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POLYGRAPH Examiners Board	560	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i>	
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State Board for PROPERTY and Casualty Rates		Board of Regents of the UNIVERSITY of Science and Arts	
(<i>abolished</i> 7-1-06; see also Title 365)	570	of Oklahoma (<i>exempted</i> 11-1-98)	760
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Agency	Title	Agency	Title
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Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #19-50]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules [AMENDED]

SUMMARY:

The proposed rule changes fees for Animal Industry and Horticulture.

AUTHORITY:

State Board of Agriculture; 2 O.S., §§ 2-4(2)(3), (20), and (29), 20-12(F)(3), 3-32.1 et seq., 3-100 et seq., and 14-83; OKLA.CONST. art VI § 31

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2019 through March 19, 2019.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., March 19, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from February 15, 2019 through March 19, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules, or by contacting Andrea Bair, at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Andrea Bair, (405) 522-6104, e-mail address: andrea.bair@ag.ok.gov.

[OAR Docket #19-50; filed 1-24-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS

[OAR Docket #19-48]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

The proposed amendments update references to publications and reference materials.

AUTHORITY:

State Board of Agriculture; Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 14-31 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2019 through March 19, 2019.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., March 19, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from February 15, 2019 through March 19, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules, or by contacting Andrea Bair, at the above address.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Andrea Bair, (405) 522-6104, e-mail address: andrea.bair@ag.ok.gov.

[OAR Docket #19-48; filed 1-24-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #19-52]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Animal Health Reportable Diseases [AMENDED]
- Subchapter 5. Biological Products and Laboratories [AMENDED]
- Subchapter 9. ~~Livestock Dealers and~~ Livestock Special Sales [AMENDED]
- Subchapter 14. Equine Viral Arteritis [AMENDED]
- Subchapter 19. Poultry Regulations [AMENDED]
- Subchapter 44. Farmed Cervidae [AMENDED]
- Subchapter 45. Brucellosis in Cervidae [AMENDED]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations; revise recordkeeping requirements for livestock auction markets and livestock sales; revise rules related to miscellaneous animal diseases; and make grammatical corrections.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 6-1 et seq., 2 O.S. § 6-91 et seq., 2 O.S. § 6-121 et seq., 2 O.S. § 6-131 et seq., 2 O.S. § 6-141 et seq., 2 O.S. § 6-281 et seq., 2 O.S. § 6-501 et seq., 2 O.S. § 6-601 et seq., and 2 O.S. § 9-130 et seq.,

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2019 through March 19, 2019.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 19, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from February 15, 2019 through March 19, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules, or by contacting Andrea Bair, at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Andrea Bair, (405) 522-6104, e-mail address: andrea.bair@ag.ok.gov.

[OAR Docket #19-52; filed 1-24-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

[OAR Docket #19-51]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 17. Combined Pesticide [AMENDED]
- Subchapter 24. Oklahoma Industrial Hemp Agriculture Pilot Program [NEW]

SUMMARY:

The proposed amendments update the limit credit for continuing education units to five years, allows for computer licensure testing, establish an annual expiration date of pesticide registrations and permits, and adopts previously established Emergency Hemp Rules.

AUTHORITY:

State Board of Agriculture; Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) and (8); 2 O.S. § 3-3.29; 2 O.S. § 3-81 et seq.; and 2 O.S. § 3-401 through 3-410.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2019 through March 19, 2019.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 19, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from February 15, 2019 through March 19, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules, or by contacting Andrea Bair, at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Andrea Bair, (405) 522-6104, e-mail address: andrea.bair@ag.ok.gov.

[OAR Docket #19-51; filed 1-24-19]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM**

[OAR Docket #19-49]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Agriculture Environmental Permitting and AGPDES [AMENDED]

SUMMARY:

The proposed rule updates CFRs.

AUTHORITY:

State Board of Agriculture; OKLA. CONST. art VI; 2 O.S., §§ 2-4(2), (7), (16), and (29), 2-18.2, 2A-1 et seq.; 27A O.S., §§ 1-3-101(D)

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 15, 2019 through March 19, 2019.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., March 19, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from February 15, 2019 through March 19, 2019.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules, or by contacting Andrea Bair, at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Andrea Bair, (405) 522-6104, e-mail address: andrea.bair@ag.ok.gov.

[OAR Docket #19-49; filed 1-24-19]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS**

[OAR Docket #19-95]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 2. Domestic Violence and Sexual Assault Programs [AMENDED]

Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 9. Program Management and Performance Improvement [AMENDED]

Subchapter 13. Personnel and Volunteers [AMENDED]

Subchapter 15. Governing Authority [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2019, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or by emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of

Notices of Rulemaking Intent

5 minutes to speak and must sign in on Wednesday, March 20, 2019, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

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 by the conclusion of the comment period or public hearing on March 20, 2019, at the Office of the Attorney General at the above listed address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above listed address after publication of this Notice of Rulemaking Intent on February 15, 2019.

CONTACT PERSON:

Melissa Blanton, Victim Services Unit Chief, 405-522-0042

[OAR Docket #19-95; filed 1-25-19]

TITLE 75. ATTORNEY GENERAL CHAPTER 20. ADDRESS CONFIDENTIALITY PROGRAM

[OAR Docket #19-96]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Address Confidentiality Program
[AMENDED]

SUMMARY:

The Attorney General is required to adopt and promulgate rules for the management of the Address Confidentiality Program. These rules set forth the requirements which are necessary to meet the responsibilities of oversight, management, evaluation, improvement and participation in the program.

AUTHORITY:

Attorney General; Protection from Domestic Abuse Act Title 22 O.S. § 60.14

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2019, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 20, 2019, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

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 by the conclusion of the comment period or public hearing on March 20, 2019, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above listed address after publication of this Notice of Rulemaking Intent on February 15, 2019.

CONTACT PERSON:

Melissa Blanton, Victim Services Unit Chief, 405-522-0042

[OAR Docket #19-96; filed 1-25-19]

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

[OAR Docket #19-97]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Batterers Intervention [AMENDED]
Subchapter 5. Personnel and Volunteers [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2019, by sending them to the Office of

the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or by emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 20, 2019, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

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 by the conclusion of the comment period or public hearing on March 20, 2019, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above listed address after publication of this Notice of Rulemaking Intent on February 15, 2019.

CONTACT PERSON:

Melissa Blanton, Victim Services Unit Chief, 405-522-0042

[OAR Docket #19-97; filed 1-25-19]

**TITLE 75. ATTORNEY GENERAL
CHAPTER 30. STANDARDS AND CRITERIA
FOR ADULT VICTIMS OF HUMAN SEX
TRAFFICKING PROGRAMS**

[OAR Docket #19-98]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Sexual Assault Programs for Adult Victims/Survivors of Sexual Violence as a Result of Human Sex Trafficking [AMENDED]
- Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 9. Program Management and Performance Improvement [AMENDED]

Subchapter 11. Personnel and Volunteers [AMENDED]

Subchapter 13. Governing Authority [AMENDED]

Subchapter 15. Client Rights, for Adult Victims of Human Sex Trafficking Programs [AMENDED]

SUMMARY:

This chapter sets forth the rules, including standards and criteria, used in certifying sexual assault programs and shelters for adult victims/survivors of sexual violence as a result of human sex trafficking pursuant to 74 O.S. § 18p-6.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 18, 2019, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or by emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 20, 2019, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

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 by the conclusion of the comment period or public hearing on March 20, 2019, at the Office of the Attorney General at the above listed address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address after publication of this Notice of Rulemaking Intent on February 15, 2019.

CONTACT PERSON:

Melissa Blanton, Victim Services Unit Chief, 405-522-0042

[OAR Docket #19-98; filed 1-25-19]

Notices of Rulemaking Intent

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

[OAR Docket #19-53]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Child Death Review Board
135:10-21-2 [AMENDED]

SUMMARY:

The proposed rules modify the membership of local child death review teams to allow either the District Attorney or an Assistant District Attorney to serve on a team. The rules also change the membership requirement of a member of the Oklahoma Psychological Association to serve on the teams to a licensed mental health professional.

AUTHORITY:

10 O.S. § 601.4(9); 10 O.S. 1150.2(A)(5); Commission on Children and Youth

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 18, 2019. Comments may be submitted to Lisa Rhoades, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103. The comment period is from February 15, 2019, to March 18, 2019.

PUBLIC HEARING:

A public hearing has been scheduled for March 18, 2019, at the Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103, at 9:00 a.m. Persons wishing to speak must sign in by 9:10 a.m.

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 Lisa Rhoades, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103. The Commission is unaware of any business entities affected by the proposed changes.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Lisa Rhoades, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2019.

A copy of the rule impact statement may be obtained by written request mailed to the attention of Lisa Rhoades, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103.

CONTACT PERSONS:

Lisa Rhoades, Oklahoma Commission on Children and Youth, at (405) 606-4933; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #19-53; filed 1-24-19]

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

[OAR Docket #19-54]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 28. Children's Endowment Fund of Oklahoma
[NEW]
135:10-28-1 [NEW]
135:10-28-3 [NEW]
135:10-28-5 [NEW]
135:10-28-7 [NEW]

SUMMARY:

The proposed new rules establish the procedure by which the Oklahoma Commission on Children and Youth shall administer the Children's Endowment Fund of Oklahoma for the purpose of awarding grants to stimulate a broad range of innovative programs, activities, research or evaluation to improve the well-being and reduce the adverse childhood experiences of Oklahoma's children pursuant to Oklahoma Session Laws 2018, c. 231, §1, codified at 10 O.S. §601.14.

AUTHORITY:

10 O.S. § 601.4(9); Commission on Children and Youth

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 18, 2019. Comments may be submitted to Annette Wisk Jacobi, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103. The comment period is from February 15, 2019, to March 18, 2019.

PUBLIC HEARING:

A public hearing has been scheduled for March 18, 2019, at the Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103, at 9:00 a.m. Persons wishing to speak must sign in by 9:10 a.m.

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 by the end of the comment period to Annette Wisk Jacobi, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103. The Commission is unaware of any business entities affected by the proposed changes.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Annette Jacobi, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review on or after February 15, 2019. A copy of the rule impact statement may be obtained by written request mailed to the attention of Annette Wisk Jacobi, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500 Oklahoma City, OK 73103.

CONTACT PERSONS:

Annette Wisk Jacobi, Oklahoma Commission on Children and Youth, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #19-54; filed 1-24-19]

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #19-86]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 1. General Provisions
175:1-1-2. Definitions [AMENDED]

SUMMARY:

The proposed rules clarify definitions, reflect statutory changes relating to hairbraiding and contain clean-up language.

