged discriminatory practices as this information was updated and moved to Subchapter 1; (3) update SNAP quality control (QC) rules to: (a) add legal citations; and (b) explain parameters of the QC review process and sampling plan; (4) update terminology, the divisions and agencies responsible for parts of the process, and the steps taken when a client refuses to cooperate with the SNAP QC review process; and (5) revoke a no longer applicable Section.

The proposed amendment to Chapter 50, Subchapter 15 amends the rule to: (1) change the number of days a claim must be delinquent before a Treasury Offset Program (TOP) referral is made; and (2) update terminology.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Sections 273.1, 273.2, 273.7, 273.10, 273.11, 273.12, 273.18, 273.24, and 275.10 through 275.13 of Title 7 of the Code of Federal Regulations; and 31 U.S.C. § 3716(c)(6).

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4396.

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PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-915; filed 12-21-17]

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

[OAR Docket #17-916]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

340:60-1-6 [AMENDED]

(Reference WF 16-11 and 18-07)

SUMMARY:

The proposed amendment to Chapter 60 amends the rule to: (1) describe when Oklahoma Department of Human Services (DHS) staff or a contracted provider is responsible for determining eligibility for Refugee Cash Assistance (RCA); (2) add the time limit for provision of social services; (3) add for RCA when DHS determines eligibility, the: (a) eligibility requirements to receive RCA and incentive bonuses; (b) payment method; and (c) reasons RCA may be denied or closed; (4) update and clarify information regarding SoonerCare (Medicaid) eligibility; (5) add additional eligibility requirements regarding Refugee Medical Assistance (RMA); (6) add the requirement to complete and participate in an employment plan; (7) add employment plan exemptions; (8) add criteria the refugee services provider uses when assisting a refugee with a job placement; (9) add reasons good cause may be approved; (10) add consequences of non-compliance with the employment plan; (11) add notice and fair hearing requirements; and (12) add rule and legal citations.

AUTHORITY:

Director of Human Services; Sections 162 of Title 56 of the Oklahoma Statutes, and Sections 400.25, 400.50 through 400.51, 400.53, 400.55 through 500.56, 400.59 through 400.60, 400.70, through 400.72, 400.75 through 400.77, 400.79, 400.81 through 400.83, 400.93 through 400.94, and 400.100 through 400.104 of Title 45 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4396.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-916; filed 12-21-17]

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

[OAR Docket #17-917]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Procedures Relating to Case Changes

Part 1. General Provisions

340:65-5-1 [AMENDED]

Subchapter 9. Overpayment Claims and Fraud in Temporary Assistance for Needy Families and State Supplemental Payment Benefits

340:65-9-1 through 340:65-9-2 [AMENDED]

340:65-9-4 through 340:65-9-7 [AMENDED]

(Reference WF 17-18 AND 18-04)

SUMMARY:

The proposed revisions to Chapter 65, Subchapter 5 amend the rules to: (1) add taglines and rule citations; (2) update change reporting requirements for Child Care Subsidy and Supplemental Nutrition Assistance Program (SNAP); (3) update reasons advance notice is not required for a Child Care Subsidy closure; (4) update information regarding when Child Care Subsidy and SNAP benefits may be reduced; and (5) add clarifying information.

The proposed amendments to Chapter 65, Subchapter 9 amend the rules to: (1) update, separate, and clarify Temporary Assistance for Needy Families (TANF) and State Supplemental Payment (SSP) overpayment claims, classifications, and procedures; (2) update overpayment repayment procedures, options, and terminology; (3) add: (a) policy citations; (b) taglines; (c) case retention information; (d) fraud definitions and penalties; (e) notice receipt time frame; (f) information regarding repayment suspension when the client requests a fair hearing; (g) monthly overpayment statements; (h) repayment plan reconsideration; (i) information regarding when the Oklahoma Department of Human Services (DHS) begins collection action on overpayments held in suspension; and (j) clarifying information; and (4) remove: (a) a form; (b) duplicative information discussed in another policy Section; and (c) incorrect information regarding overpayment decision appeal rights.

AUTHORITY:

Director of Human Services; Sections 162, 168, 171, 185, 186, and 230.63 of Title 56 of the Oklahoma Statutes, CCDBG Act of 2014, P.L. 113-186, and Section 98.21 of Title 45 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521- 4396.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-917; filed 12-21-17]

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

[OAR Docket #17-918]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions of Child Welfare Services [AMENDED]

Subchapter 3. Child Protective Services [AMENDED]

Subchapter 6. Permanency Planning [AMENDED]

Subchapter 7. Foster Home Care [AMENDED]

Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services [AMENDED]

Subchapter 15. Adoptions [AMENDED]

(Reference WFs 17-21 and 18-12)

SUMMARY:

The proposed amendments to Chapter 75, amends the rules to: (1) create a policy to address transportation of children and families and remove a reference to the Commission for Human Services; (2) reference to sibling separation policy; (3) increase frequency of parent-child visitation; (4) update reference to policy on the transportation of children and families; (5) update definitions and requirements per House Bill (HB) 1078 (2015); (6) address maltreatment in out-of-home care; (7) include Pinnacle Plan requirements; (8) reflect the Foster Care and Adoptions re-organization and integration based on a resource model; (9) amend therapeutic foster care (TFC) rules to reflect changes to TFC organizational structure, positions, and processes; and (10) amend adoptions policy to parallel the foster care policy revisions for easier comprehension and access.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Chapter 75 Subchapter 1: Oklahoma Children's Code, Article 1 of Title 10A of the Oklahoma Statutes; Titles IV-B, IV-E, V, VI, XIX, and XX of the Social Security Act, Multiethnic Placement Act of 1994, Interethnic Provisions of 1996; Adoption and Safe Families Act of 1997 (42 U.S.C. §§ 621 through 629i), and Fostering Connections to Success and Increasing Adoptions Act of 2008. Chapter 75 Subchapter 6: 10A O.S. §§ 1-7-105 through 1-4-707, 1-4-807, and 1-4-811; Section 471(a)(31) of

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the Social Security Act (42 U.S.C. § 671(a)(31)). Chapter 75 Subchapter 7: Oklahoma Indian Child Welfare Act 10 O.S. §§ 40 through 40.9, Oklahoma Child Care Facilities Licensing Act 10 O.S. §§ 401 et seq.; 10A O.S. §§ 1-1-102, 1-1-105, 1-4-204, 1-4-704, 1-4-705, 1-7-109, 1-7-111, 1-7-115, 1-9-106, 1-9-114, 1-9-118, and 1-9-119; 21 O.S. §§ 21 O.S. 692 and 1290.1 et seq.; 57 O.S. § 582; 68 O.S. § 2358.5-1; Titles IV-B and IV-E of the Social Security Act, Multiethnic Placement Act of 1994 (MEPA), Interethnic Provisions of 1996 (IEP), 18 U.S.C. § 16, Adoption and Safe Families Act of 1997 42 U.S.C. §§ 621 through 629i, Federal Indian Child Welfare Act 25 U.S.C. §§ 1901 et seq.; Section 901 et seq. of Title 28 of the Code of Federal Regulations (28 C.F.R. §§ 901 through 901.4), 45 C.F.R. §1356.21. Chapter 75 Subchapter 8: 10A O.S. §§1-1-105, 1-2-101, 1-3-102, 1-6-102, 1-7-103, 1-7-105, 1-9-110; 1-9-119. Chapter 75 Subchapter 15: 10 O.S. §§ 10 O.S. §§ 40 through 40.9, 601.6, 7501-1.1, 7501-1.2, 7503-1.1, 7504-1.2, 7504-1.3, 7505-5.3, 7505-5.4, 7505-6.3, 7505-6.6, 7508-1.1 through 7508-1.3, 7510-2.1 through 7510-2.5, 7510-3.1 through 7510.3.3, and 7700-102; 10A O.S. § 1-4-705, 1-4-706, 1-4-812, 1-7-111; 21 O.S. § 692; 57 O.S. § 582; Public Law 96-272, Multiethnic Placement Act of 1994, Interethnic Provisions of 1996, 18 U.S.C. § 16, 25 U.S.C. §§ 1901 et seq., Adoption and Safe Families Act of 1997 42 U.S.C. §§ 621 through 629i, 42 U.S.C. § 671(a)(31), and Fostering Connections to Success and Increasing Adoptions Act of 2008; Title 45 of the Code of Federal Regulations (CFR) Parts 98 and 99, 45 C.F.R. §§1356.21 and 1356.40.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Shirley Russell, Oklahoma Department of Human Services (DHS), Child Welfare Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-2881.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-918; filed 12-21-17]

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

[OAR Docket #17-919]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration
Part 1. General Administration
340:100-3-16 [AMENDED]
Subchapter 5. Client Services
Part 3. Service Provisions
340:100-5-26.1 [AMENDED]
Part 5. Individual Planning
340:100-5-57 [AMENDED]
Subchapter 6. Group Home Regulations
Part 7. Environmental Health, Safety, and Sanitation Requirements
340:100-6-41 [AMENDED]
(Reference WF 18-06)

SUMMARY:

The proposed amendments to Chapter 100, Subchapters 3, 5, and 6 amend rules to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and Sections, 441.301 and 441.302 of Title 42 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Ray Hester, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4968.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-919; filed 12-21-17]

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

[OAR Docket #17-920]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- Part 1. Licensing Services - Child Care
- 340:110-1-8.4 through 340:110-1-8.9 [AMENDED]
- Subchapter 3. Licensing Standards for Child Care Facilities
- Part 9. Requirements for Residential Child Care Facilities
- 340:110-3-146 [AMENDED]
- 340:110-3-152 [AMENDED]
- 340:110-3-154 [AMENDED]
- 340:110-3-170 [NEW]
- Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs and Programs for Sick Children
- 340:110-3-284.2 [AMENDED]

(Reference WF 18-08)

SUMMARY:

The proposed amendments to Chapter 110, Subchapter 1, Part 1 amend Child Care Services (CCS) procedures for the Quality Rating and Improvement System (QRIS) program certification process and criteria. Licensed child care programs impacted by the proposed amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; and (7) programs for sick children.

The proposed amendments to Chapter 110, Subchapter 3, Part 9 amend licensing requirements for residential child care facilities by including requirements for family-style living programs and ensuring confidentiality of resident grievance information.

The proposed amendments to Chapter 110, Subchapter 3, Part 15 amend licensing requirements to allow a director meeting master teacher qualifications to count as a master

teacher, regardless of the program's licensed capacity. Licensed child care programs impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children.