AUTHORITY:

59 O.S. § 199.3(B)(1); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Written comments will be accepted through March 25, 2019, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 25, 2019 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107,

at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

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 John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of comment period on March 25, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at Oklahoma State Board of Cosmetology and Barbering or online at www.ok.gov/cosmo/. Copies may also be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2019. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

[OAR Docket #19-86; filed 1-25-19]

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

[OAR Docket #19-87]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 3. Licensure of Schools
Part 1. Initial School Licensing
175:10-3-2. Initial inspection [AMENDED]
Part 3. Student Registration and Entrance Requirements
175:10-3-16. Student entrance requirements [AMENDED]
Part 5. Equipment and Curriculum Requirements
175:10-3-30. Required library copies of cosmetology law/rules [AMENDED]
175:10-3-34. Basic cosmetologist course curriculum for privately owned and public schools [AMENDED]

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175:10-3-43. Hairbraiding Technician course entrance and curriculum requirements [AMENDED]

Part 7. General Operations and Licensing Requirements

175:10-3-56. Student training; approved credits; credit limits [AMENDED]

175:10-3-60. Attendance and other records and requirements [AMENDED]

175:10-3-61. School affidavit; hours accumulated [AMENDED]

175:10-3-71. Review hours [AMENDED]

Subchapter 7. Sanitation and Safety Standards for Cosmetology and Barber Establishments, Salons and Schools

175:10-7-1. Cosmetology and Barber establishment separate from residence or other business [AMENDED]

175:10-7-5. Disinfectants required for use in schools and related establishments [AMENDED]

175:10-7-13. Work/styling station and shampoo area condition and safety [AMENDED]

175:10-7-17. License and other posting requirements [AMENDED]

Subchapter 9. Licensure of Cosmetologists, Barbers and Related Occupations

Part 1. Apprenticeship

175:10-9-1. Apprentice training [AMENDED]

175:10-9-2. Number of clock hours credited for apprentice training [AMENDED]

Part 3. State Board Examinations

175:10-9-25. Examination form; administration and content of Board examination passing score; disability accommodations; grade release reports [AMENDED]

175:10-9-33. Review of hours required after failure to timely register for examination or to apply for license [AMENDED]

Part 5. Demonstrators; Cosmetic Studios; Trade Shows; Guest Artists; Wig Dressing; Other Practices of Cosmetology and Barbering

175:10-9-50. Demonstrator and cosmetic studio license requirements [AMENDED]

Subchapter 11. License Renewal, Fees and Penalties

175:10-11-1. Application for renewal of license [AMENDED]

175:10-11-2. Cosmetology and Barber license and penalty fees [AMENDED]

Subchapter 13. Reciprocal and Crossover Licensing

175:10-13-1. Reciprocal license requirements [AMENDED]

SUMMARY:

The proposed rules specify the size of photos submitted with licensure applications and prohibit any embellishments to the photos; change hairbraiding licensure to hairbraiding certification in compliance with H.B. 2772 enacted in the 2018 legislative session (2018 Oklahoma Session Laws Ch. 62); modify curriculum and training tools for hairbraiding; change

school submission of student hours from quarterly to a monthly basis; remove requirement that hours are only submitted if tuition is paid in full; clarify that accumulated hours with an unpaid tuition balance do not constitute completed hours for the purpose of sitting for licensure examination; remove requirement for proof of hardship in order to qualify for apprenticeship; remove requirement that school libraries contain certain hardcopy dictionaries; replace requirement that stations be maintained in a neat and orderly manner with requirement that stations be maintained in a sanitary manner; remove prohibition on consuming food or beverage in station area or classroom; provide fee waiver for low-income individuals in compliance with 59 O.S. §4003A; contain clean-up language.

AUTHORITY:

59 O.S. § 199.3(B)(1); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Written comments will be accepted through March 25, 2019, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 25, 2019 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

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 John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of comment period on March 25, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at Oklahoma State Board of Cosmetology and Barbering or online at www.ok.gov/cosmo/. Copies may also be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2019. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

[OAR Docket #19-87; filed 1-25-19]

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

[OAR Docket #19-88]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Advisory Board on Massage Therapy
 - 175:20-3-1. Composition, powers and duties of Advisory Board [AMENDED]
- Subchapter 5. Licensure of Massage Therapists
 - 175:20-5-1. Original Licensure [AMENDED]
 - 175:20-5-6. Report of criminal plea or conviction [AMENDED]
- Subchapter 7. Continuing Education
 - 175:20-7-1. Continuing education requirement [AMENDED]
- Subchapter 9. Standards of Professional Conduct
 - 175:20-9-1. Professional conduct [AMENDED]
- Subchapter 11. Grounds for Discipline
 - 175:20-11-1. Grounds for discipline [AMENDED]
- Subchapter 15. Fee Schedule
 - 175:20-15-1. Massage Therapy Practice Act license and penalty fees [AMENDED]

SUMMARY:

The proposed rules specify that Advisory Board officers shall be elected at the first meeting of the fiscal year; require licensure applicants to disclose misdemeanors involving acts of violence; modify standards of professional conduct; provide fee waiver for low-income individuals in compliance with 59 O.S. §4003A; and contain clean-up language.

AUTHORITY:

59 O.S. § 199.3(B)(1); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Written comments will be accepted through March 25, 2019, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 25, 2019 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

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 John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of comment period on March 25, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at Oklahoma State Board of Cosmetology and Barbering or online at www.ok.gov/cosmo/. Copies may also be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2019. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

[OAR Docket #19-88; filed 1-25-19]

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

[OAR Docket #19-117]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 210:10-1-22. Guidelines for nontraditional public schools [NEW]

SUMMARY:

The proposed rule will address guidelines for conversion schools and partnership schools, two types of public school entities authorized by statute, which differ from both traditional public schools and charter schools. For conversion schools, the statutory requirements for "conversion plans" will be clarified by stating the elements of the plan in clear language, as the authorizing statute uses citations and requires cross-referencing rather than simply stating the requirements. The statutory Open Records Act and Open Meeting Act

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requirements for conversion plans will also be emphasized, and the rule will direct a board of education that adopts a conversion plan to provide a copy of the plan to the State Department of Education. For partnership schools, employment issues such as Flexible Benefit Allowance will be addressed.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-132; 70 O.S. § 5-117

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2019 until 4:30 p.m. on Monday, March 18, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Monday, March 18, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

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

[OAR Docket #19-117; filed 1-25-19]

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

[OAR Docket #19-118]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

210:35-9-33. Individual Career Academic Plans (ICAP)
[NEW]

SUMMARY:

The proposed rule will lay out guidelines for Individual Career Academic Plans (ICAPs), which will go into effect for all secondary schools in the 2019-2020 school year.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.508-4

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2019 until 4:30 p.m. on Monday, March 18, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Monday, March 18, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #19-118; filed 1-25-19]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 10. THE COUNTY ELECTION BOARD**

[OAR Docket #19-119]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. General Administration of the County Election Board Office [AMENDED]

SUMMARY:

Amendments are proposed in several Sections in Subchapter 7 to reflect new retention procedures for voter registration update documents that result from digital submissions of voter registration transactions from the Department of Public Safety or transactions submitted online by voters. A form used to document the registration transaction is printed in the County Election Board office as such digital transactions are processed and approved. Amendments are proposed to reflect changes to requirements for County Election Board e-mail addresses. Early in 2018, as part of security upgrades to the State Election Board's proprietary election management system, the Secretary of the State Election Board acquired for each County Election Board

an "elections.ok.gov" e-mail address to be used for official communications with voters, other County Election Boards, and the State Election Board office. The amendments also provide for an exemption to required use of the state-provided e-mail addresses and a process for County Election Board Secretaries to qualify for and to request said exemption. Other proposed amendments update information about the content and availability of receipts and vouchers used with the County Election Board Special Depository Account and about the availability of State Auditor and Inspector Form 140, which is used to make a monthly report to the County Treasurer concerning transactions in the Special Depository Account.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-119; filed 1-25-19]

Notices of Rulemaking Intent

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #19-120]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Application for Voter Registration
[AMENDED]

Subchapter 9. Receiving and Processing Voter Registration
Applications [AMENDED]

Subchapter 11. Voter Registration List Maintenance
[AMENDED]

SUMMARY:

Proposed amendments in Subchapter 5 are needed to provide specific instructions concerning redaction of certain personal information when copies of original voter registration forms are requested. County Election Board personnel are instructed to redact the last four digits of a voter's Social Security number and/or the Oklahoma driver license number on copies of original voter registration forms maintained in the County Election Board Central File. Such documents are open records, but state law - 26 O.S. 2017 Supp., §4-112(H) - provides that such information provided as part of a voter registration application be kept confidential by the State Election Board and the County Election Boards. Another proposed amendment in this Subchapter clarifies a particular deadline prescribed by law. The description of this deadline has proved to be confusing to many persons over the years.

Proposed amendments in Subchapter 9 clarify requirements concerning the retention of information that indicates the source of a voter registration application form. The source of an application is collected via a code number printed on the forms distributed to motor license agencies and public assistance agencies required by the National Voter Registration Act to provide voter registration services to persons applying for services offered by such agencies. The code number is printed on a part of the voter registration application form that is not intended to be retained as a permanent record once the registration is processed and approved. The amendment clarifies that this part of the form must be detached and destroyed before the registration form is filed in the Central File registry.

Another proposed amendment concerns a new class of persons who may apply for restricted records status with the County Election Board. The new class of persons and the definition of who may be included in this class was established by an amendment in 26 O.S. § 4-115.2 which became effective on November 1, 2018.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public

hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-120; filed 1-25-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 25. BALLOT PRINTING

[OAR Docket #19-121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Placing Parties, Candidates, Propositions on Ballot [AMENDED]

Subchapter 21. Printer Certification for Digital Ballot Printing [AMENDED]

SUMMARY:

The proposed amendment in Subchapter 13 is actually reenactment of a Section revoked in 2013 because it duplicates statutory language. While it does quote extensively from 26 O.S. § 11-112, certain questions emerged during the 2018 election cycle concerning a race for District Judge in which a nominating district is not coextensive with the entire judicial district and the placement of candidate's names on the ballot for the General Election. In the process of answering those

questions, the Secretary determined that the content of the revoked Section should be reenacted to provide explanation for the procedures used to place these candidates on the ballot.

The proposed amendments in Subchapter 21 are needed to correct scrivener's and formatting errors that occurred when previous amendments were added to the Code and overstricken text was deleted. The correction of these errors do not result in substantive changes in the text.

AUTHORITY:

Title 26 O.S., Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-121; filed 1-25-19]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING**

[OAR Docket #19-122]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Absentee Voting Boards [AMENDED]
- Subchapter 9. Processing Applications [AMENDED]
- Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]
- Subchapter 19. Counting the Ballots [AMENDED]
- Subchapter 21. Recording Absentee Voting [AMENDED]

SUMMARY:

Proposed amendments to Subchapter 7 update references to absentee in-person voting days and hours for both state and federal elections. The dates and times of such "early voting" days changed several years ago, but these sections were missed in amendments made at that time. Some sections are amended to update the title of a publication provided by the Secretary of the State Election Board for use by Precinct Officials and by Absentee Voting Board members. The publication's title changed in 2016, but the references to it in the rules on absentee voting were not corrected at that time.

Sections concerning the in-person Absentee Voting Board are amended to clarify and emphasize certain aspects of the procedures for accepting applications, verifying voter eligibility and issuing ballots, and giving credit for voting to in-person absentee voters. The procedure for in-person absentee voters to cast provisional ballots also is updated.

A new Section is added in Subchapter 9 to provide a procedure for first responders and emergency workers to apply for and receive "emergency" absentee ballots when they are being deployed to the area of a natural disaster or declared state of emergency to assist with rescue, recovery, and/or relief efforts within ten days of an election. This new Section implements statutory authorization [26 O.S. 2017 Supp., Section 14-115.6] for such emergency absentee ballots to be requested and issued.

In Subchapter 11, a Section concerning the receipt of absentee ballots from certain voters is amended to clarify requirements and add procedural details. Another Section is amended to clarify certain requirements for uniformed services and overseas voters who return their voted absentee ballots by fax and to specify that these voters cannot return voted absentee ballots by e-mail.

Further amendments in all these Subchapters within Chapter 30 are necessary to correct numerous scrivener's errors that occurred when prior amendments were added to the Code and overstricken text in said amendments was deleted.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

Notices of Rulemaking Intent

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-122; filed 1-25-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 35. ELECTION CONDUCT

[OAR Docket #19-123]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. County Election Board Responsibilities
[AMENDED]

Subchapter 5. Instructions for Precinct Election Officials
[AMENDED]

SUMMARY:

Proposed amendments in Subchapters 3 and 5 concern the supplies provided to Precinct Officials for use at election day polling places; instructions concerning issuing voting devices in certain circumstances; procedures for receiving the election returns and polling place supplies from Precinct Officials on election night; clarification of certain reasons, requirements, and details in the procedure for conducting election night recounts of ballots; correcting references to the names of the results report printed from a voting device; updating the title of a form used to cancel the registration of deceased voters; and replacing cross-references to several Sections that were revoked in 2013 for duplication of statutory language with references to the statutes quoted by the revoked rules. In

additional, several scrivener's errors that occurred when prior amendments were added to the Code and overstricken text was deleted are corrected in both Subchapters.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-123; filed 1-25-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 45. CONTESTS OF ELECTION

[OAR Docket #19-124]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Recounts [AMENDED]

Subchapter 5. Instructions for Counters for Manual Recount [AMENDED]

SUMMARY:

Proposed amendments in Subchapter 3 concern the adjustment of election results following a recount prior to obtaining an Official Certification Report. Since most recounts are conducted manually, results must be adjusted directly in the MESA election results database. (Such adjustments are made only by authorized State Election Board agency employees with appropriate MESA administrative credentials.) Other amendments are proposed to update rules concerning the conduct of a recount using voting devices. Proposed amendments in Subchapter 5 update instructions for Counters in a manual recount.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-124; filed 1-25-19]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 50. AUTOMATED SYSTEMS**

[OAR Docket #19-125]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Voting Devices and Data Processing
[AMENDED]

SUMMARY:

Proposed amendments in Subchapter 3 revoke two Sections. The Sections included procedures used with the voting device system decommissioned at the end of 2011. These procedures are not pertinent to the voting device system in use since February, 2012.

An equivalent procedure used with the current voting device system is outlined in 230:25-17-5. Non-regulatory materials authorized by the Secretary of the State Election Board and provided by the State Election Board agency to all County Election Board Secretaries include step-by-step instructions for County Election Board personnel to perform routine maintenance checks on voting devices prior to every election and also specify retention of all testing materials for 24 months following the election.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2019, and continuing through the conclusion of the public hearing on Friday, March 22, 2019. Written comments may be submitted for consideration by mail, e-mail, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152. Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

E-mail Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 22, 2019, at 10 a.m. in the office of the State Election Board, Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City. The proposed amendments also are available on the State Election Board website: https://www.ok.gov/elections/About_Us/Administrative_Rules

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2019.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #19-125; filed 1-25-19]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 410. RADIATION MANAGEMENT

[OAR Docket #19-40]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 10. Radioactive Materials Program

Part 1. General Provisions

252:410-10-1. Radioactive Materials Program

[AMENDED]

Part 40. Domestic Licensing of Source Material

252:410-10-40. 10 CFR 40 incorporations by reference

[AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:410 in response to changes recommended by the Nuclear Regulatory Commission (NRC) during a routine audit of the Radiation Management Program. The proposed changes are necessary to bring the Oklahoma rules fully into compatibility with the federal rules. The gist of the rule is to amend Chapter 410 based on recommended changes from the NRC by correcting two citations.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-104, and 2-2-201; Radiation Management Advisory Council; 27A O.S. § 2-2-201; and 27A O.S. §§ 2-9-104, and 2-9-105.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from February 15, 2019 through March 27, 2019. Oral comments may be made at the Radiation Management Advisory Council meeting at 9:00 a.m. on March 28, 2019 and at the Environmental Quality Board meeting at 9:00 a.m. on November 8, 2019.

PUBLIC HEARINGS:

Before the Radiation Management Advisory Council at 9:00 a.m. on March 28, 2019, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:00 a.m. on November 8, 2019, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPProprules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Mike Broderick, Land Protection Division, Radiation Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at mike.broderick@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

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

[OAR Docket #19-40; filed 1-22-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH

[OAR Docket #19-55]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operation and Procedures

[AMENDED]

Subchapter 27. Contracts with Charitable Health Care

Providers [AMENDED]

Subchapter 31. Human Subjects Protection [NEW]

Subchapter 35. Tanning Facilities Requirements [NEW]

SUMMARY:

SUBCHAPTER 3: GENERAL OPERATIONS AND PROCEDURES

The current rule within Subchapter 3 outlines the procedure and fees associated with requests for information and/or records pursuant to the Oklahoma Open Records Act, 51 O.S. §24A.1 *et seq.* The proposed rule changes modify the recommended method for submitting records requests, shorten the length of time before they are considered "abandoned," and alters the fee schedule. The previous rule contained outdated fee information and did not provide adequate explanation of how fees are assessed.

SUBCHAPTER 27: CONTRACTS WITH CHARITABLE HEALTH CARE PROVIDERS

OAC 310:2-27 contains rules which establish eligibility criteria for charitable health care providers and medically indigent persons, procedures for entering into and revoking contracts between the Oklahoma State Department of Health or a city-county health department and a charitable health care provider and responsibilities and obligations pursuant to such contracts. The proposed rule changes update the length of malpractice claims history charitable providers would submit to the Department and modify the participation of the State Risk Management in certain program procedures.

SUBCHAPTER 31: HUMAN SUBJECTS PROTECTION

OAC 310:10, adopted in June 2002, incorporates by reference 45 CFR 46 (the Common Rule) and 42 CFR 50 (Research Integrity). Since adoption, a need to update stylistic and formatting aspects of the rule has been noted by the agency and partners. Additionally, upon review, it was determined that OAC 310:10 duplicates federal language and is duplicative between sections. It was also recommend that Chapter 10 be revoked in its entirety and moved to Chapter 2 as Subchapter 31. The revisions to this subchapter are anticipated to better protect human subjects (information or biospecimens) involved in research, while reducing burden, delay, and ambiguity for investigators.

The U.S. Department of Health and Human Services (HHS) and fifteen other Federal Departments and Agencies have issued final revisions to the Federal Policy for the Protection of Human Subjects (the Common Rule). A revision to OAC 310:10 is needed to align state rules with the federal changes. The concepts of identifiable information or biospecimens, technology, and related protections are not addressed. Moreover, the revised 45 CFR 46 specifically addresses public health authority and public health surveillance.

SUBCHAPTER 35: TANNING FACILITIES REQUIREMENTS

The proposed rule changes to this subchapter, if adopted, implement the agency's requirements from SB765 (2017), codified at 63 O.S. § 7302 *et seq.*, and effective on November 1, 2017. The proposed rules would prohibit the use of tanning facilities by persons under eighteen (18) years of age and require signage to be posted.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 51 O.S. § 24A.1 *et seq.*, 51 O.S. § 151 *et seq.*, 63 O.S. § 7302 *et seq.*;

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rules Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in Room 1102 beginning at 10am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-55; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 9. HEALTH CARE INFORMATION

[OAR Docket #19-56]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

- Subchapter 1. General Provisions
310:9-1-1 [AMENDED]
- Subchapter 3. Required Information
310:9-3-1 [AMENDED]
- Subchapter 5. Collection and Release of Information
310:9-5-2.1 [AMENDED]
310:9-5-3 [REVOKED]

SUMMARY:

The proposed updates to 310:9 will require more rapid reporting of the hospital discharge data to the OSDH, the submission of emergency department (ED) discharge data and modernizes existing rules related to notifications and reporting. Due to the ever-increasing need for timely health care data by public health practitioners, facilities researchers, and policy makers we are proposing that discharge data providers (inpatient, outpatient surgery and ambulatory surgery center discharges) submit the required data within 45 days after the end of each calendar quarter (instead of once annually), beginning in 2020.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 63 O.S. § 1-115 *et seq.*,

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019 at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail SpencerK@health.ok.gov

[OAR Docket #19-56; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 10. HUMAN SUBJECTS PROTECTION [REVOKED]

[OAR Docket #19-57]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Human Subjects Protection [REVOKED]

SUMMARY:

The current rules for human subject protection in research describe the boundaries in scope, actions, and authority for the agency's institutional review board and research integrity officer. The proposal will revoke Chapter 10. A modified Subchapter 31, Human Subjects Protection, will be added under Chapter 2, Procedures of the State Health Department. The effect of the rule change provides better alignment of the human subjects protection rule within the agency procedures identified in Chapter 2 at a new Subchapter 31 and is consistent with other state agencies. The revisions in the separate subchapter are anticipated to better protect human subjects (information or biospecimens) involved in research, while reducing burden, delay, and ambiguity for investigators. Chapter 10 (adopted in June 2002) incorporates by reference Title 45 of the Code of Federal Regulations (CFR) Part 46, Protection of Human Subjects (the Common Rule), and Title 42 CFR, Part 93, Public Health Service Policies on Research Misconduct (formerly Part 50). The new Subchapter 31 in Chapter 2 updates the incorporations by reference from the CFR. The U.S. Department of Health and Human Services (HHS) and fifteen other Federal Departments and Agencies have issued final revisions to the proposed rules sought to be incorporated by reference. The revised Common Rule is effective July 19, 2018; note that from July 19, 2018 through January 20, 2019 institutions are not permitted to implement the entirety of the revised Common Rule.

AUTHORITY:

Commissioner of Health; Title 63 O.S. Section 1-104; Title 63 O.S.

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at:

Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102, beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-57; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 205. ALARM AND LOCKSMITH INDUSTRY [REVOKED]

[OAR Docket #19-58]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 205. Alarm and Locksmith Industry [REVOKED]

SUMMARY:

This proposal revokes the rules of the Department concerning the alarm and locksmith industry. Effective November 1, 2012, the authority to "promulgate, adopt, amend, and repeal rules consistent with the provisions of

the Alarm and Locksmith Industry Act for the purpose of governing the establishment and levying of administrative fines and the examination and licensure of alarm or locksmith companies, managers, technicians, and salespersons" [SB 1866 (2012), § 19] was transferred from the State Board of Health to the Commissioner of Labor. See OAC 380:75 for rules promulgated by the Commissioner of Labor, effective July 11, 2013. See OAC 310:205 in the 2011 Edition of the OAC for full text of rules as last promulgated by the State Board of Health.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; Senate Bill 1866 (2012), Section 1.