On June 10, 2015, residential child care facilities operating in a family-style living environment requested the Child Care Advisory Committee (CCAC) consider the development of requirement language identifying the specific services and environments provided to residents in this group setting. A group of programs met to determine the need and scope of these revisions. On September 9, 2015, CCAC appointed a revision subcommittee to develop requirement language. On March 8, 2017, CCAC reviewed proposed requirement language and requested to move forward with recommended revisions. Licensed programs impacted by the proposed amendments include family-style living programs.

Office of Client Advocacy (OCA) requested revisions to licensing requirements regarding maintenance of resident grievance information. To ensure confidentiality, grievance files will be maintained separately from resident records. Licensed programs impacted by the proposed amendments include residential child care programs.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. § 404, the Oklahoma Child Care Facilities Licensing Act.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-2556.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mitzi Lee, at the above address, before the close of the comment period on February 15, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-920; filed 12-21-17]

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

[OAR Docket #17-921]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-8.1 [AMENDED]

340:110-1-8.3 [AMENDED]

340:110-1-8.10 through 340:110-1-9 [AMENDED]

340:110-1-10.1 [AMENDED]

Part 3. Licensing Services-Residential Care and Agencies

340:110-1-47 [AMENDED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes

340:110-3-85 [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-153.1 [AMENDED]

Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs and Programs for Sick Children

340:110-3-282 [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 1. Requirements for Child-Placing Agencies

340:110-5-8 [AMENDED]

(Reference WF 17-20)

SUMMARY:

Proposed rules reflect amendments for compliance with legislative mandates as a result of the passage of Senate and House bills during the 2017 Oklahoma legislative session and the reauthorization of the federal Child Care Development Fund (CCDF) in November of 2014. Due to Department of Human Services (DHS) FY16 budget reductions, the Environmental Rating Scales program assessment was removed from the Quality Rating and Improvement System Reaching for the Stars certification criteria. Program assessment is critical for evaluation of quality child care. Amendments to stars certification criteria require a self-assessment for child care programs to conduct evaluations of program quality and to inform continuous

quality improvement plans. Amendments also include: (1) transition of Child Care Services (CCS) Licensing Records Office (LRO) to the Office of Inspector General (OIG); (2) the movement of LRO policy language and responsibilities to OIG; (3) the renaming of LRO to the Office of Background Investigations (OBI); and (4) alignment of CCS terminology.

The reauthorization of CCDF requires additional criminal history prohibitions and repeating background investigations every five years for child care programs. The passage of Senate Bill (SB) 723 amended Section 404.1 and 405.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 404.1 and 405.3), Oklahoma Child Care Facilities Licensing Act to align with the federal mandates.

The passage of SB 717 amended 10 O.S. § 404.1 and 405.3 of the Oklahoma Child Care Facilities Licensing Act. Statutory amendments include: (1) requiring additional registry searches of the nontechnical services worker abuse registry and community services worker registry; and (2) broadening the scope of the Restricted Registry to include recording of individuals with a substantiated finding of abuse or neglect of a child while in care of a facility licensed, certified, operated or contracted by or with DHS or Office of Juvenile Affairs (OJA); including DHS foster families.

The passage of House Bill (HB) 1968 amended 10 O.S. § 405.5 of the Oklahoma Child Care Facilities Licensing Act. Statutory amendments include providing an individual who inherits or purchases a licensed child care facility to operate a facility under the same license and at the same star rating as the previous owner for a period of 90-calendar days providing the same personnel are employed by the previous owner.

The proposed revisions to Chapter 110, Subchapter 1, Part 1 amend Child Care Services (CCS) policy to align with federal CCDF and legislative mandates of SB 717 and 723 and HB 1968 providing procedures for: (1) additional criminal history prohibitions and repeating background investigations every five years; (1) a transitional change of ownership between a previous and new child care facility owner; (2) broadening the Restricted Registry and additional registry searches. Additional amendments include: (1) requiring a child care program self-assessment for child care programs participating in the stars program, and (2) identifying transition of LRO to OBI and the movement of policy language reflecting responsibilities of OBI. Licensed child care programs impacted by the proposed amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; (7) programs for sick children; (8) residential child care programs; and (9) child-placing agencies.

The proposed revisions to Chapter 110, Subchapter 1, Part 3 amend CCS residential and child-placing policy aligning with legislative mandates of HB 1968 providing procedures for a transitional change of ownership between a previous and new child care facility owner. Licensed child care programs impacted by the proposed amendments include residential child care programs and child-placing agencies.

The proposed revisions to Chapter 110, Subchapter 3, Part 5 amend CCS licensing requirements for family child care homes aligning with federal CCDF and SB 723 legislative mandates of additional criminal history prohibitions and repeating background investigations every five years. Amendments also address transition of LRO to OBI. Licensed child care programs impacted by the proposed amendments include family child care homes.

The proposed revisions to Chapter 110, Subchapter 3, Part 9 amend CCS licensing requirements for residential child care programs aligning with federal CCDF and SB 723 legislative mandates of additional criminal history prohibitions and repeating background investigations every five years. Amendments also address transition of LRO to OBI. Licensed child care programs impacted by the proposed amendments include residential child care programs.

The proposed revisions to Chapter 110, Subchapter 3, Part 15 amend CCS licensing requirements for: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children aligning with federal CCDF and SB 723 legislative mandates of additional criminal history prohibitions and repeating background investigations every five years. Amendments also address transition of LRO to OBI. Licensed child care programs impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children.

The proposed revisions to Chapter 110, Subchapter 5, Part 9 amend CCS licensing requirements for child-placing agencies aligning with federal CCDF and SB 723 legislative mandates of additional criminal history prohibitions and repeating background investigations every five years. Amendments also address transition of LRO to OBI. Licensed child care programs impacted by the proposed amendments include child-placing agencies.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (O.S. 56 § 162); 10 O.S. § 404, 404.1, 405.3, and 405.5 of the Oklahoma Child Care Facilities Licensing Act.

COMMENT PERIOD:

Written and oral comments are accepted January 16, 2018, through February 15, 2018, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-2556.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 21, 2018, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mitzi Lee, at the above address, before the close of the comment period on February 15, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #17-921; filed 12-21-17]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #17-887]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Board Administrative Operations
535:1-5-4. Board Meetings [AMENDED]

SUMMARY:

The revision in 535:1-5.4 removes archaic language regarding meeting for examinations since Oklahoma pharmacist applicants have been taking the national NAPLEX examination online for many years.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11 - 353.20.1, 353.22, 353.24 - 354; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

COMMENT PERIOD:

The comment period will run from January 16, 2018 through February 22, 2018, at 9:30 a.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 6, 2018, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 23, 2018, at 4:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, 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 record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 31, 2018, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Chelsea Church, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard, Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-887; filed 12-20-17]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 10. PHARMACISTS; AND INTERNS, PRECEPTORS AND TRAINING AREAS

[OAR Docket #17-888]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Interns, Preceptors and Training Areas

535:10-5-1.3. Intern experience requirements

[AMENDED]

535:10-5-9. Training Area requirements

Subchapter 9. Pharmaceutical Care

535:10-9-14. Epinephrine [NEW]

535:10-9-15. Naloxone [NEW]

SUMMARY:

The revision in 535:10-5-1-3 (a) changes the word "Governing" to "governing".

535:10-5-9. (b) adds that unique or specific training areas are subject to (a) (6).

The new rule 535:10-9-14 implements Title 59 Section 6002 regarding the authorization and administration of Epinephrine auto injectors by pharmacists. This new rule organizes and describes the parts that apply to pharmacists

The new rule in 535:10-9-15 implements Title 63 Section 2-312.25 regarding the prescribing and dispensing of Naloxone therapy by pharmacists. This new rule organizes and describes the parts that apply to pharmacists.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, 353.24 - 353.26, 364, Title 59 O.S. Sec. 6002 and Title 63 O.S. Section 2-312.25.

COMMENT PERIOD:

The comment period will run from January 16, 2018 through February 22, 2018, at 9:30 a.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 6, 2018, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 23, 2018, at 4:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, 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 record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 31, 2018, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Chelsea Church, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite

A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-888; filed 12-20-17]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 15. PHARMACIES**

[OAR Docket #17-889]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Pharmacies
 - 535:15-3-2. Pharmacy responsibilities [AMENDED]
 - 535:15-3-4. Physical requirements for pharmacies [AMENDED]
 - 535:15-3-9. Non-resident pharmacies [AMENDED]
 - 535:15-3-10. Inventory [AMENDED]
 - 535:15-3-11. Prescription drugs [AMENDED]
- Subchapter 5. Hospital Pharmacies
 - 535:15-5-2. Definitions [AMENDED]
 - 535:15-5-7.4. Pharmacy technician tasks [AMENDED]
- Subchapter 10. Good Compounding Practices
 - Part 1. Good Compounding Practices for Non-sterile Products
 - 535:15-10-13. Compounding veterinarian preparations [AMENDED]
 - Part 3. Good Compounding Practices for Sterile Products
 - 535:15-10-64.1. Compounding veterinarian sterile preparations [NEW]
- Subchapter 18. Customized Adherence Medication Package (CAMP) [NEW]
 - 535:15-18-1. Purpose [NEW]
 - 535:15-18-2. Definition [NEW]
 - 535:15-18-3. Packaging requirements [NEW]
 - 535:15-18-4. Labeling [NEW]
- Subchapter 19. Automation Rules [NEW]
 - 535:15-19-1. Purpose [NEW]
 - 535:15-19-2. Definitions [NEW]
 - 535:15-19-3. Medication stocking [NEW]
 - 535:15-19-4. Pharmacist verification [NEW]
 - 535:15-19-5. Policies and procedures [NEW]
 - 535:15-19-6. Recordkeeping [NEW]
 - 535:15-19-7. Prepacking by automation [NEW]

SUMMARY:

The revision in 535:15-3-2 (b) (3) adds "Allows an exception to one PIC per pharmacy at a time for licensed charitable pharmacies and hospital drug rooms. The revisions in 535:15-3-2 (h) - (j) add new rules regarding remodel, closing of a pharmacy, and notification of theft.

The revision in 535:15-3-4, physical requirements for pharmacies includes a new (a) (14) Any pharmacy that

dispenses controlled dangerous substances shall have computer software that supports EPCS by January 1, 2019.

The revision in 535:15-3-10 requires a closing inventory of controlled dangerous drugs be done and be sent to the Board within 10 days of the closing of the pharmacy. No prescription drugs may be maintained in an unlicensed location.