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to submit comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or by email at OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102, beginning at 10:00am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

James Joslin, Assistant Deputy Commissioner. Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6868, e-mail james@health.ok.gov or Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health,

Notices of Rulemaking Intent

1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail
OSDHRules@health.ok.gov

[OAR Docket #19-58; filed 1-25-19]

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

[OAR Docket #19-59]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. License Classifications and Associated Fees
for Consumer Health Services

310:250-3-1. Food establishments' fees [AMENDED]

310:250-3-2. Drug operational permits [AMENDED]

SUMMARY:

310:250-3-1. The current rule outlines the class and type of food establishments and their licensing fees codified in the Oklahoma Statutes Title 63 § 1-1118 & 1-1119. The proposal will modify the temporary event fee and set a timeframe for a single license. These changes are necessary to support small business efforts at a single temporary event. The effects of this will set a maximum fee and timeframe for special event licensing at \$250 for fourteen (14) days.

310:250-3-2. The current rule identifies the licensing fees for drug manufacturers. The proposal will make consistent the two recognized manufacturing licenses fees - food and drug. These changes are necessary to make consistent the two recognized manufacturing licenses fees - food and drug. The effects of this will be a \$10 per year increase for the currently licensed drug manufacturers.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; Public Health and Safety, Title 63 § 1-1118.

COMMENT PERIOD:

February 15, 2019 through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Lynnette Jordan, Director, Consumer Health Service, phone (405) 271-5243, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail lynnette@health.ok.gov. Spencer Kusi, Agency Rule Liaison, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-59; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 410. WIC

[OAR Docket #19-60]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:410-1-1 [AMENDED]

Subchapter 3. Vendor Management

Part 1. General Provisions

310:410-3-3 [AMENDED]

Part 3. WIC Vendor Application and Authorization Process

310:410-3-10 [AMENDED]

310:410-3-11 [AMENDED]

310:410-3-12 [AMENDED]

Part 5. WIC Vendor Education

310:410-3-20 [AMENDED]

Part 7. WIC Vendor Authorization and Responsibilities

310:410-3-33 [REVOKED]

310:410-3-34 [REVOKED]

310:410-3-35 [AMENDED]

310:410-3-40 [AMENDED]

Part 9. WIC Vendor Compliance and Sanctions

310:410-3-51 [AMENDED]

310:410-3-52 [AMENDED]

310:410-3-53 [AMENDED]

SUMMARY:

The proposal amends rules to update the existing rules as they pertain to retail vendors in the Women, Infants and Children (WIC) Program. The proposal updates the existing rules pertaining to the purpose definitions, food benefits designation and State vendor violations and sanctions. These changes incorporate and revise terminology applicable to the new e-WIC service payment system and away from food instrument terminology. The proposed revisions align the rule with federal standards for WIC operations as established by the United State Department of Agriculture (USDA). The proposed changes will eliminate an identified error in the rule that misclassifies certain vendor violations and will reclassify them to a lower level of sanction.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; and 62 O.S. § 34.76

COMMENT PERIOD:

February 15, 2019 through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019 at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10AM. In the event state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102, beginning at 10am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-60; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 515. COMMUNICABLE DISEASE AND INJURY REPORTING

[OAR Docket #19-61]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Disease and Injury Reporting
- 310:515-1-1.1 [AMENDED]
- 310:515-1-2 [AMENDED]
- 310:515-1-3 [AMENDED]
- 310:515-1-4 [AMENDED]
- 310:515-1-6 [AMENDED]
- 310:515-1-7 [AMENDED]
- 310:515-1-8 [AMENDED]

SUMMARY:

The proposal updates the existing rules in accordance with recommendations from the Council of State and Territorial Epidemiologists (CSTE), the Centers for Disease Control and Prevention, and local health care partners pertaining to reportable diseases and injuries. The proposal amends the lists of reportable diseases and injuries, in order to clarify those conditions and diseases that are required to be reported to the Department. The proposal revises the list of conditions of public health importance that require investigation and implementation of prevention activities and time frames for required reporting or submission of isolates and/or appropriate clinical specimens, including moving tularemia from immediately notifiable to reporting within one working day; updating Rocky Mountain spotted fever (*Rickettsia rickettsii*) to Spotted Fever Rickettsiosis (*Rickettsia spp.*) and restricting report of Spotted Fever Rickettsiosis cases to associated-hospitalizations and deaths; adding Cyclospora to reporting within one working day; adding poisonings to the list of injuries; requiring all laboratories and providers to report both positive and negative test results for syphilis, HIV/AIDS, hepatitis B, and hepatitis C performed on babies (defined as 18 months and younger); requiring isolates of carbapenemase-resistant *Pseudomoas aeruginosa* and carbapenemase-resistant *Acinetobacter spp.* to be submitted to the PHL and stipulate submission of required isolates and/or appropriate clinical specimens to the Oklahoma State Department of Health Public Health Laboratory within 48 hours. These changes minimally increase the reporting burden placed upon clinicians, have no impact on the reporting burden

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placed upon laboratories, and do not adversely affect the public health disease control and prevention activities.

The proposal removes the reference to a "non-versioned/non-codified" document which could further specify requirements of reporting. This change will eliminate any possibility of requirements that are not stated in rule. The duplicative requirements at OAC 310:515-1-4(3) (relating to occupational or environmental diseases) are amended by removing the requirements listed here and adding a reference to the amended rules on reporting blood lead levels at OAC 310:512, Childhood Lead Poisoning Prevention Rules. The proposal removes the reference to "hospitalized and fatal cases only" for injury reporting. This proposal changes the current reporting guidance for hepatitis C to include persons of all ages, and lowers the alanine aminotransferase (ALT) levels for reporting from 400 to 200. This modification is in accordance with the CSTE case definition for hepatitis C that was revised effective January 1, 2016. Lastly, the proposal will more clearly specify which syphilis tests are required for reporting to the Department.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 63 O.S. § 1-501 *et seq.*

COMMENT PERIOD:

February 15, 2019, through March 19, 2019. Persons wishing to make comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019 at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10AM. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail SpencerK@health.ok.gov

[OAR Docket #19-61; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 535. IMMUNIZATION REGULATIONS

[OAR Docket #19-62]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Childhood Immunizations

310:535-1-2. Criteria for immunizations required
[AMENDED]

310:535-1-3. Criteria for immunizations required for day care [AMENDED]

SUMMARY:

The proposal removes guidance within the rules that specifies the number of doses, minimum ages, and appropriate intervals for those vaccines, which are required, and replaces that guidance with general guidance stating adherence to ACIP recommendations for only those immunizations which are required for Oklahoma school and child care. There are no new vaccine requirements.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104, and 70 O.S. § 1210.191 *et seq.*

COMMENT PERIOD:

February 15, 2019 through March 21, 2019 at 5PM. Persons wishing to make written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail: OSDHRules@health.ok.gov

[OAR Docket #19-62; filed 1-25-19]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 550. NEWBORN SCREENING
PROGRAM**

[OAR Docket #19-63]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:550-1-1 [AMENDED]
 - 310:550-1-2 [AMENDED]
- Subchapter 3. Testing of Newborns
 - 310:550-3-1 [AMENDED]
- Subchapter 5. Specimen Collection
 - 310:550-5-1 [AMENDED]
 - 310:550-5-2 [AMENDED]
- Subchapter 7. Hospital Recording
 - 310:550-7-1 [AMENDED]
- Subchapter 11. Advisory Committee
 - 310:550-11-1 [AMENDED]
- Subchapter 17. Follow-Up for Physicians
 - 310:550-17-1 [AMENDED]
- Subchapter 19. Reporting
 - 310:550-19-1 [AMENDED]
- Subchapter 21. Information
 - 310:550-21-1 [AMENDED]
- Subchapter 23. Standards, Procedures, and Follow-Up for Certified Laboratories

310:550-23-1 [AMENDED]

Appendix A [REVOKED]

Appendix B [REVOKED]

Appendix C [REVOKED]

Appendix D [REVOKED]

Appendix E [REVOKED]

SUMMARY:

310:550-1-1 - The current rule sets forth the purpose of the rule chapter. The addition of spinal muscular atrophy (SMA), x-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidosis type I (MPS I) and pompe disease to the Newborn Screening testing panel. These conditions were included throughout several sections of the rules for consistency.

310:550-1-2 - The current Rule uses the term "Mental Retardation". This term is outdated and may be considered disrespectful. This proposal replaces the aforementioned term with "Developmental Disabilities". Pursuant to 25 O.S. § 40 statutes and administrative rules should avoid language that equates persons with their condition and should replace nonrespectful language by referring to persons with disabilities as persons first. In order to promote consistency, it is necessary to amend all chapters that contain this terminology, even if those chapters do not equate persons with their condition. Further, national organizations such as the Americans with Disabilities Act National Network, American Association on Intellectual and Developmental Disabilities and Centers for Medicare and Medicaid encourage use of more respectful language that has gained wide acceptance in recent disability laws.

The proposal removed Prevention and Preparedness Services as the Newborn Screening Program no longer resides in that service area. Additionally, a few terms and definitions were added/remove/revised for clarity and references to appendices were removed as those documents will now be publically available on the OSDH website.

310:550-3-1 - The addition of spinal muscular atrophy (SMA), x-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidosis type I (MPS I) and pompe disease to the Newborn Screening testing panel. Reference to Appendix C, Newborn Screening Parent Refusal Form, was removed as that document will now be publically available on the OSDH website.

310:550-5-1 - The proposal added language to include specimens collected at 24 hours of age require a repeat specimen to be recollected at 3-5 days of life. This was added to clarify that specimens collected at 24 hours of age are collected prior to the recommended time frame which is after 24 hours of age.

310:550-5-2 - The proposal removed reference to Appendix A, Instructions for Filter Paper Sample Collection, and replaced it with name of standard document for newborn screening specimen collection. Also the reference to Appendix D, Recommended Pulse Oximetry Screening Protocol, was removed as that document will now be publically available on the OSDH website.

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310:550-7-1 - The proposal replace the term "collection" with the term "form" for clarity and consistency when referring to the newborn screening from kit. Reference to Appendix A was removed as the image of the newborn screening form kit will publically available on the OSDH website. Reference to Appendix E, Pulse Oximetry Screening Result Form, was removed as that document will now be publically available on the OSDH website. Also reference to Appendix C, Newborn Screening Parent Refusal Form, was removed as that document will now be publically available on the OSDH website.

310:550-11-1 - The proposal replaces the Oklahoma Genetic Advisory Council with the Infant and Children's Health Advisory Council as the advising council to the Department.

310:550-17-1 - The proposal added language to include specimens collected at 24 hours of age require a repeat screen. This was added to clarify that specimens collected at 24 hours of age are collected prior to the recommended time frame which is after 24 hours of age. The addition of spinal muscular atrophy (SMA), x-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidosis type I (MPS I) and pompe disease to the Newborn Screening testing panel.

310:550-19-1 - The proposal removed reference to Appendix B, Newborn Screening Program Report Form, as that document will now be publically available on the OSDH website. The addition of spinal muscular atrophy (SMA), x-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidosis type I (MPS I) and pompe disease to the Newborn Screening testing panel.

310:550-21-1 - The proposal removed Prevention and Preparedness Services as the Newborn Screening Program no longer resides in that service area.

310:550-23-1 - The proposal added language to include specimens collected at 24 hours of age.

Appendix A. Instructions for Filer Paper Sample Collection - The proposal removed this appendix as the document will be publically available on the OSDH website.

Appendix B. Report Form - The proposal removed this appendix as the document will be publically available on the OSDH website.

Appendix C. Refusal Form - The proposal removed this appendix as the document will be publically available on the OSDH website.

Appendix D. Recommended Pulse Oximetry Screening Protocol - The proposal removed this appendix as the document will be publically available on the OSDH website.

Appendix E. Pulse Oximetry Screening Result Form - The proposal removed this appendix as the document will be publically available on the OSDH website.

Additional changes included minor grammatical changes. The impact of the rule change includes updating rule language, adding clarity for interpretation, and improving services for children living in Oklahoma.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 25 O.S. § 40 and 63 O.S. § 1-533(A).

COMMENT PERIOD:

February 15, 2019 through March 21, 2019. Persons wishing to make written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019 to the contact person identified below.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Lisa Caton, Director of Screening and Special Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6617, e-mail lisarc@health.ok.gov. Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th St, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov.

[OAR Docket #19-63; filed 1-25-19]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 567. STATE CENTRAL CANCER
REGISTRY**

[OAR Docket #19-64]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Reporting
- 310:567-3-1. Reporting requirements [AMENDED]
- 310:567-3-2. Diseases to be reported [AMENDED]
- 310:567-3-3. Methods of reporting [AMENDED]

SUMMARY:

The proposed rule changes would require all healthcare reporting facilities to report minimum cancer data elements: (1) Patient demographic, (2) Cancer diagnosis, (3) Facility and (4) Physician Information, and any available text, for patients 0-19 years of age, within 30 days of cancer diagnosis in an electronic format. The rule change would not replace the current reporting requirement, but would be an additional reporting of minimum identifying data elements for the assessment of statewide incident cases. Rapid cancer reporting for Oklahoma pediatric and young adult cancer cases will support; pediatric cancer research, community health event assessments, and ultimately the reduction of pediatric cancer mortality.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104, and 63 O.S. § 1-551.1 *et seq.*, 63 O.S. § 1-550.4 *et seq.*

COMMENT PERIOD:

February 15, 2019 through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships, and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail: OSDHRules@health.ok.gov.

[OAR Docket #19-64; filed 1-25-19]

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

[OAR Docket #19-65]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 5. Minimum Standards [REVOKED]
- Subchapter 7. Codes and Standards [REVOKED]
- Appendix D. Flame-Spread and Smoke-Production Limitations of Interior Finishes in Ambulatory Surgical Centers [REVOKED]
- Appendix E. Ventilation Requirements for Areas Affecting Patient Care in Ambulatory Surgical Centers [REVOKED]
- Appendix F. Filter Efficiencies for Central Ventilation and Air Conditioning Systems in Outpatient Facilities [REVOKED]
- Appendix G. Station Outlets for Oxygen and Vacuum (Suction) Systems [REVOKED]

SUMMARY:

An amendment is provided at 310:615-3-8(b) to align with HB 1826 4/20/2011. This revision changes the frequency of visits that a consultant pharmacist is required to make to an ambulatory surgical center from the same as required of hospitals to only once per month.

This action will amend several sections of this chapter with most current national guidelines and revoke outdated references and guidelines accordingly. At 310:615-1-3 an incorporation by reference is inserted to address the latest standards used by architects and the Centers for Medicare and Medicaid Services (CMS). This update includes the incorporation by reference to update the FGI 2018 Guidelines

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for Design and Construction of Outpatient Facilities, 2018 Edition, which replaces the reference to the FGI 2014 edition. Also incorporated by reference are the National Bureau of Standards Fire Safety Evaluation System to the National Fire Protection Association's NFPA 101A Guide on Alternative Approaches to Life Safety, 2010 Edition. The revision explicitly identifies the applicable portions of the National Fire Protection Association (NFPA) 101: Life Safety Code, 2012 Edition that applies to design and construction requirements. An incorporation by reference is inserted to address a secondary incorporation by reference that was present in the NFPA99, 2012 Edition. The heating and ventilating systems standards at the American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE 170, 2008 Edition, are referenced by NFPA99, 2012 Edition. This revision aids architects so that they can design based on the requirements applied by the CMS. By updating the references to NFPA 99 and ASHRAE we avoid facilities designed to meet state requirements but that do not meet CMS requirements.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 63 O.S. § 2657, *et seq.*

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail: OSDHRules@health.ok.gov

[OAR Docket #19-65; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 625. CERTIFICATE OF NEED STANDARDS FOR ~~ICF~~/MR ~~ICF~~/IID

[OAR Docket #19-66]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

310:625-1-1 [AMENDED]

310:625-1-2 [AMENDED]

310:625-1-3 [AMENDED]

310:625-1-4 [AMENDED]

SUMMARY:

This action will amend numerous sections within this chapter. The current Rule uses the term "Mentally Retarded". This term is outdated and may be considered disrespectful. This proposal replaces the aforementioned term with "Individuals with Intellectual Disabilities". Pursuant to Title 25 of the Oklahoma Statutes (O.S.) at Section 40, statutes and administrative rules should avoid language that equates persons with their condition and should replace nonrespectful language by referring to persons with disabilities as persons first. Further, national organizations such as the Americans with Disabilities Act National Network, American Association on Intellectual and Developmental Disabilities and Centers for Medicare and Medicaid encourage use of more respectful language that has gained wide acceptance in recent disability laws.

The action removes obsolete references to state schools operated by the State Department of Human Services.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; and Titles 25 O.S. § 40 and 63 O.S. § 1-851.2(A)(7)

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rules Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

James Joslin, Assistant Deputy Commissioner. Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6868, e-mail james@health.ok.gov. Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail: OSDHRules@health.ok.gov

[OAR Docket #19-66; filed 1-25-19]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 630. CERTIFICATE OF NEED
STANDARDS FOR LICENSED NURSING
FACILITY BEDS**

[OAR Docket #19-67]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

310:630-1-1 [AMENDED]

310:630-1-3 [AMENDED]

SUMMARY:

The current Rule uses the term "Mentally Retarded". This term is outdated and may be considered disrespectful. This proposal replaces the aforementioned term with "Individuals

with Intellectual Disabilities". Pursuant to Title 25 O.S. § 40, statutes and administrative rules should avoid language that equates persons with their condition and should replace nonrespectful language by referring to persons with disabilities as persons first. Further, national organizations such as the Americans with Disabilities Act National Network, American Association on Intellectual and Developmental Disabilities and Centers for Medicare and Medicaid encourage use of more respectful language that has gained wide acceptance in recent disability laws.

AUTHORITY:

Commissioner of Health; Title 63 § 1-104; 25 O.S. § 40 and 63 O.S. § 1-851.2(A)(7)

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rules Liaison, Health Policy, Partnerships and Planning, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

James Joslin, Assistant Deputy Commissioner. Protective Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6868, e-mail james@health.ok.gov. Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health,

Notices of Rulemaking Intent

1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail
OSDHRules@health.ok.gov

[OAR Docket #19-67; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 661. HOSPICE

[OAR Docket #19-68]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration
310:661-3-5 [NEW]
310:661-3-5.1 [NEW]
310:661-3-5.2 [NEW]
310:661-3-5.3 [NEW]
310:661-3-5.4 [NEW]

SUMMARY:

This proposal implements the provisions of House Bill 1438 (2015) creating Section 1-862 in Title 63 of the Oklahoma Statutes, relating to continuing education of hospice program administrators. The proposal defines acceptable curriculum and instructors for meeting the education requirement. The proposal establishes documentation requirement of educational training and penalty for violation of the proposal. The effect of the Rule change will result in industry trained hospice administrators that are equipped to manage a hospice entity and oversee all components of patient care.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 63 O.S. § 1-862.

COMMENT PERIOD:

February 15, 2019 through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019 at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102, beginning at 10 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

LaTrina Frazier, Administrative Programs Manager, Home Services Section, Medical Facilities Service, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; phone (405) 271-6576, e-mail latrinaf@health.ok.gov. Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; Email: OSDHRules@health.ok.gov

[OAR Docket #19-68; filed 1-25-19]

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

[OAR Docket #19-69]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Resident Assessments
310:663-5-3 [AMENDED]

SUMMARY:

310:663-5-3 - The current Rule uses the term "Mental Retardation". This term is outdated and may be considered disrespectful. This proposal replaces the aforementioned term with "Intellectual Disabilities". Pursuant to Title 25 O.S. § 40, statutes and administrative rules should avoid language that equates persons with their condition and should replace nonrespectful language by referring to persons with disabilities as persons first. In order to promote consistency, it is necessary to amend all chapters that contain this terminology, even if those chapters do not equate persons with their condition. Further, national organizations such as the Americans with Disabilities Act National Network, American Association on Intellectual and Developmental Disabilities and Centers for Medicare and Medicaid encourage use of more respectful language that has gained wide acceptance in recent disability laws.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; 25 O.S. § 40 and 63 O.S. § 1-890.3(A)

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rules Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

James Joslin, Assistant Deputy Commissioner. Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6868, e-mail james@health.ok.gov. Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-69; filed 1-25-19]

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

[OAR Docket #19-70]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

RULES:

- Subchapter 1. General Provisions
 - 310:667-1-3. Licensure [AMENDED]
- Subchapter 19. Medical Records Department
 - 310:667-19-2. Reports and records [AMENDED]
 - 310:667-19-9. Authorship [AMENDED]
- Subchapter 41. General Construction Provisions.
 - 310:667-41-1. General [AMENDED]
- Subchapter 43. Site
 - 310:667-43-1. Location [REVOKED]
 - 310:667-43-2. Facility site design [REVOKED]
 - 310:667-43-3. Environmental pollution control [REVOKED]
 - 310:667-43-4. Energy conservation [REVOKED]
- Subchapter 45. Equipment
 - 310:667-45-1. General [REVOKED]
 - 310:667-45-2. Classification of equipment [REVOKED]
 - 310:667-45-3. Major technical equipment [REVOKED]
- Subchapter 47. Submittal Requirements
 - 310:667-47-1. Submission of plans and specifications and related requests for services [AMENDED]
 - 310:667-47-5. Nonconforming conditions [REVOKED]
 - 310:667-47-6. Drawings [REVOKED]
 - 310:667-47-7. Equipment manuals [REVOKED]
 - 310:667-47-8. Design data [REVOKED]
- Subchapter 49. General Medical Surgical Hospital Construction Requirements [REVOKED]
 - 310:667-49-1. General considerations [REVOKED]
 - 310:667-49-2. Nursing unit - medical and surgical [REVOKED]
 - 310:667-49-3. Critical care unit [REVOKED]
 - 310:667-49-4. Nurseries [REVOKED]
 - 310:667-49-5. Pediatric and adolescent unit [REVOKED]
 - 310:667-49-6. Psychiatric nursing unit [REVOKED]
 - 310:667-49-7. Surgical suite [REVOKED]
 - 310:667-49-8. Obstetrical services [REVOKED]
 - 310:667-49-9. Emergency service [REVOKED]
 - 310:667-49-10. Imaging suite [REVOKED]
 - 310:667-49-11. Nuclear medicine [REVOKED]
 - 310:667-49-12. Laboratory suite [REVOKED]
 - 310:667-49-13. Rehabilitation therapy department [REVOKED]
 - 310:667-49-14. Respiratory therapy service [REVOKED]
 - 310:667-49-15. Morgue [REVOKED]
 - 310:667-49-16. Pharmacy or drug room [REVOKED]
 - 310:667-49-17. Dietary service facilities [REVOKED]
 - 310:667-49-18. Administration and public areas [REVOKED]