The rule changes in 535:15-3-9 (g) and 535:15-3-11 make it possible for a pharmacist to fill up to a ninety day supply for maintenance, non-controlled dangerous drugs if sufficient quantity has been authorized by the prescriber on the original script, including any refills as allowed by law. Increasing CDS or any medications that require reporting to the controlled substance database are prohibited.

The definitions in 535:15-5-2 (a) remove the definition of "Certified pharmacy technician".

The revision in 535:15-5-7.4 (a) (10) allows hospital pharmacy technicians to prepare sterile compounding products with the additional requirement "following documented training and demonstrated competency as required in OAC 535:15-10-52 (d)." 535:15-5-7.4 (10) (A) and (B) are removed and replaced with the requirements in OAC 535:15-10-52 (d).

The revision in 535:15-10-13 for compounding veterinarian preparations adds the new (e) which allow a licensed pharmacy to compound veterinary drug products to be used by veterinarians in their office for administration to clients for use in a single treatment episode, not to exceed 120 hours supply. The new (f) which specifies that Veterinarians may not transfer compounded medications to any other party, since such transfer of compounded medications to another party is a violation of state and federal laws and rules.

The new rule in 535-15-64.1 for compounding sterile veterinarian preparations allow a licensed pharmacy to compound veterinary sterile drug products to be used by veterinarians in their office for administration to clients for use in a single treatment episode, not to exceed 120 hours supply while complying with federal law, rules and FDA guidances.

The new rules in Subchapter 18 for Customized Adherence Medication Package (CAMP) include purpose in 535:15-18-1, definitions in 535:15-18-2, packaging requirements in 535:15-18-3, and labeling requirements in 535:15-18-4.

The new rules in Subchapter 19 for Automation include purpose in 535:15-19-1, definitions in 535:15-19-2, medication stocking in 535:15-19-3, pharmacist verification in 535:15-19-4, policies and procedures in 535:15-19-5, recordkeeping in 535:15-19-6. Recordkeeping, and prepacking by automation in 535:15-19-7.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 353.26 - 354, and 367.8.

COMMENT PERIOD:

The comment period will run from January 16, 2018 through February 22, 2018, at 9:30 a.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 6, 2018, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 23, 2018, at 4:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, 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 record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 31, 2018, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Chelsea Church, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-889; filed 12-20-17]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 20. MANUFACTURERS, REPACKAGERS, OUTSOURCING FACILITIES, WHOLESALERS, THIRD-PARTY LOGISTICS PROVIDERS, AND MEDICAL GAS SUPPLIERS AND DISTRIBUTORS

[OAR Docket #17-890]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Medical Gas Suppliers and Distributors
535:20-9-3. Medical gas suppliers [AMENDED]

535:20-9-4. Medical gas distributors [AMENDED]

SUMMARY:

The new 535:20-9-3 (a) (5) and 535:20-9-4 (a) (5) adds that a medical gas supplier and medical gas distributor shall not operate from a storage unit.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 354, and 367.8; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

COMMENT PERIOD:

The comment period will run from January 16, 2018 through February 22, 2018, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 6, 2018, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 23, 2018, at 4:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, 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 record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 31, 2018, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Chelsea Church, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-890; filed 12-20-17]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 25. RULES AFFECTING VARIOUS REGISTRANTS**

[OAR Docket #17-891]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Applicants, Registrants and Applications
535:25-3-5. Multiple licenses/permits [AMENDED]

SUMMARY:

The 535:25-3-5 adds a new (j) that only allows one medical gas supplier license in one location, the new 535:25-3-5 (k) only allows one medical gas distributor in one location, and the new 535:25-3-5 (l) adds that a medical gas distributor and medical gas supplier cannot be located in the same location.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 353.26 - 354, and 367.8; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

COMMENT PERIOD:

The comment period will run from January 16, 2018 through February 22, 2018, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 6, 2018, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 23, 2018, at 4:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, 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 record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 31, 2018, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Chelsea Church, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-891; filed 12-20-17]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 20. CODE OF PROFESSIONAL CONDUCT**

[OAR Docket #17-893]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

675:20-1-4. Social worker's ethical responsibility to clients [AMENDED]
675:20-1-6. Social Worker's Code of Ethics [AMENDED]

SUMMARY:

The proposed amendment to Rule 675:20-1-4 deletes section (d), making the agency rule consistent with the provisions of the National Association of Social Worker's Code of Ethics revised at the 2017 Delegate Assembly meeting. The proposed amendment to Rule 675:20-1-6 amends language to reflect updates to the National Association of Social Worker's Code of Ethics revised at the 2017 Delegate Assembly Meeting.

AUTHORITY:

Oklahoma State Board of Licensed Social Workers; 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 16, 2018 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 23rd at the office of the Oklahoma State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118 before 5:00 p.m. on February 16, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 3700 N.

Notices of Rulemaking Intent

Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 22nd, 2017.

CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712.

[OAR Docket #17-893; filed 12-21-17]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 25. POST-MILITARY SERVICE OCCUPATION, EDUCATION AND CREDENTIALING RULES

[OAR Docket #17-894]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

675:25-1-4. Social worker's ethical responsibility to clients
[NEW]

SUMMARY:

The proposed amendment to Rule 675:25-1-4 creates new language to reflect requirements pursuant to SB 690, passed during the 1st session of the 56th Oklahoma State Legislature.

AUTHORITY:

Oklahoma State Board of Licensed Social Workers; 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 16, 2018 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 23rd at the office of the Oklahoma State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118 before 5:00 p.m. on February 16, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 3700 N. Classen Blvd., Suite 162, Oklahoma City, Oklahoma 73118.

Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 22nd, 2017.

CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712.

[OAR Docket #17-894; filed 12-21-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #17-895]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Part 10 "*Business Compliance Proceedings*" has been amended to implement the provisions of House Bill 2343 which provided that a noncompliant taxpayer's sales tax permit operating business may be closed if the noncompliant taxpayer fails to remit tax due or file a report three (3) times within any consecutive twenty-four-month period as required under the provisions of any tax law except nonpayment of income taxes. [68:1368.3]

Sections 710:1-3-15 and 710:1-3-70 have been amended, along with other sections which may be amended, to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on

the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-895; filed 12-21-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 15. AIRCRAFT**

[OAR Docket #17-896]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Chapter 15. Aircraft [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Section 710:15-3-3 has been revised to implement the provisions of SB 433 which increased annual aircraft registration fees for single-engine piston aircraft, rotary-wing aircraft, multiengine piston aircraft, turbo-prop aircraft and turbo-jet aircraft by varying amounts. [3:256].

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

AUTHORITY:

Oklahoma Tax Commission; 3 O.S. § 251; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-896; filed 12-21-17]

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

[OAR Docket #17-897]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Subchapter 1 "General Provisions", Subchapter 3 "Alcoholic Beverages", and Subchapter 5 "Mixed Beverages" have been amended, and Subchapter 2 "Low-Point Beer" has been revoked to implement the provisions of Senate Bill 383 (2016) which created the Oklahoma Alcoholic Beverage Control Act, the purpose of which is to implement the provisions of Article 28A of the Oklahoma Constitution. [State Question 792, adopted at election held November 8, 2016].

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

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-897; filed 12-21-17]

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

[OAR Docket #17-898]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Coin Operated Vending Devices [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:25-1-5 and 710:25-1-6 have been amended to update statutory citations, and Section 710:25-1-13 has been revoked consistent with the passage of House Bill 2392 (2016).

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

AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. §

303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-898; filed 12-21-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 40. FRANCHISE TAX**

[OAR Docket #17-899]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 40. Franchise Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Section 710:40-1-2.1 has been amended to correct a scrivener's error and Section 710:40-1-6 has been amended to implement the provisions of House Bill 2775 (2016) which changed the due dates for Oklahoma corporate and partnership income tax returns to thirty (30) days after the due dates for these types of returns under the Internal Revenue Code, and HB 2356 (2017) which changes the due date for those taxpayers that remitted the maximum amount of franchise tax for the preceding tax year. [68:1208, 2368]

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

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-899; filed 12-21-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION

[OAR Docket #17-900]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Gross Production [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the 56th Legislature, 1st Regular Session (2017).

Subchapter 9 "*Exemptions and Exclusions*" has been amended to implement the provisions of House Bill 2377 which changed the sunset date for the qualification of various gross production tax incentive exemptions to July 1, 2017, and permanently suspended the remaining term periods for such incentives for production on or after July 1, 2017. Incentive rebates that have qualified for production periods prior to July 1, 2017, can be claimed no later than eighteen (18) months from the first day of the fiscal year in which the refund is first available, or September 30, 2017, whichever is earlier. This subchapter was also amended by changing the sunset date for the qualification of the economically at-risk rebate ending with calendar year 2016. [68:1001, 1001.3a]

Sections 710:45-9-20, 710:45-9-30, 710:45-9-32, 710:45-9-33, 710:45-9-50, 710:45-9-60, 710:45-9-62, 710:45-9-70, 710:45-9-90, and 710:45-9-92 have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 10:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln

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

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-900; filed 12-21-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #17-901]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Income [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Sections 710:50-3-1 and 710:50-15-50 have been amended to implement the provisions of House Bill 2348 which froze the amount of the Oklahoma standard deduction to the amount of tax year 2017 federal standard deduction and implemented new filing requirements for tax year 2017 and subsequent years. [68:2358]

Section 710:50-3-53 has been amended to implement the provisions of Senate Bill 225 which exempts certain entities from the income tax withholding requirement to deduct and withhold from payments made to royalty interest owners in respect to production of oil and gas in this state. [68:2385.26]

Section 710:50-9-2 has been amended to clarify that the "barred by statute" provisions also apply to non-individual returns. [68:2373]

Section 710:50-15-68, only applicable to taxable years beginning in 2009, has been revoked

Section 710:50-15-75 has been revoked - the income tax credit for the investment in equipment used for recycling, reuse, or source reduction of hazardous waste was repealed effective January 1, 2014. [27A:2-11-303]

Section 710:50-15-81, income tax credit for qualified clean-burning motor vehicle fuel property, has been amended to conform to the statutory changes made in 2010. [68:2357.22]

Section 710:50-15-82, applicable to income tax credits which have now been repealed, has been revoked.