Notices of Rulemaking Intent

- 310:667-49-19. Medical records [REVOKED]
- 310:667-49-20. Central services [REVOKED]
- 310:667-49-21. General stores [REVOKED]
- 310:667-49-22. Linen services [REVOKED]
- 310:667-49-23. Facilities for cleaning and sanitizing carts [REVOKED]
- 310:667-49-24. Employee facilities [REVOKED]
- 310:667-49-25. Housekeeping rooms [REVOKED]
- 310:667-49-26. Engineering service and equipment areas [REVOKED]
- 310:667-49-27. Waste processing services [REVOKED]
- 310:667-49-28. General standards for details and finishes [REVOKED]
- 310:667-49-29. Design and construction, including fire-resistive standards [REVOKED]
- 310:667-49-30. Special systems [REVOKED]
- 310:667-49-31. Mechanical systems [REVOKED]
- 310:667-49-32. Electrical systems [REVOKED]
- 310:667-49-33. Skilled nursing unit - distinct part [REVOKED]
- 310:667-49-34. Outpatient services [REVOKED]
- 310:667-49-35. Endoscopy suite [REVOKED]
- 310:667-49-36. Renal dialysis unit (acute and chronic) [REVOKED]
- Subchapter 51. Rehabilitation Hospital and Rehabilitation Unit Construction Requirements
- 310:667-51-1. General considerations [REVOKED]
- 310:667-51-2. Evaluation unit [REVOKED]
- 310:667-51-3. Psychological services unit [REVOKED]
- 310:667-51-4. Social services unit [REVOKED]
- 310:667-51-5. Vocational services unit [REVOKED]
- 310:667-51-6. Dining, recreation, and day spaces [REVOKED]
- 310:667-51-7. Dietary facility services [REVOKED]
- 310:667-51-8. Personal care unit for inpatients [REVOKED]
- 310:667-51-9. Activities for daily living unit [REVOKED]
- 310:667-51-10. Administration and public areas [REVOKED]
- 310:667-51-11. Engineering service and equipment areas [REVOKED]
- 310:667-51-12. Linen services [REVOKED]
- 310:667-51-13. Housekeeping room(s) [REVOKED]
- 310:667-51-14. Employee facilities [REVOKED]
- 310:667-51-15. Nursing unit (for inpatients) [REVOKED]
- 310:667-51-16. Sterilizing facilities [REVOKED]
- 310:667-51-17. Physical therapy unit [REVOKED]
- 310:667-51-18. Occupational therapy unit [REVOKED]
- 310:667-51-19. Prosthetics and orthotics unit [REVOKED]
- 310:667-51-20. Speech and hearing unit [REVOKED]
- 310:667-51-21. Dental unit [REVOKED]
- 310:667-51-22. Imaging suite [REVOKED]
- 310:667-51-23. Pharmacy or drug room [REVOKED]
- 310:667-51-24. Details and finishes [REVOKED]
- 310:667-51-25. Design and construction, including fire-resistive standards [REVOKED]
- 310:667-51-26. Special systems [REVOKED]
- 310:667-51-27. Mechanical systems [REVOKED]
- 310:667-51-28. Electrical systems [REVOKED]
- 310:667-51-29. Outpatient services [REVOKED]
- Subchapter 53. Psychiatric Hospital Construction Requirements
- 310:667-53-1. General conditions [REVOKED]
- 310:667-53-2. General psychiatric nursing unit [REVOKED]
- 310:667-53-3. Child psychiatric unit [REVOKED]
- 310:667-53-4. Geriatric, alzheimer's and other dementia unit [REVOKED]
- 310:667-53-5. Forensic psychiatric unit [REVOKED]
- 310:667-53-6. Imaging suite [REVOKED]
- 310:667-53-7. Nuclear medicine [REVOKED]
- 310:667-53-8. Laboratory suite [REVOKED]
- 310:667-53-9. Rehabilitation therapy services [REVOKED]
- 310:667-53-10. Pharmacy or drug room [REVOKED]
- 310:667-53-11. Dietary service facilities [REVOKED]
- 310:667-53-12. Administration and public areas [REVOKED]
- 310:667-53-13. Medical records [REVOKED]
- 310:667-53-14. Central services [REVOKED]
- 310:667-53-15. General storage [REVOKED]
- 310:667-53-16. Linen services [REVOKED]
- 310:667-53-17. Facilities for cleaning and sanitizing carts [REVOKED]
- 310:667-53-18. Employee facilities [REVOKED]
- 310:667-53-19. Housekeeping room(s) [REVOKED]
- 310:667-53-20. Engineering service and equipment area [REVOKED]
- 310:667-53-21. Waste processing services [REVOKED]
- 310:667-53-22. General standards for details and finishes [REVOKED]
- 310:667-53-23. Design and construction, including fire-resistive standards [REVOKED]
- 310:667-51-24. Special systems [REVOKED]
- 310:667-51-25. Mechanical systems [REVOKED]
- 310:667-51-26. Electrical systems [REVOKED]
- 310:667-51-27. Outpatient services [REVOKED]
- Subchapter 55. Construction Requirements for Critical Access Hospitals [REVOKED]
- 310:667-55-1. General requirements [REVOKED]
- 310:667-55-2. Existing facilities [REVOKED]
- Subchapter 56. Construction Requirements for Emergency Hospitals
- 310:667-56-1. General requirements [AMENDED]
- 310:667-56-2. Existing facilities [AMENDED]
- Subchapter 57. Day Treatment Program Standards
- 310:667-57-2. General [AMENDED]
- Subchapter 59. Classification of Hospital Emergency Services
- 310:667-59-3. Inspections and deemed status [AMENDED]

Appendix A. Ventilation Requirements for Areas Affecting Patient Care in Hospitals and Outpatient Facilities1 [REVOKED]

Appendix B. Station Outlets for Oxygen, Vacuum (Suction), and Medical Air Systems in Hospitals [REVOKED]

Appendix C. Sound Transmission Limitations in General Hospitals1 [REVOKED]

Appendix D. Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals [REVOKED]

Appendix E. Hot Water Use - General Hospital [REVOKED]

SUMMARY:

This action will amend several sections of this chapter with most current national guidelines and revoke outdated references and guidelines accordingly. This revision also corrects the stroke certification classifications and addresses other scrivener and/or typographical errors as detailed below.

An amendment is provided to update form numbers and correct a typographical errors at 310:667-1-3.e.2-4, 310:667-47-1, and 310:667-59-3(f). Also scrivener's error omitted the update of language in section 310:667-59-3(f). This amendment provided the correct name of the stroke center classifications.

At 310:667-41-1 an incorporation by reference is inserted to address the latest standards used by architects and the Centers for Medicare and Medicaid Services (CMS). This update to section 310:667-41-1 includes the incorporation by reference to update the FGI 2018 Guidelines for Design and Construction of Outpatient Facilities, 2018 Edition, which replaces the reference to the FGI 2014 edition. Also incorporated by reference are the National Bureau of Standards Fire Safety Evaluation System to the National Fire Protection Association's NFPA 101A Guide on Alternative Approaches to Life Safety, 2010 Edition. The revision explicitly identifies the applicable portions of the National Fire Protection Association (NFPA) 101: Life Safety Code, 2012 Edition that applies to design and construction requirements. An incorporation by reference is inserted to address a secondary incorporation by reference that was present in the NFPA99, 2012 Edition. The heating and ventilating systems standards at the American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE 170, 2008 Edition, are referenced by NFPA99, 2012 Edition. This revision aids architects so that they can design based on the requirements applied by the CMS. By updating the references to NFPA 99 and ASHRAE we avoid facilities designed to meet state requirements but that do not meet CMS requirements.

The above incorporations by references require previous sections of the rules to be amended or removed. Amendments to provide accurate reference to the revised rules are provided at 310:667-56-1, 310:667-56-2, and 310:667-57-2. The following revocations are also required for clarity:

Subchapters 310:67-43, 45, 49, 51, 53, and 55; Subchapter 47 sections 5-8; and Appendices A, B, C, D, and E.

Additional proposed changes to 310:667-19-2 include grammatical corrections and terms for clarity, as well as the addition of spinal muscular atrophy (SMA), x-linked adrenoleukodystrophy (X-ALD), mucopolysaccharidosis type I (MPS I) and Pompe disease to the Newborn Screening testing panel. These conditions, align with 2019 updates proposed for the Newborn Screening Panel at 310:550.

310:667-19-2 is proposed to be updated to reflect current medical records requirements.

An amendment is provided to 310:667-19-9 to replace the previous definition of Authorship with an incorporated reference to the federal standard.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 63 O.S. § 1-705 and 63 O.S. § 1-707; 25 O.S. § 40; 63 O.S. § 1-533(A), *et seq.*

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to submit written comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207 or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[*OR Docket #19-70; filed 1-25-19*]

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

[*OR Docket #19-71*]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:675-1-2 [AMENDED]

Subchapter 3. Licenses

310:675-3-1.1 [AMENDED]

Subchapter 5. Physical Plant

310:675-5-1 [AMENDED]

310:675-5-18 [AMENDED]

310:675-5-20 [AMENDED]

310:675-5-21 [AMENDED]

310:675-5-24 [AMENDED]

Subchapter 9. Resident Care Services

310:675-9-5.1 [AMENDED]

Subchapter 11. Intermediate Care Facilities of 16 Beds
and less for Individuals with Intellectual Disabilities
(ICF/IID - 16)

310:675-11-1 [AMENDED]

310:675-11-2 [AMENDED]

310:675-11-3 [AMENDED]

310:675-11-4 [AMENDED]

310:675-11-5 [AMENDED]

310:675-11-6 [AMENDED]

310:675-11-7 [AMENDED]

310:675-11-8 [AMENDED]

310:675-11-9 [AMENDED]

Subchapter 13. Staff Requirements

310:675-13-12 [AMENDED]

310:675-13-14 [AMENDED]

SUMMARY:

This action will amend numerous sections within this chapter. The current Rule uses the terms "Mental Retardation", "Mentally Retarded" and "Qualified Mental Retardation Professional". These terms are outdated and may be considered disrespectful. This proposal replaces the aforementioned terms with "Individuals with Intellectual Disabilities", "Individuals with Developmental Disabilities", or "Qualified Intellectual Disability Professional". Pursuant to Title 25 O.S. § 40, statutes and administrative rules should avoid language that equates persons with their condition and should replace nonrespectful language by referring to

persons with disabilities as persons first. Further, national organizations such as the Americans with Disabilities Act National Network, American Association on Intellectual and Developmental Disabilities and Centers for Medicare and Medicaid encourage use of more respectful language that has gained wide acceptance in recent disability laws.

An amendment is provided at 310:675-5-1, to update the incorporation by reference from the National Bureau of Standards Fire Safety Evaluation System to the National Fire Protection Association's NFPA 101A Guide on Alternative Approaches to Life Safety, 2010 Edition. This update addresses the latest standards used by architect's and the Centers for Medicare and Medicaid Services (CMS).

An amendment is provided at 310:675-5-18 to explicitly identify the applicable portions of the National Fire Protection Association (NFPA) 101: Life Safety Code, 2012 Edition that applies to design and construction requirements. This revision aids architects so that they can design based on the requirements applied by the CMS.

At 310:675-5-20 an incorporation by reference is inserted to address a secondary incorporation by reference that was present in the NFPA99, 2012 Edition. The heating and ventilating systems standards at the American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE 170, 2008 Edition, are referenced by NFPA99, 2012 Edition. They are now explicitly incorporated by reference. At 310:675-5-21, the incorporation by reference for emergency electric service is updated from the 1977 NFPA standard to the 2012 NFPA standard. By updating the references to NFPA 99 and ASHRAE we avoid facilities designed to meet state requirements but that do not meet CMS requirements.

A scrivener's error omitted the removal of a reference to the old life safety code in 310:675-11-5. This section was amended in 2017 to incorporate the 2012 edition of the Life Safety Code adopted by the Centers for Medicare & Medicaid Services. The amendment to this section addresses this omission by striking the old reference and supporting language applicable to the former code.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 25 O.S. § 40 and 63 O.S. § 1-1942

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rules Liaison, Health Policy, Partnerships and Planning, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov.

PUBLIC HEARING:

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hearing date on March 21, 2019, at the same location in room 1102 beginning at 10:00 am.

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COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

James Joslin, Assistant Deputy Commissioner. Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6868, e-mail james@health.ok.gov. Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-71; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 677. NURSE AIDE TRAINING AND CERTIFICATION

[OAR Docket #19-72]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:677-1-2 [AMENDED]
 - 310:677-1-3 [AMENDED]
- Subchapter 3. Nurse Aide Training and Competency Examination Program
 - 310:677-3-4 [AMENDED]
- Subchapter 5. Nurse Aide Registry
 - 310:677-5-2 [AMENDED]
- Subchapter 13. Certified Medication Aides
 - 310:677-13-1 [AMENDED]
- Subchapter 15. ~~Developmentally Disabled Direct~~ ICF/IID Care Aides
 - 310:677-15-1 [AMENDED]
 - 310:677-15-2 [AMENDED]

- 310:677-15-3 [AMENDED]
- 310:677-15-4 [AMENDED]
- 310:677-15-5 [AMENDED]
- Subchapter 17. Residential Care Aides
 - 310:677-17-1 [AMENDED]
- Subchapter 19. Adult Day Care Program Aides
 - 310:677-19-1 [AMENDED]

SUMMARY:

This action proposes to amend numerous sections within this chapter. The current Rule uses the terms "Mental Retardation", "Mentally Retarded" and "Qualified Mental Retardation Professional". These terms are outdated and may be considered disrespectful. This proposal replaces the aforementioned terms with "Individuals with Intellectual Disabilities", "Individuals with Developmental Disabilities", or "Qualified Intellectual Disability Professional". Pursuant to Title 25 O.S. § 40, statutes and administrative rules should avoid language that equates persons with their condition and should replace nonrespectful language by referring to persons with disabilities as persons first. Further, national organizations such as the Americans with Disabilities Act National Network, American Association on Intellectual and Developmental Disabilities and Centers for Medicare and Medicaid encourage use of more respectful language that has gained wide acceptance in recent disability laws.

This action proposes to amend the classification of Developmentally Disabled Direct Care Aides to ICF/IID Care Aides. "ICF/IID" is defined to mean an Intermediate Care Facility for Individuals with Intellectual Disabilities.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104; 25 O.S. § 40 63 O.S. § 1951(B)

COMMENT PERIOD:

February 15, 2019, through March 21, 2019. Persons wishing to make comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 19, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 10 am. In the event of state offices closing due to inclement weather, there will be an alternate hearing date on March 21, 2019, at the same location in room 1102 beginning at 10am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

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services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 21, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSONS:

James Joslin, Assistant Deputy Commissioner. Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6868, e-mail james@health.ok.gov. Spencer Kusi, Agency Policy Coordinator, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail OSDHRules@health.ok.gov

[OAR Docket #19-72; filed 1-25-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 681. MEDICAL MARIJUANA CONTROL PROGRAM

[OAR Docket #19-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- Subchapter 2. Medical Marijuana Licenses [NEW]
- Subchapter 3. Transportation License [NEW]
- Subchapter 4. Medical Research License [NEW]
- Subchapter 5. Commercial Establishments [NEW]
- Subchapter 6. Commercial Facilities [NEW]
- Subchapter 7. Packaging and Labeling [NEW]
- Subchapter 8. Laboratory Testing [RESERVED]
- Appendix A. [RESERVED]

SUMMARY:

This Chapter is proposed to make permanent the sets of emergency rules adopted August 3rd and December 20th, 2018, with amendments. This proposed rule combines emergency rules from multiple adoptions into one comprehensive Chapter and adopted as permanent.

The proposed rulemaking would make permanent the 2018 emergency rules at OAC 310:681 the Department issued to fulfill requirements resulting from the passage of State Question 788, as codified at 63 O.S. § 420A, *et seq.* State Question 788, as codified at 63 O.S. § 420 (C) states that "a regulatory office shall be established under the Oklahoma State Department of Health." Subchapter 1(General Provisions) of the proposed rule establishes an office with the title of the Oklahoma Medical Marijuana Authority and defines

terms and requirements. Subchapter 2 (Medical Marijuana Licenses) establishes processes for the issuance of patient and caregiver licenses authorizing access to medical marijuana and associated products. The subchapter also establishes processes and terms for surrender, renewal and expiration of patient and caregiver licenses. Subchapter 3 (Transportation Licenses) establishes standards for issuance of licenses to qualifying applicants to transport medical marijuana products. Subchapter 4 (Medical Research Licenses) reserves a subchapter of 310:681, pursuant to 63 O.S. § 425A(H). Subchapter 5 of the Chapter establishes rules for licensing of commercial establishments (dispensaries, laboratories, growers, processors and research entities) for the growth, processing and dispensing of medical marijuana. Penalties as established by law at 63 O.S. § 420 *et seq.* are listed in the subchapter. Commercial entities are subject to requirements for inventory tracking, record retention, reporting and audits in the subchapter. Operations of licensed processors are subject to annual, unannounced on-site inspection by the Department. Licensed Processors are required to label and package foods in compliance with Title 21, part 101 of the Code of Federal Regulations, as incorporated in the proposed section of rule (310:681-5-8.1(e)(1) Additionally, licensed processors would be required to test food products containing medical marijuana for microbials, solvent and chemical residue, metals, pesticide residue, potency and contaminants and filth under the proposed rule. Furthermore, the rule clarifies that licensed processors are not relieved of any obligations under existing laws, rules and regulations. The regulations propose optional Hazard Analysis and Critical Control Plans to be adopted by licensed processors. A set of required laboratory testing procedures and allowable thresholds are established for food products containing medical marijuana. Subchapter 6 (Commercial Facilities) establishes general security and construction requirements for licensed commercial entities. Subchapter 7 (Packaging and Labeling) requires standards for packaging and labeling of medical marijuana. Subchapter 8 (Laboratory Testing) reserves a subchapter of 310:681.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104, and 63 O.S. § 420(A) *et seq.*

COMMENT PERIOD:

February 15, 2019 through March 20, 2019. Persons wishing to submit comments may do so in person, by mail, or by email through March 21, 2019 at: Oklahoma State Department of Health, Attn: Agency Rule Liaison, Health Policy, Partnerships and Planning. 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, or OSDHRules@health.ok.gov

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on March 18, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, on the first floor beginning at 10:00 a.m. In the event of state offices closing due to inclement weather, there will be an

alternate hearing date on March 20, 2019, at the same location on the first floor beginning at 10:00a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before March 20, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Spencer Kusi, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; e-mail: OSDHRules@health.ok.gov

[OAR Docket #19-73; filed 1-25-19]

**TITLE 320. OKLAHOMA HISTORICAL SOCIETY
CHAPTER 15. OKLAHOMA HERITAGE PRESERVATION PROGRAM**

[OAR Docket #19-47]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Oklahoma Heritage Preservation Program
[NEW]

SUMMARY:

The proposed new chapter establishes rules for the Oklahoma Heritage Preservation Grant Program per requirements of 53 O.S. Section 413(a). The program will provide financial assistance to cities, counties, nonprofit organizations, and tribal governments to operate and improve the effectiveness of museums and historical organizations. The purpose of the Heritage Preservation Grant Program is to encourage the collecting, preserving, and sharing of Oklahoma history. The proposed rules will address the purpose of the program, eligibility, criteria, and application process.

AUTHORITY:

Heritage Preservation Act; 53 O.S. Section 411-417

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 3:00 p.m. on Monday, March 18, 2019, at the following address: Nicole Harvey, Oklahoma Historical Society, Oklahoma History Center, 800 Nazih Zuhdi Drive, Oklahoma City, OK 73105, or NHarvey@okhistory.org

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Monday, March 18, 2019, at the Oklahoma History Center, 800 Nazih Zuhdi Drive, OKC, OK 73105. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Historical Society, 800 Nazih Zuhdi Drive, Oklahoma City, OK 73105. The proposed rules are also available on the Oklahoma Historical Society's website at <http://www.okhistory.org/grants>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Historical Society at the above address beginning March 1, 2019.

CONTACT PERSON:

Nicole Harvey, Executive Assistant, (405) 522-5202, Nharvey@okhistory.org.

[OAR Docket #19-47; filed 1-24-19]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #19-99]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
365:1-1-4.1. Fees [AMENDED]

SUMMARY:

365:1-1-4.1(27) is amended to comply with 59 O.S. § 4003 A.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1; 59 O.S. § 4003 B.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 22, 2019. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 26, 2019, at 10:00 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 22, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 15, 2019, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Sara A. Worten Assistant General Counsel, (405) 522-6350.