Section 710:50-15-84, an income tax credit for investments made in qualified recycling facilities, has been revoked because it can no longer be claimed on an Oklahoma income tax return. [68:2357.59]

Sections 710:50-15-86, 710:50-15-86.1, 710:50-15-87 and 710:50-15-87.1 have been revoked to reflect the provisions of House Bill 2124 [2004] which sunsetted the Oklahoma Small Business Venture credits and the Oklahoma Rural Small Business Venture credits on December 31, 2011. [68:2357.62, 2357.63, 2357.73, 2357.74]

Section 710:50-15-94, income tax credit for volunteer firefighters, has been amended to implement the provisions of House Bill 1833 which replaces the Oklahoma Council on Firefighter Training with the State Fire Marshall as the entity that approves volunteer firefighter training required in order to be eligible for the income tax credit. [68:2358.7]

Section 710:50-15-100, the computer industry credit, has been revoked because it can no longer be claimed on an Oklahoma income tax return. [68:2357.201]

Section 710:50-15-101, an income tax credit for the reinvestment in film or music production costs, has been

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revoked because it can no longer be claimed on an Oklahoma income tax return. [68:2357.101]

Section 710:50-15-109, income tax credit for employers and employees in the aerospace sector, has been amended to remove obsolete language and implement the provisions of Senate Bill 120 which extends the sunset date to tax years ending before January 1, 2026. [68:2357.302 - 2357.304]

Section 710:50-15-110, which was promulgated in 2010 to implement the provisions of Senate Bill 1267, Senate Bill 1590 and House Bill 3024 (income tax credit moratorium), has been revoked because it is no longer necessary.

Sections 710:50-15-114 and 710:50-15-115, income tax credit for contributions to scholarship granting organizations and educational improvement grant organizations, have been amended to implement the provisions of Senate Bill 445 which modifies the allocation of the annual cap and provides for the carryover of capped credits. [68:2357.206]

Sections 710:50-3-24, 710:50-3-45, 710:50-3-54, 710:50-15-31, 710:50-15-54 and 710:50-15-65 have been amended along with other sections that may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203, 2357.22, 2357.59, 2357.206, and 2368; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 11:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-901; filed 12-21-17]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 55. MOTOR FUEL

[OAR Docket #17-902]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Motor Fuel [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Section 710:45-4-117 has been amended to remove a repealed statutory citation and Section 710:55-4-121 has been amended to correct a scrivener's error.

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

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax

Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-902; filed 12-21-17]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 60. MOTOR VEHICLES**

[OAR Docket #17-903]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Section 710:60-3-12 has been amended to implement the provisions of Senate Bill 60 which removed the requirement that the OTC include a two-letter county abbreviation on the monthly vehicle registration decals. [47:1113]

Section 710:60-3-17 has been amended to implement the provisions of Senate Bill 115 which authorized insurance verification submissions to motor license agents via electronic mail. [47:7-602]

Section 710:60-3-24 has been amended to implement the provisions of Senate Bill 426 which imposed an additional used tire recycling fee when certain vehicles are first titled in Oklahoma. [27A:2-11-401.2]

Sections 710:60-3-25 and 710:60-3-132 have been amended to implement the provisions of Senate Bill 565 which replaced "active duty" with "actively serving" for purposes of expanding eligibility for the Fifteen Dollars (\$15.00) reduced rate military registration to include all Guardsman and Reservist members who are not active duty military personnel in the Armed Forces of the United States. [47:1127]

Sections 710:60-3-33, 710:60-3-34, 710:60-3-54, 710:60-3-111, 710:60-3-115, 710:60-3-130, 710:60-3-202, 710:60-5-51, 710:60-5-52, 710:60-5-58, 710:60-5-71, 710:60-5-91, 710:60-7-3 and 710:60-9-95 have been amended and a new subchapter (Subchapter 6. "Vehicle Sales Tax") has been added to implement the provisions of House Bill 2433 which modified the sales tax exemption for certain motor vehicle transfers to provide that a portion of the state sales tax levy of one and a quarter percent (1.25%) will apply to sales of motor vehicles. [68:1355]

Section 710:60-3-70 has been amended to establish policy regarding the issuance of motorcycle-size license plates for autocycles.

Section 710:60-5-116 has been amended to implement the provisions of House Bill 2314 which amended the Title 42 possessory lien procedures contained in 42 O.S. § 91A by increasing the claimant resubmission timeline from fifteen (15) business days to thirty (30) days after a title application denial is received.

Sections 710:60-1-3, 710:60-3-52, 710:60-3-53, 710:60-3-55, 710:60-3-164 and 710:60-9-55 have been amended, along with other sections which may be amended, to

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clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 3 O.S. § 251; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 2:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-903; filed 12-21-17]

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

[OAR Docket #17-904]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made. All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Sections 710:65-3-4, 710:65-9-8, 710:65-21-7 and 710:65-9-10 have been revised to comply with the repeal of Sections 1367.1 and 1410.1 of Title 68 which allowed vendors to retain one percent of monthly sales/use taxes due for record maintenance and the timely filing and remittance of sales and use tax. [HB 2367].

New Section 710:65-19-215 has been added and Sections 710:65-7-14 and 710:65-13-30 have been amended to implement the passage of HB 2433 which modified the sales tax exemption for vehicle transfers to provide that a portion of the state sales tax levy (1.25%) will apply to certain vehicle sales. [68:1355]

New Section 710:65-13-134 has been added and Section 710:65-13-1 has been amended consistent with the passage of Section 1 of SB 353 which modified the sales tax exemption in Section 1356(16) of Title 68 by providing a sales tax exemption for sales of tangible property or services to any person with whom the Oklahoma Tourism and Recreation Department has entered into a public contract and is necessary for carrying out such contract to assist the Department in the development and production of advertising, promotion, publicity and public relations programs.

New Sections 710:65-13-363 and 710:65-13-364 have been added in accordance with the passage of Section 1 of SB 353 which provides sales tax exemptions for sales of tangible personal property and taxable services to or by Marine Corps League of Oklahoma and the National Guard Association of Oklahoma. [68:1356]

New Section 710:65-13-365 has been added to outline the sales tax exemption afforded certain 501(c)(3) organizations operating as a collaborative model which connect community agencies to serve individuals and families affected by violence. [SB 189; 68:1356]

Section 710:65-15-3 has been revoked due to the fact that the underlying statutory provisions-Sections 1354.1 through 1354.6 of Title 68 - were repealed pursuant to the passage of Section 7 of HB 2531 [2016].

New Section 710:65-19-315 has been added to clarify existing policy regarding the taxability of scaffolding.

Section 710:65-19-328 has been amended to clarify the sourcing of certain sales of transportation for hire for purposes of computation of state and local sales tax.

Section 710:65-21-8 has been amended, and other rule changes may be made, to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §203; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018** to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, at 1:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-904; filed 12-21-17]

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

[OAR Docket #17-905]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 90. Withholding [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

Sections 710:90-1-11, 710:90-3-10 and 710:90-3-11 have been revised to update references to Tax Commission forms.

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

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-905; filed 12-21-17]

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

[OAR Docket #17-906]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 95. Miscellaneous Areas of Regulatory and Administrative Authority [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing rules have been made.

All legislative references are to the First Regular Session of the 56th Legislature (2017) unless otherwise indicated.

Sections 710:95-5-2 and 710:95-5-3 have been revised to implement the provisions of Senate Bill 426 which provided definitions of applicable terms for purposes of the Used Tire Recycling Act, broadened application of established used tire fess and added new used tire fees. [27A:2-11-401.1&2-11-401.2]

Section 710:95-5-12 has been amended to update an administrative rule citation.

Subchapter 19 "*Business Activity Tax*", has been revoked; the business activity tax expired at the end of 2012 and was repealed in 2015. [68:1215 et seq]

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

AUTHORITY:

Oklahoma Tax Commission; 27A:2-11-401.6; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 20, 2018**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 21, 2018, 3:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Kali Walker at (405) 521-3133.

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

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

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

[OAR Docket #17-906; filed 12-21-17]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS**

[OAR Docket #17-886]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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]
- 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]
- 725:15-33-8. Necessity, function, and conformity [NEW]
- 725:15-33-9. Definitions [NEW]
- 725:15-33-10. Standards for preliminary approval [NEW]
- 725:15-33-11. Oklahoma Tourism Development Act Tax Credit Program application [NEW]
- 725:15-33-12. Final Approval [NEW]
- 725:15-33-13. Application form [NEW]
- 725:15-33-14. Appeals [NEW]

SUMMARY:

The purpose of the proposed rule revocation removes rules that were applicable under the repealed version of the Oklahoma Tourism Development Act. The proposed rule

revocation will avoid confusion as to which set of rules applies to the current statutes in effect.

The purpose of the proposed PERMANENT rules create new rules to facilitate the Oklahoma Tourism Development Act that came into effect on November 1, 2017, as directed by statutes passed by the Oklahoma State House and the Oklahoma State Senate, and signed into law by the Governor of the State of Oklahoma. The proposed rules provide the needed administrative structure, application process, approval process, and implementation process needed to facilitate the program as prescribed by law.

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.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Thursday, February 15, 2018 at the Oklahoma Tourism and Recreation Department Office. Written comments may be mailed to: Oklahoma Tourism and Recreation Department, Attn.: Irish Hill, OTRD Liaison, 900 N. Stiles Avenue, Oklahoma City, OK 73104, or emailed to: irish.hill@travelok.com.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, February 15, 2018 at the Oklahoma Tourism and Recreation Department, 900 N. Stiles Avenue, Gallery 1-4 meeting room, Oklahoma City, OK 73104. Interested parties must sign in at the door.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Tourism and Recreation Department request that business entities affected by this proposed rule provide the Oklahoma Tourism and Recreation Department, 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, and labor to the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Irish Hill, at the above address, before the close of the comment period on February 15, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available in the office of the Oklahoma Tourism and Recreation Department, attn.: Irish Hill, OTRD Liaison, 900 N. Stiles Avenue, Oklahoma City, OK 73104, by email: irish.hill@travelok.com or the agency website at <http://www.travelok.com>.

RULE IMPACT STATEMENT:

Pursuant to 75 O. S., Section 303 (D), a rule impact statement will be prepared and available in the Oklahoma Tourism and Recreation Department office and on the agency's website at the above address.

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CONTACT PERSON:

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

[OAR Docket #17-886; filed 12-20-17]

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

[OAR Docket #17-927]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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.

The proposed revisions change the mandatory EDI implementation date from January 1, 2018 to September 1, 2018. The proposed delay in EDI implementation will accommodate those requesting additional time to implement EDI and will allow the Commission to adopt the most recent standards.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 101.

COMMENT PERIOD:

Persons may submit written comments through February 15, 2018, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 20, 2018 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

to Lindsey Christopher at the above address on or before February 15, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 31, 2018.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 918-295-3731,
lindsey.christopher@wcc.ok.gov.

[OAR Docket #17-927; filed 12-22-17]

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

[OAR Docket #17-929]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

810:10-1-3 [AMENDED]
810:10-1-4 [AMENDED]
810:10-1-7 [AMENDED]
810:10-1-10 [AMENDED]
810:10-1-14 [NEW]

Subchapter 3. Informal Dispute Resolution Processes

810:10-3-3 [AMENDED]

Subchapter 5. Hearings Conducted by Administrative Law

Judges and Commissioners

Part 1. Commencement of Claims

810:10-5-2 [AMENDED]

Part 3. Subsequent Pleadings

810:10-5-15 [AMENDED]

810:10-5-18 [AMENDED]

Part 5. Prehearing Proceedings

810:10-5-31 [AMENDED]

Part 7. Initial and Subsequent proceedings

810:10-5-45 [AMENDED]

Part 9. Post Order Relief

810:10-5-66 [AMENDED]

810:10-5-69 [NEW]

Part 11. Contempt

810:10-5-75 [AMENDED]

Part 15. Settlements

810:10-5-95 [AMENDED]

SUMMARY:

The proposed revisions to Subchapter 1 change the mandatory implementation date of the Commission's electronic data interchange (EDI) system to September 1, 2018; adopt the IAIBC Release 3.1 EDI standards; provide for the electronic filing of documents, cases and proceedings with the Commission; specify procedures for the designation of a treating physician under 85A O.S. §56(A); and modify the requirements for attorney leave requests. The proposed amendment to Subchapter 3 requires the Commission to notify injured workers of the counselor program and availability of alternative dispute resolution within ten days of the filing of the Employer's First Notice of Injury form.

The proposed revisions to Subchapter 5 specify procedures for the designation of a treating physician by an employer under 85A O.S. §56(A); require inclusion of the last five digits of a worker's Social Security number on claims for compensation forms; establish procedures for filing motions and written arguments in appeals; specify that reimbursement requests for travel expenses under 85A O.S. §50(G) must be paid within sixty days; establish a process to request a nunc pro tunc change to a Commission order; and clarify that joint petition settlements may be entered upon the filing of the Employer's First Notice of Injury in lieu of a claim for compensation or an electronically-submitted First Report of Injury (FROI). The proposed amendments include other nonsubstantive changes to correct grammatical and formatting errors.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. § 19.

COMMENT PERIOD:

Persons may submit written comments through February 15, 2018, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 20, 2018 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lindsey Christopher at the above address on or before February 15, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 31, 2018.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 918-295-3731, lindsey.christopher@wcc.ok.gov.

[OAR Docket #17-929; filed 12-22-17]

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF INSURANCE**

[OAR Docket #17-928]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
810:25-1-2 [AMENDED]
- Subchapter 3. Proof of Coverage
810:25-3-1 [AMENDED]
- Subchapter 5. Documentation of Exempt Status
810:25-5-1 [AMENDED]
- Subchapter 7. Enforcement of Workers' Compensation Insurance Requirements
810:25-7-2 [AMENDED]
- Subchapter 9. Individual Own Risk Employer Permit
810:25-9-1 [AMENDED]
810:25-9-10 [AMENDED]
810:25-9-11 [AMENDED]
810:25-9-14 [AMENDED]
810:25-9-17 [AMENDED]
810:25-9-18 [AMENDED]
- Subchapter 11. Group Self-Insurance Association Permit
810:25-11-1 [AMENDED]
810:25-11-2 [AMENDED]
810:25-11-3 [AMENDED]
810:25-11-8 [AMENDED]
810:25-11-10 [AMENDED]
810:25-11-12 [AMENDED]
810:25-11-16 [AMENDED]
810:25-11-17 [AMENDED]
810:25-11-19 [AMENDED]
810:25-11-21 [AMENDED]
810:25-11-22 [AMENDED]
810:25-11-23 [AMENDED]
810:25-11-25 [NEW]
- Subchapter 13. Third-Party Administrator Permit for Workers' Compensation Purposes
810:25-13-1 [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The proposed amendments to Subchapters 1 through 7 modify definitions and provisions related to certificates of noncoverage issued under 85A O.S. § 36 and clarify the provisions imposing penalties for failure to comply with the compensation coverage requirements found in 85A O.S. § 38. The proposed revisions to Subchapters 9 and 11 modify the requirements for individual and group self insurance. The proposed revisions to Subchapter 13 change the name of the Commission's Insurance Division to the "Permitting Services Division." The proposed amendments also include nonsubstantive changes to correct unclear language and formatting errors.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 36, 38, 40.

COMMENT PERIOD:

Persons may submit written comments through February 15, 2018, to Lindsey Christopher at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Tuesday, February 20, 2018 in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lindsey Christopher at the above address on or before February 15, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules are also available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning January 31, 2018.

CONTACT PERSON:

Lindsey Christopher, Commission Counsel, 918-295-3731, lindsey.christopher@wcc.ok.gov.

[OAR Docket #17-928; filed 12-22-17]

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 235. OKLAHOMA FUNERAL BOARD CHAPTER 10. FUNERAL SERVICES LICENSING

[OAR Docket #17-930]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
235:10-1-1 [AMENDED]
235:10-1-2 [AMENDED]
Subchapter 3. Qualification and Requirements for
Licensure
235:10-3-2 [AMENDED]
235:10-3-5 [AMENDED]
Subchapter 5. Licensing Fees
235:10-5-1 [AMENDED]
235:10-5-2 [AMENDED]
Subchapter 7. Licensure Renewal, Revocation and
Suspension
235:10-7-1 [AMENDED]
235:10-7-2 [AMENDED]
Subchapter 9. Procedures for the Disposition of Cases
235:10-9-9 [AMENDED]
Subchapter 11. Minimum Standards of Performance
235:10-11-1 [AMENDED]
Subchapter 13. Continuing Education

235:10-13-10 [AMENDED]

Subchapter 14. Crematories

235:10-14-1 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

December 22, 2017

[OAR Docket #17-930; filed 12-22-17]

TITLE 270. OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM CHAPTER 10. FIREFIGHTERS PENSION AND RETIREMENT PLAN

[OAR Docket #17-892]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

270:10-1-8 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

December 21, 2017

[OAR Docket #17-892; filed 12-21-17]

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 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD CHAPTER 10. STATEWIDE VIRTUAL CHARTER SCHOOLS

[OAR Docket #17-858]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Statewide Virtual Charter School Sponsorship
777:10-3-3 [AMENDED]

AUTHORITY:

Statewide Virtual Charter School Board; 70 O.S., §§3-145 et seq.

ADOPTION:

November 7, 2017

APPROVED BY GOVERNOR:

December 6, 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:

The proposed emergency rule is necessary to avoid serious prejudice to the public interest; namely, to align the application process with the recently adopted Charter School Act. Without the provision there is no guarantee that applicant's applying for virtual charter school contracts of sponsorship possess any experience in pre-kindergarten through 12th grade school operation.

GIST/ANALYSIS:

This proposed rule change establishes the requirement of demonstrable experience in Pre-Kindergarten through 12th grade school operation and aligns the application process with the recently adopted Charter School Act.

CONTACT PERSON:

Lynn Stickney (405)522-3240, Lynn.Stickney@svcsb.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 3. STATEWIDE VIRTUAL CHARTER SCHOOL SPONSORSHIP

777:10-3-3.

Applications to sponsor statewide virtual charter schools; renewal and termination of contracts for sponsorship of statewide virtual charter schools

(a) **Sponsorship application cycle and timelines.** To ensure that timely processing, review, and consideration of applications for sponsorship occurs within the time periods specified by 70 O.S. § 3-134, and to ensure that the application process is completed with sufficient time for new schools to comply with all statutory reporting requirements for the beginning of the next school year, (e.g., statutory state finance reporting deadlines for state aid purposes) the ~~Statewide Virtual Charter School Board shall establish a schedule for each year's application cycle for charter school sponsorship requests. No later than September 1 of each school year, the Board shall approve a timeline for the application cycle for the following school year that sets forth deadlines for each of the following events is as follows:~~

- (1) Completion of charter school training required by 70 O.S. § 3-134(A) prior to submission of letter of intent to submit an application;
- (2) Submission of a letter of intent to submit an application by May 1 prior to the July 1 application deadline;
- (3) Submission of a full application for statewide virtual charter school sponsorship by July 1 of the year prior to the first year of proposed operation;
- (4) Public presentation of application/proposal for sponsorship at the next regularly scheduled Statewide Virtual Charter School Board meeting;
- (5) Review of application and recommendation by State Department of Education staff;
- (6) Statewide Virtual Charter School Board decision on application for sponsorship at a subsequent Board meeting;
- (7) Submission of an amended application within thirty (30) days of receipt of notification of rejection;
- (8) Board decision on amended application, if applicable, within thirty (30) days of receipt of amended application; and
- (9) Negotiation and execution of a contract for sponsorship.

Emergency Adoptions

(b) **Sponsorship application requirements.** In addition to meeting the requirements of 70 O.S. § 3-134, new applications to the Statewide Virtual Charter School Board for sponsorship of a statewide virtual charter school must include the following information in the sponsorship proposal:

(1) For initial consideration for sponsorship, every applicant shall submit a set of policies and procedures governing administration and operation of the proposed statewide virtual charter school. The policies and procedures governing administration and operation of the proposed statewide virtual charter school shall be incorporated into the terms of the contract of the virtual charter school, and shall include, but are not limited to, all of the following subject areas:

(A) Each of the following provisions required by 70 O.S. § 3-135:

- (i) A description of the charter school program offered by the school which complies with the purposes outlined in 70 O.S. § 3-136;
- (ii) Student admission and enrollment policies and procedures;
- (iii) Management and administration of the charter school;
- (iv) Requirements and procedures for program and financial audits;
- (v) All of the requirements set forth in 70 O.S. § 3-136, including, but not limited to, compliance with all regulations of the State Department of Education pertaining to health, safety, civil rights and insurance and financial reporting and auditing requirements;
- (vi) Assumption of liability by the charter school; and
- (vii) Employment rights and personnel policies of the school required to be included in employee contracts pursuant to 70 O.S. § 3-135(B);

(B) Duties and responsibilities of the charter school governing body;

(C) Student grade placement, promotion, retention, and graduation requirements;

(D) Use and maintenance of charter school property and facilities, including:

- (i) Virtual provider technology, course delivery and technical support;
- (ii) Facility safety and emergency and crisis management;
- (iii) School calendar, sample daily schedule as applicable to online learning at proposed school, school instructional hours, school holidays, dismissals and closures; and

(E) Any other topics deemed necessary by the Statewide Virtual Charter School Board to assess the applicant's capability to administer and operate the charter school in compliance with all applicable provisions of federal and state laws and regulations to which charter schools are required to comply.

(2) Each applicant shall:

(A) Articulate the vision and purpose of the school;

(B) Articulate the mission of the school, specifying how the school will embrace and accomplish its vision and purpose;

(C) Describe the elements of the school program that align with and support the school's mission;

(D) Describe how the school will ensure education access and equity for all eligible students;

(E) Describe how the governing body and governing documents ensure that a functioning organization with competent governance will be sustained, including:

- (i) lines of authority;
- (ii) leadership roles and responsibilities;
- (iii) governing by-laws;
- (iv) meeting schedules for governing body;
- (v) a list of advisory bodies;
- (vi) external organizations applicable to school management;
- (vii) make-up of governing body, including proof of Oklahoma residency for a majority of Board members.
- (viii) start up plan;
- (ix) recruitment, hiring and personnel policies, professional and staff development and training, technology capacity, system accessibility, student records and data management, student recruitment policies and procedures, admission and enrollment policies and procedures (including minimum and maximum enrollment for each contract year and proposed school calendar and sample daily schedule), promotion and graduation policies and procedures, attendance policies and procedures, student conduct and discipline plan, school safety and emergency response plan, parent and family education and engagement plan; ~~and~~
- (x) school effectiveness measurement criteria; and
- (xi) location and description of school facilities.

(F) Describe how the governing body will ensure a sound and stable financial condition for the school, including:

- (i) description of the roles and responsibilities of the treasurer and financial officers, and how each has demonstrated experience in school finance or the equivalent thereof;
- (ii) financial policies, including financial controls and compliance with audit requirements;
- (iii) financial plan for the first five years of operation;
- (iv) start-up and five-year budgets and cash flow projections; The documents provided must account for the school's anticipated enrollment, as well as, a budget if the school only realizes a portion of the school's anticipated enrollment.

- (v) anticipated fundraising plan, if applicable; ~~and;~~
 - (vi) insurance coverage/plan; and
 - (vii) verifiable proof of secured funds for each source of revenue, and documentation to support any agreement, donation or loan that supports the budget.
- (G) Describe how the governing body will ensure the delivery of a high-quality education program that meets academic performance for growth, proficiency, and college career readiness, including:
- (i) grade levels served;
 - (ii) plan for program delivery and program evaluation;
 - (iii) curriculum and instructional model, including learning environment, curriculum overview, curriculum materials, instructional strategies, equipment and technology requirements, alignment with Oklahoma academic standards,
 - (iv) student assessment, including plan to measure and report student progress, and benchmarks for student learning, district/school assessments, Oklahoma School Testing Program;
 - (v) plan for support structures (e.g. online tutoring, home mentors, and technical support services in place 24x7) in addition to teacher support,
 - (vi) plan for support of diverse learners, (students at-risk for poor learning outcomes, academically behind learners, and other students identified through testing and assessments as being in need of targeted remediation, intervention, and/or support);
 - (vii) co-curricular and extracurricular activities; ~~and~~
 - (viii) student performance; and
 - (ix) school culture.

(H) Include a concise plan that details expected school growth and how the school will evolve to meet the needs of school growth.

(I) Demonstrate the applicant's experience in pre-kindergarten through 12th grade school operation.

(3) Each applicant shall provide documentation of its school's ability to meet each of the following requirements specific to the virtual delivery of education services:

- (A) That each statewide virtual charter school is adequately prepared to deliver services to all enrolled students on the school's first day of operation and for all required instructional hours for every school year through a stable virtual platform;
- (B) That each statewide virtual charter school has consistent procedures in place governing admission, transfers, enrollment, and withdrawal of students;
- (C) That each statewide virtual charter school has consistent procedures in place governing admission, child find responsibilities, evaluation, and re-evaluation of students with disabilities, as well as applicable procedural safeguards and policies and procedures

to ensure provision of free appropriate online and other educational and related services, supplementary aids and services, modifications, accommodations, supports for personnel, and other technical supports provided in the least restrictive environment to students with disabilities and/or other special needs in compliance with applicable federal and state laws and regulations, including:

- (i) Students who require or may require individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA); and
- (ii) Students who require or may require accommodations, regular or special education and related aids, or other services under a plan developed in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act;

(D) That each statewide virtual charter school has consistent procedures in place governing the admission, identification, evaluation, re-evaluation, parental notification, and provision of educational programs and services in compliance with applicable federal and state laws and regulations to students with special needs or unique abilities, including, but not limited to:

- (i) Students who are English Language Learners/Limited English Proficient and who require services as necessary to overcome language barriers and ensure that they can participate meaningfully in the district's education programs; and
- (ii) Students who meet the definition of "gifted and talented children" set forth in 70 O.S. § 1210.301;

(E) That each statewide virtual charter school complies with state and federal law in protection and handling of student records and data, including, but not limited to, protocols for secure storage and transmission of student data;

(F) That each statewide virtual charter school has consistent procedures and technology in place necessary to monitor and report student attendance, student participation in online school activities, and any necessary instruction in accordance with the requirements of state law;

(G) That each statewide virtual charter school has fair and consistent procedures in place to implement necessary and appropriate practices to promote student discipline that include sufficient due process protections for students facing accusations of conduct which may result in suspension and/or expulsion of a student;

(H) That each statewide virtual charter school has consistent procedures and technology in place to ensure delivery of services and that each virtual charter school provider has an adequate plan in place for communicating emergency procedures to students

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in the event of technical failures of equipment and/or loss of connectivity ~~as a result of weather conditions;~~

(I) That each statewide virtual charter school has consistent procedures and technology in place to ensure consistent and adequate communication with parents/guardians of students and provide student progress and academic reports to parents/guardians of students; and

(J) That each statewide virtual charter school has provided a full description and explanation of the grade levels in which the provider intends to provide instruction and, for each charter school that offers secondary level coursework for grades nine (9) through twelve (12), whether the charter school will offer coursework as necessary to comply with the graduation requirements of 70 O.S. § 11-103.6 and accompanying regulations.

(4) Each applicant shall provide a written plan for compliance with all state and federal financial recording and reporting requirements for state and federal funds that are applicable to public school districts, including, but not limited to compliance with:

(A) The School District Transparency Act at 70 O.S. § 5-135.4 et seq.;

(B) The Oklahoma Public School Audit Law at 70 O.S. §22-101 et seq.;

(C) Annual itemized expenditure budget and request for appropriated funds and estimate of revenues required by 70 O.S. § 5-128.1; and

(D) Statutes and regulations pertaining to the Oklahoma Cost Accounting System (OCAS).

(5) Each application shall include a contact name, mailing address of record, phone number, and email address of the governing body at which all written notices required by 70 O.S. § 3-134 shall be served. In the event that a change in contact information occurs during the application process, the governing body shall provide the Board with updated contact information in writing within five (5) business days of the date that the change occurs.

(c) **Filing, review, approval, and denial of charter school applications for sponsorship.** All applications for sponsorship shall be submitted by the governing body of the prospective charter school to the Statewide Virtual Charter School Board by filing an original and sixteen (16) copies of the application with the Statewide Virtual Charter School Board. Upon receipt of an application for sponsorship, the Board shall stamp the application to record the date of receipt, and shall promptly submit written confirmation of the receipt of the application to the contact name and address of record of the governing body listed on the application.

(1) **Application format.**

(A) The text and attachments shall use standard one-inch margins, be clearly paginated, and use a readable font not smaller in type than 11 point.

(B) A cover page shall be labeled *Application for Initial Authorization* and include the following information:

(i) Name of proposed school;

(ii) Address of proposed school;

(iii) Contact information: name, title, phone, email address; ~~and~~

(iv) Application submission date; ~~and~~

(v) Name of applicant(s) and requested sponsor.

(C) A cover letter not to exceed two pages shall provide a brief overview of the proposed school.

(D) A clearly labeled table of contents shall be included setting forth all major sections (Foundation for the School Charter, Organizational Capacity, Financial Management, Education Program and Performance, Growth Plan), appendices, and page numbers.

(E) Tables, graphs, and other data provided in the application shall be clearly presented and explained and shall be relevant to the text.

(F) The application shall include a ~~signed and notarized statement~~ signed and notarized statements from the Head of the School and the governing body members, as applicable, showing their agreement to fully comply as an Oklahoma public charter school with all ~~state and federal laws and regulations and specifically the Oklahoma Open Meeting and Open Records Acts; and statute, regulations, and requirements of the United States of America, State of Oklahoma, Statewide Virtual Charter School Board, and Oklahoma Department of Education. Specifically cite agreement to abide by the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, and to guarantee access to education and equity for all eligible students regardless of their race, ethnicity, economic status, academic ability, or other factors as established by law. In addition, the head of school and governing body members, as applicable, will guarantee to establish the components necessary to begin school operations in the State of Oklahoma on July 1 of the first year, including a public administration facility, state-approved school financial system, state-approved student information system, and secured applicable connections to state reporting systems.~~

(G) The application shall include documentation of applicant's completion of charter school training.

(2) **Initial review and recommendation.** Prior to consideration of the application by the Statewide Virtual Charter School Board, a review panel may be formed by the Executive Director for the purpose of developing a recommendation on the application to the Board for consideration. The panel, chaired by the Executive Director, may include representatives with expertise in the area of accreditation, education services, technology, school finance, federal programs, education law, curriculum, instruction, special education, and student information.

(3) **Application review and criteria.** In reviewing an application for sponsorship of a statewide virtual charter school, the Statewide Virtual Charter School Board shall

determine whether the applicant's proposal for sponsorship complies with the provisions of 70 O.S. § 3-134 and other applicable provisions of the Oklahoma Charter Schools Act. In addition, the Board may consider any other factors demonstrating the applicant's capacity to successfully comply with the goals set forth in its mission statement and applicable state, federal, tribal and/or local statutes and regulations. Such factors may include, but are not limited to the following:

(A) Whether the applicant can demonstrate previous experience in operation of one or more virtual charter schools;

(i) If the applicant cannot demonstrate previous experience in operation of one or more virtual charter schools, whether applicant has sufficient resources in place to ensure compliance with applicable state, federal, tribal and/or local statutes and regulations;

(ii) If the applicant can demonstrate previous experience in operation of a virtual charter school, whether applicant has a history of non-compliance with applicable state, federal, tribal and/or local statutes and regulations either in the State of Oklahoma or in other jurisdictions;

(B) Whether the applicant has provided evidence demonstrating financial stability;

(C) Whether the criteria designed to measure the effectiveness of the charter school proposed by the applicant is reasonably calculated to provide accurate benchmarks for evaluation of teacher effectiveness and student learning; and

(D) Whether the charter school has adequate human resources, facilities, systems, and structures in place as necessary to evaluate the needs of and provide services to students with disabilities, English Language Learners, and gifted and talented students.

(4) **Acceptance or denial of sponsorship applications.** The Statewide Virtual Charter School Board shall review and consider the application in accordance with the timeline established pursuant to (a) of this Section, provided that a final decision on the application shall be made no later than ninety (90) calendar days from the date of receipt of the application by the Statewide Virtual Charter School Board. The Board shall promptly submit written notification of the decision of the Board, including reasons for rejection of the application, if applicable, to the applicant via certified mail, return receipt requested, to the address of record of the governing body designated on the application.

(5) **Reconsideration of sponsorship applications.** In the event of a denial of an application for sponsorship, the applicant may submit a revised application for reconsideration in accordance with the following procedures:

(A) The revised application for reconsideration shall be filed with the Board within thirty (30) calendar days after the date of receiving notification of the rejection. The revised application shall meet all of the application requirements set forth in this Section. In

the event that delivery of written notification required by (2) of this subsection is refused by the applicant or returned as undeliverable due to the applicant's failure to update the contact of record in accordance with the requirements of (b)(4) of this Section, the date of receipt of notification of the rejection shall be considered the date of the meeting at which the Board took action on the proposed application.

(B) Within five (5) business days of the date of receipt of the application for reconsideration, the Board shall promptly set the application for consideration at a meeting of the Board and submit notification of the date, time, and place of the meeting to the applicant to the contact of record. The meeting to consider the application shall occur within thirty (30) days of the date of receipt of the application.

(C) The Statewide Virtual Charter School Board shall take action to accept or reject the revised application within thirty (30) days of its receipt by the Board.

(6) **Appeal of denial of sponsorship applications.** The procedures for filing appeals to the State Board of Education shall be governed by 70 O.S. § 3-145.3 and the policies and rules adopted by the State Board of Education, with a copy of the appeal mailed to the Statewide Virtual Charter School Board.

(d) **Requirements of the sponsorship contract.** Contracts for sponsorship between the Statewide Virtual Charter School Board and the governing body of a statewide virtual charter school shall include terms that meet all of the following requirements:

(1) The contract shall incorporate the provisions of the charter of the school in accordance with the requirements of 70 O.S. § 3-135, and the charter shall comply with the provisions of 70 O.S. § 3-136;

(2) The contract shall contain terms addressing all of the requirements set forth in 70 O.S. § 3-135;

(3) The contract shall contain terms setting forth measurable goals and objectives for student performance;

(4) The contract shall contain terms specifying standards for fiscal accounting and management that ensure the compliance of the charter school with all applicable provisions of state and federal statutes and regulations pertaining to requests for appropriations and recording and reporting receipt and expenditures of public funds, including, but not limited to:

(A) Terms providing that the charter school shall conduct annual financial audits in accordance with the requirements of the Oklahoma Public School Audit Law;

(B) Terms providing that the charter school shall comply with all State Department of Education deadlines necessary for budgeting, calculation of appropriations and/or disbursements of state aid and/or federal aid;

(C) Terms providing that the charter school shall comply with all deadlines for recording and reporting of state aid revenue and expenditures;

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- (D) Terms providing that the charter school shall comply with all requirements of the Oklahoma Cost Accounting System (OCAS); ~~and~~
- (E) Terms providing that the charter school shall comply with all provisions of the School District Transparency Act at 70 O.S. § 5-135.4 et seq.;
- (F) Terms providing that the charter school will provide any and all records of the school including, but not limited to, financial records upon request by the sponsor;
- (G) Terms providing that the charter school will provide any and all school records including, but not limited to, financial records from education service providers upon request by the sponsor;
- (H) Terms providing that the school is subject to requests for audit by the State Auditor's office;
- (I) Terms providing that the charter school shall adopt a viable conflict of interest policy and a code of ethics;
- (J) Terms providing that the charter school submit three data-driven goals and measurement criteria, including one non-academic goal, and included in the Performance Framework.
- (5) The policies and procedures governing administration and operation of the statewide virtual charter school shall be incorporated into the terms of the contract.;
- (6) The term of the initial contract shall be effective for five (5) years from the first day of operation in accordance with the provisions of 70 O.S. § 3-137.;
- (7) The term of the contract shall designate at least one contact name and address of record of the governing body of the charter school to which all notices required by the terms of the contract and/or this Section shall be served, including the name, title, mailing address, email address, and phone number of all individual(s) authorized to receive service of notices required by this Section and pursuant to the terms of the contract.;
- ~~and~~
- (8) The contract shall contain any other terms necessary to ensure compliance with applicable provisions of state and/or federal law.
- (e) **Renewals of contracts for sponsorship of statewide virtual charter schools.** Renewal of a contract with a statewide virtual charter school sponsored by the Statewide Virtual Charter School Board shall be conducted in accordance with the requirements of the Oklahoma Charter Schools Act.
- (1) **Requests for renewal of contract for sponsorship.** Requests for renewal of the contract for sponsorship shall be submitted by the governing body of the charter school in accordance with the following procedures:
- (A) At least one (1) year prior to expiration of the initial contract term, but no earlier than eighteen (18) months prior to the date of expiration of the contract; the governing body of the charter school may submit a proposal for renewal of the contract to the Statewide Virtual Charter School Board by filing an original and seven (7) copies of the proposal with the Board.
- (B) The Board shall schedule the request for renewal as an item on the agenda for the next regular

meeting of the Board, or at a subsequent meeting if the proposal for renewal is not received until after the agenda for the next meeting has already been set. The Board shall timely submit written notice of the date, time, and location of the meeting at which the proposal for renewal will be considered and/or heard by regular mail to the governing body of the charter school at the address of record set forth in the sponsorship contract. In addition, the Board may send a courtesy copy of the notice by facsimile, and/or email. If the Board will act on the proposal for renewal at a subsequent meeting of the Board, similar notice of such meeting shall be sent to the governing body of the charter school.

(C) The Board shall review the proposal for renewal and take action on the request for renewal no later than eight (8) months prior to the date of expiration of the contract.

(D) The Board may base its decision to deny the charter school governing body's request for renewal upon any of the grounds for nonrenewal or termination set forth in 70 O.S. § 3-137 and/or (f)(1) of this Section.

(2) **Format for renewal application.** The renewal application shall include:

(A) Text and attachments using standard one-inch margins, clearly paginated, and using a readable font not smaller in type than 11 point.;

(B) A cover page labeled *Application for Reauthorization*, including the following information:

- (i) Name of school;
- (ii) Address of school;
- (iii) Contact information: name, title, phone, email address;
- (iv) Date application approved by governing body; and
- (v) Application submission date.;

(C) A cover letter no more than two pages in length providing a brief overview of the school's mission, design elements, and major challenges and accomplishments over the term of the current contract.;

(D) A clearly labeled table of contents setting forth all major sections, appendices, and page numbers.;

(E) Clearly labeled attachments provided in the appendix;

(F) Clearly labeled tables, graphs, and other data provided in this application in addition to an explanation of their relevance to the text.;

(G) A signed and notarized statement from the Head of the School and the governing body members, as applicable, showing their consideration and approval of the reauthorization application and their agreement to fully comply, as an Oklahoma public charter school with all state and federal laws and regulations and specifically the Oklahoma Open Meeting and Open Records Acts; and statute, regulations, and requirements of the United States of America, State of Oklahoma, Statewide Virtual

Charter School Board, and Oklahoma Department of Education. Specifically cite agreement to abide by the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, and to guarantee access to education and equity for all eligible students regardless of their race, ethnicity, economic status, academic ability, or other factors; and

(H) A single page entitled *Introduction to the School* containing, at a minimum, the following list of information:

- (i) Name of school;
 - (ii) Location of School;
 - (iii) Year Opened;
 - (iv) Year Renewed, if applicable;
 - ~~(v) Maximum enrollment;~~
 - ~~(vi) Current enrollment;~~
 - ~~(vii) Grade span;~~
 - ~~(viii) Most recent report card grade accountability report information from the State of Oklahoma;~~
 - ~~(ix) Attendance rate;~~
 - ~~(x) Graduation rate;~~
 - (x) Recurrent enrollment; and
 - ~~(xi) Dropout rate;~~
 - ~~(xii) Mobility rate; and~~
 - ~~(xiii) Percentage of at risk students enrolled~~
- Any other information the school deems necessary to include.

(3) **Information in renewal request.** ~~Each applicant shall:~~

- ~~(A) Articulate the mission of the school, specifying how the school embraces and accomplishes its vision or purpose;~~
- ~~(B) Describe the elements of the school program that support the school's mission;~~
- ~~(C) Describe how the school ensures education access and equity for all eligible students;~~
- ~~(D) Describe how the governing body and governing documents ensure that a functioning organization with competent governance will be sustained.~~
- ~~(E) Describe how the governing body ensures a sound and stable financial condition for the school.~~
 - ~~(i) description of the roles and responsibilities of the treasurer and financial officers;~~
 - ~~(ii) financial reporting;~~
 - ~~(iii) financial plan for operation;~~
 - ~~(iv) annual audits;~~
 - ~~(v) anticipated fundraising plan, if applicable; and~~
 - ~~(vi) insurance coverage plan;~~
- ~~(F) Describe how the governing body ensures the delivery of a high quality education program that meets academic performance for growth, proficiency, and college career readiness.~~
- ~~(G) Include a concise plan that details the school's plans for the next charter term to modify and augment the school's programs to ensure high quality educational services and student success. In addition to the~~

information found in the performance report, and the school's response to the performance report, if any, this reauthorization application is the school's opportunity to address each of the following components highlighting what the school believes is most important in each area:

- (i) Faithfulness to the foundation of the charter;
- (ii) Organizational capacity;
- (iii) Financial management;
- (iv) Education program and performance; and
- (v) Strategic planning.

(B) Appendices. Provide documents and related information for the term of the contract beyond those provided in the performance report and response, including examples of community and parent support of the school.

(4) **Performance report and site visit.** The sponsor of the school will issue a school performance report in accordance with State statute. The school shall have forty-five (45) days to respond to the performance report and submit any corrections or clarifications for the report. In evaluating a school's renewal request, the Board may consider the performance report, results of a site visit, and evidence provided in the school's presentation to the Board.

(5) **Notice of intent of non-renewal of contract for sponsorship.** Notwithstanding the provisions of (1) of this subsection, the Statewide Virtual Charter School Board may elect to not renew a contract for sponsorship in accordance with the following procedures:

(A) No later than eight (8) months prior to the date of expiration of the contract. The Statewide Virtual Charter School Board shall submit written notice of its intent of non-renewal via certified mail, return receipt requested to the governing body of the charter school at the address of record set forth in the contract. The notice shall include:

- (i) A statement of any and all factual and legal grounds upon which the Board's intent to non-renew the contract is based; and
- (ii) A statement of the date, time, and location of the meeting at which the Board intends to take action on the proposed non-renewal, which shall be held no earlier than thirty (30) calendar days from the date of the notice of intent to non-renew the contract is sent to the charter school.

(B) The Board may base its decision to non-renew the contract for sponsorship upon any of the grounds for nonrenewal or termination set forth in 70 O.S. § 3-137 and/or (f)(1) of this Section.

(C) The procedures for filing appeals to the State Board of Education shall be governed by 70 O.S. § 3-145.3 and the policies and rules adopted by the State Board of Education, with a copy of the appeal mailed to the Statewide Virtual Charter School Board.

(f) **Terminations of contracts for sponsorship of statewide virtual charter schools.** The Statewide Virtual Charter School Board may terminate the contract with a

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statewide virtual charter school in accordance with the following procedures:

(1) **Grounds for termination of a contract for sponsorship:** At any time during the term of the contract, the Statewide Virtual Charter School Board may terminate the contract on one or more of the following grounds:

(A) Failure to meet the requirements for student performance set forth in the terms of the contract;

(B) Failure to meet the standards of fiscal management set forth in the terms of the contract;

(C) Violations of applicable state, federal, tribal, or local laws, statutes, and/or regulations;

(D) Other good cause as established by the Board, which may include, but shall not be limited to:

(i) Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to meet reporting deadlines necessary for compliance with state or federal statutes or regulations;

(ii) Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to accurately report student enrollment counts;

(iii) Failure by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors to accurately report and/or classify student accountability data;

(iv) Identification and/or designation of the charter school by the State Board of Education as consistently in need of improvement in accordance with subsection (g)(6) of Section 1003 of Title I of the Elementary and Secondary Education Act of 1965 (ESEA), pursuant to 70 O.S. § 1210.544;

(v) Any material breach of the terms set forth in the contract for sponsorship; and

(vi) Any action or failure to act by the governing body of the charter school, its charter school administrators, charter school personnel, and/or charter school contractors that presents or results in an immediate and serious danger to the health, safety, and welfare of its students.

(2) **Notice of intent to terminate contract.** At least ninety (90) calendar days prior to termination of a contract for sponsorship of a statewide virtual charter school, the Statewide Virtual Charter School Board shall submit written notice of its intent to terminate the contract via certified mail, return receipt requested to the governing board of the charter school at the address of record set forth in the contract. The notice shall include:

(A) A statement of any and all factual and legal grounds upon which the Board's intent to terminate the contract is based;

(B) A statement of the date, time, and location of the meeting at which the Board intends to take final

action on the proposed termination, which shall be held no earlier than forty-five (45) calendar days from the date the notice of intent to terminate is mailed to the charter school; and

(C) A statement that the governing board of the school may request ~~a an informal~~ hearing before the Board to present evidence in opposition to the proposed termination by delivering a written request to the Board within fourteen (14) calendar days of receipt of notice of the intent to terminate the contract that includes:

(i) A response to the factual and legal grounds for termination set forth in the notice; and

(ii) A summary of evidence that the school intends to submit in support of its response.

(D) Within ten (10) calendar days of the date of receipt of the request for ~~informal~~ hearing, the Board shall schedule ~~a an informal~~ hearing and submit written notice of the date, time, and location of the hearing by regular mail to the charter school's address of record set forth in the sponsorship contract. The Board may send a courtesy copy of the notice by facsimile, and/or email.

(3) **InformalHearingHearing on termination.** In the event that ~~aan informal~~ hearing is requested pursuant to the provisions of (2)(C) of this subsection, the Board shall promptly schedule ~~aan informal~~ hearing at which the statewide virtual charter school may present argument and/or evidence in opposition to the proposed termination. The Board shall prescribe the time allotted for oral argument and presentation of evidence. Upon completion of the hearing, the Board may consider the merits of the argument and presentation of evidence and take action on the proposed termination, or it may schedule action on the proposed termination for a subsequent board meeting to provide the board with further opportunity for deliberation.

(4) **Appeals of termination.** The procedures for filing appeals to the State Board of Education shall be governed by 70 O.S. § 3-145.3 and the policies and rules adopted by the State Board of Education, with a copy of the appeal mailed to the Statewide Virtual Charter School Board.

(g) **Negotiation and execution of contracts for sponsorship.** To facilitate and/or expedite negotiations for new contracts for sponsorship, the Statewide Virtual Charter School Board may adopt a model contract for sponsorship of a statewide virtual charter school for use by the Board and potential statewide virtual charter schools sponsored by the Board. Adoption of a model contract shall not prohibit the Board from further negotiation of contract terms or addition of terms to the contract for sponsorship prior to execution of the contract so long as such terms are in compliance with applicable state, federal, local, and/or tribal law and the provisions of this Section.

(h) **Execution of the contract.** The final contract for sponsorship shall not be executed until approved by the Statewide Virtual Charter School Board at a regular or special meeting.

The Board may delegate authority to the Chairman to execute the approved contract for sponsorship on behalf of the Board.

[OAR Docket #17-858; filed 12-14-17]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2011-19A.

AMENDED EXECUTIVE ORDER 2011-19

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Aerospace and Autonomous Systems Council.

The Council shall consist of between fifteen (15) and twenty (20) members, who shall be appointed by the Governor and serve at the pleasure of the Governor. The Secretary of Science and Technology shall chair the Council and may select a vice-chair.

The purpose of the Council shall be to review all aspects of the development of Aerospace and Autonomous Systems (AAS) and related technologies in the state, including but not limited to research and development, education, economic development, job creation and capital investment. For the purposes of this Council, Aerospace and Autonomous Systems shall principally denote activities in science, engineering, business and other disciplines associated with utilizing manned or unmanned autonomous or semi-autonomous systems in Earth's atmosphere and surrounding space, on the ground, and on or within bodies of water including lakes, rivers and oceans. The Council will also propose recommendations to the Governor. As part of this process, the Council shall define and periodically review an AAS strategic plan for the State of Oklahoma, and present such a strategic plan, and any proposed changes to existing strategic plans, to the Governor for approval. The Council shall also act in an advisory capacity to the Governor on all issues regarding AAS and related technology and economic development.

Administrative support for the Council, including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Council, shall be provided by the Oklahoma Department of Commerce.

Council members will be selected from various areas including postsecondary education, the private sector, tribes, state agencies, non-profit organizations and appropriate federal agencies located in the state. Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council by their respective state agency as

authorized by state law. Council members employed by a federal agency shall be reimbursed travel expenses related to their service on the Council by their respective federal agency as authorized by federal law. Legislative members of the Council shall be reimbursed by their respective legislative bodies for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Council members shall be reimbursed travel expenses related to their service on the Council as authorized by state law by the Oklahoma Department of Commerce.

FURTHER, the Oklahoma Department of Commerce shall provide such personnel, resources, administrative rules, or other support as may be required by the State Director of AAS Development, in consultation with the Executive Director of the Oklahoma Department of Commerce, to implement or effectuate this Executive Order.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City this 22nd day of December, 2017

BY Mary Fallin

GOVERNOR OF THE STATE OF
OKLAHOMA

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-931; filed 12-22-17]

1:2017-43A.

AMENDED 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

Executive Orders

Article VI of the Oklahoma Constitution, hereby amend the call for the Second Extraordinary Session of the Fifty Sixth Legislature which convened at the State Capitol on Monday, December 18, 2017. I recommend the following amended subjects for the Legislature's consideration:

To provide additional funding for FY18 from FY18 General Revenue Funds for the Department of Human Services in the amount of \$26.5 million and for the Health Care Authority in the amount of \$17.7 million.

Copies of this Amended 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 18 day of December, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-862; filed 12-18-17]

1:2017-44.

EXECUTIVE ORDER 2011-17

WHEREAS, the State of Oklahoma is experiencing cold weather after a period of unseasonably mild temperatures, which has resulted in increased demand for liquefied petroleum products, hereinafter referred to as "propane;" and

WHEREAS, distributors of liquefied petroleum products in the State of Oklahoma are experiencing challenges in the implementation of electronic logging devices; and

WHEREAS, the potential for cold weather temperatures over the holidays, may result in increased demand for propane; and

WHEREAS, liquefied petroleum products resource at certain Oklahoma refineries are currently stressed, significantly delaying the delivery of liquefied petroleum products to transportation companies in some instances, thereby forcing transportation companies and retailers to obtain liquefied petroleum products from other locations in surrounding states; and

WHEREAS, many Oklahoman residents depend on the use of liquefied petroleum products for survival during the winter months; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting liquefied petroleum products in our state will ensure adequate supplies of liquefied petroleum products throughout the state, thereby reducing the damaging effects of a potential shortage;

NOW, THEREFORE, I, Mary Fallin, Governor, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. § 683.1 *et seq.*, and pursuant to Part 390.23 of Title 49 of the Code of Federal Regulations, hereby declare that because there is a state of emergency existing in the State of Oklahoma due to limited liquefied petroleum products supplies, it is necessary to assist and expedite all efforts of transportation of liquefied petroleum products throughout Oklahoma. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order vehicles used in the support efforts to be exempt from Parts 390 through 399 of Title 49 of the Federal Motor Carrier Safety Regulations.

Declaration of this emergency provides relief for fourteen (14) days from Parts 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance to this emergency. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver's License Standards requirements (49 C.F.R. Part 383), the Minimum Levels of Financial Responsibility for Motor Carrier requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Order applies only to the transportation of liquefied petroleum products to provide direct assistance to this emergency. No other products, including other petroleum products, are covered by the exemption and suspension under this Order.

This emergency notice will remain in effect for fourteen (14) days from December 22, 2017.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this Order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 22nd day of December 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Dave Lopez
Secretary of State

[OAR Docket #17-932; filed 12-22-17]