[OAR Docket #19-99; filed 1-25-19]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 10. LIFE, ACCIDENT AND HEALTH

[OAR Docket #19-100]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Minimum Standards; Contract Guidelines
Part 13. Medicare Supplement Insurance Minimum Standards

365:10-5-123. Definitions [AMENDED]

365:10-5-127.1. Benefit standards for 2010 standardized Medicare supplement benefit plan policy or certificates issued for delivery on or after June 1, 2010 [AMENDED]

365:10-5-128.2. Standard Medicare supplement benefit plans for 2010 standardized Medicare supplement benefit plan policies or certificates issued for delivery on or after June 1, 2010 [AMENDED]

365:10-5-128.4. Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issues for Delivery

to Individuals Newly Eligible for Medicare on or After January 1, 2020 [NEW]

365:10-5-132. Filing and approval of policies and certificates and premium rates [AMENDED]

SUMMARY:

The amendment to 365:10-5-123 adds the word "plan" to the defined term "Medicare Advantage".

The amendment to 365:10-5-127.1 is amended to correct the section referenced in 365: 2510-127.1(b)(5)(D).

The amendment to 365:10-5-128.2 adds language to include Standard Medicare Supplement Benefits Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates to benefit Plan G.

365:10-5-128.2A is a new subsection which addresses Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates issued for delivery to individuals newly eligible for Medicare on or after January 1, 2020.

The amendment to 365:10-5-132 adds subsection (g) providing that an issuer will not present a Medicare supplement policy rate structure for filing or approval based on attained age rating as a structure or methodology.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 3611.1

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 22, 2019. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 26, 2019, at 10:00 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 22, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 15, 2019, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address

above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Sara A. Worten Assistant General Counsel, (405) 522-6350.

[OAR Docket #19-100; filed 1-25-19]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 15. PROPERTY AND CASUALTY**

[OAR Docket #19-101]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix C. Excess Consent Rate Application [AMENDED]

SUMMARY:

The amendment to Appendix C deletes the requirement to submit in duplicate with stamped self-addressed envelope as it is not submitted electronically.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 22, 2019. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 26, 2019, at 10:00 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 22, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 15, 2019, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address

above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Sara A. Worten Assistant General Counsel, (405) 522-6350.

[OAR Docket #19-101; filed 1-25-19]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. OTHER LICENSEES**

[OAR Docket #19-102]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Companies

Part 5. Oklahoma Insurance Holding Company System Regulatory Act

365:25-7-28. Acquisition of control; statement filing (Form A) [AMENDED]

Subchapter 9. Prepaid Funeral Benefits

365:25-9-8. Conversion from trust to insurance funded contracts [AMENDED]

Subchapter 15. Captive Insurance Companies Regulation

365:25-15-1.1. Definitions [NEW]

Subchapter 21. Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities

365:25-21-1. Purpose [AMENDED]

365:25-21-2. Scope [AMENDED]

365:25-21-5. Prohibited uses of senior-specific certifications and professional designations [AMENDED]

Subchapter 25. Oklahoma Employee Injury Benefit Act [REVOKED]

365:25-25-1. Purpose [REVOKED]

365:25-25-2. Scope [REVOKED]

365:25-25-3. Authority [REVOKED]

365:25-25-4. Definitions [REVOKED]

365:25-25-5. Election notification to the Oklahoma Insurance Department [REVOKED]

365:25-25-6. Election fee [REVOKED]

365:25-25-7. Written benefit plan [REVOKED]

365:25-25-8. Employee notice [REVOKED]

365:25-25-9. Funding of Qualified Employer's benefit plan, liability, and other insurable risks [REVOKED]

365:25-25-10. Insuring Qualified Employer's benefit plan, liability, and other insurance risk [REVOKED]

365:25-25-11. Self-Funding Qualified Employer's benefit plan, liability, and other insurable risk [REVOKED]

365:25-25-12. Surety bond and irrevocable letter of credit [REVOKED]

365:25-25-13. Release of security deposit [REVOKED]

365:25-25-14. Oklahoma Option Self-Insured Guaranty Fund [REVOKED]

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365:25-25-15. Severability [REVOKED]
Subchapter 30. Professional Employer Organizations
[NEW]
365:25-30-1. Purpose [NEW]
365:25-30-2. Scope [NEW]
365:25-30-3. Authority [NEW]
365:25-30-4. Refusal to register [NEW]

SUMMARY:

The amendment to 365:25-7-28 sets out when the Form A is considered filed with the Oklahoma Insurance Commissioner.

The amendment to 365:25-9-8 deletes subsection (d)(5) to comport with the amended statute.

The amendment to 365:25-15-1.1 is a new rule adding definitions.

The amendments to 365:25-21-1, 365:25-21-2, and 365:25-21-5 include adding Medicare Supplement plans, Medicare Advantage plans, and Medicare Part D Prescriptions plans to the list of products sold in which senior-specific certifications and professional designations cannot be used in the sale, purchase or advice made.

365:25-25-1 through 365:25-25-15 are revoked due to Title 85A O.S. §§ 200-213 being declared unconstitutional by the Oklahoma Supreme Court.

365:25-30-1 through 365:25-30-4 is added to address Professional Employer Organizations.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1435.19, 1641, 6123, 6470.21, Title 36 Article 12; 40 O.S. § 600.4; Title 85A Chapter 2.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 22, 2019. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 26, 2019, at 10:00 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 22, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 15, 2019, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Sara A. Worten Assistant General Counsel, (405) 522-6350.

[OAR Docket #19-102; filed 1-25-19]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 40. HEALTH MAINTENANCE ORGANIZATIONS (HMO)

[OAR Docket #19-103]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
365:40-1-3. Medicaid HMOs [AMENDED]

SUMMARY:

365:40-1-3 is amended to delete 365:40-3-2 from the rule in order to comply with 36 O.S. § 6903.1.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 6903

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 22, 2019. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 26, 2019, at 10:00 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 22, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 15, 2019, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Sara A. Worten Assistant General Counsel, (405) 522-6350.

[OAR Docket #19-103; filed 1-25-19]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #19-83]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Licensing Procedures
380:1-9-5 [NEW]

SUMMARY:

The proposed new rule provides guidelines for low-income applicants for licensure who are seeking a waiver of licensure or certification fees pursuant to 59 O.S. § 4300, which became effective November 1, 2018. The proposed new rule incorporates guidance provided by the Oklahoma Attorney General's Office in Attorney General Opinion 2018-13. The circumstances which created the need for the new rule are that House Bill 2933 was passed by the Legislature during the 2018 session and became effective November 1, 2018 as 59 O.S. § 4300. The statute requires that, "Each administrative body, state agency director or official with authority over any occupational or professional license or certification, and each of the respective examining and licensing boards, shall promulgate rules to implement the provisions of this section." The intended effect of the proposed amendment is to provide guidance to low-income applicants for licensure who are seeking waiver of licensure or certification fees pursuant to 59 O.S. § 4300.

AUTHORITY:

Department of Labor; 40 O.S. § 1; 59 O.S. § 4003

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., March 25, 2019, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

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 by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2019 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #19-83; filed 1-25-19]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 25. BOILER AND PRESSURE
VESSEL RULES**

[OAR Docket #19-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
380:25-1-3 [AMENDED]

SUMMARY:

The proposed rule amendments add an "up to" provision to all fees collected by the Oklahoma Department of Labor under the Boiler and Pressure Vessel Safety Act. The circumstances which created the need for the amendments are that the Oklahoma Department of Labor continually monitors and assesses its revenue and expenditures under the Act and may need to decrease certain fees in the future. The intended effect of the proposed amendments is to give the Oklahoma Department of Labor the ability to decrease certain fees if necessary in order to operate its boiler and pressure vessel division in a revenue neutral fashion.

AUTHORITY:

Department of Labor; 40 O.S. §§ 141.3 and 141.16, Boiler and Pressure Vessel Safety Act

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COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., March 25, 2019, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

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 by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2019 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #19-82; filed 1-25-19]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 75. ALARM AND LOCKSMITH INDUSTRY RULES

[OAR Docket #19-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

380:75-1-2 [AMENDED]

Subchapter 3. License Requirements

380:75-3-3 [AMENDED]

380:75-3-7 [AMENDED]

380:75-3-8 [AMENDED]

380:75-3-9 [AMENDED]

380:75-3-10 [AMENDED]

SUMMARY:

The proposed rule amendments remove the examination requirement for applicants for a salesperson license in the burglar alarm, locksmith, access control, CCTV, and nurse call industries. The amendments also remove the examination requirement for applicants for a CCTV technician license for installation of residential stand-alone CCTV systems designed exclusively for self-monitoring by the end users. The circumstances which created the need for the rule amendments are that the Oklahoma Department of Labor reviewed the Oklahoma Occupational Licensing Advisory Commission's recommendation regarding salesperson licensing in the Alarm, Locksmith and Fire Sprinkler industry and determined that eliminating the testing requirement for specific industries would decrease obstacles to licensure. The Department of Labor also heard from industry participants recommending amendments to CCTV technician licensing for residential stand-alone CCTV systems. The intended effect of the proposed rule amendments is to decrease licensing burdens for industry participants while maintaining public safety by continued use of security background verifications for all applicants and licensees.

AUTHORITY:

Department of Labor; 59 O.S. § 1800.17, Alarm, Locksmith and Fire Sprinkler Industry Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

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 by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2019 at

the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #19-80; filed 1-25-19]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 80. ALTERNATIVE FUELS
PROGRAM**

[OAR Docket #19-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Testing, Certification, and Recertification
380:80-7-10 [AMENDED]

SUMMARY:

The proposed rule amendment increases the amount of time between lapse of a license and the imposition of a late fee and re-testing requirement, from thirty days to one hundred twenty days. The circumstances which created the need for the rule amendment are that the Oklahoma Department of Labor determined that the re-testing requirement following a relatively brief thirty day licensure lapse was unduly burdensome on industry licensees. The intended effect of the proposed rule amendment is to ensure compliance with the licensure requirements of the alternative fuels program while not placing undue burdens on licensees.

AUTHORITY:

Department of Labor; 40 O.S. § 142.1, Alternative Fuels Technician Certification Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 25, 2019, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

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 by

5:00 p.m., March 25, 2019, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 or online at www.ok.gov/odol.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2019 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #19-81; filed 1-25-19]

**TITLE 420. OKLAHOMA LIQUEFIED
PETROLEUM GAS BOARD
CHAPTER 10. LIQUEFIED PETROLEUM
GAS ADMINISTRATION**

[OAR Docket #19-42]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 420:10-1-5. Permits [AMENDED]
- 420:10-1-6. Application for certificate or permit [AMENDED]
- 420:10-1-8. Processing and handling of applications and examinations [AMENDED]
- 420:10-1-9. Issuing of certificates of permits [AMENDED]
- 420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]
- 420:10-1-16. Training schools [AMENDED]

SUMMARY:

The proposed rule amendments to 420:10-1-5 would clarify that all transport drivers employed by a Class II and Class III permit holder are required to obtain a fuel handlers card. The annual filing fee for the fuel handler card is set at \$10.00 in order to defray administrative processing costs. Clarifying language was added to the section addressing truck, trailer or cargo tank inspections. Antiquated language was stricken and new language was added to better clarify the inspection requirements.

The proposed rule amendments to 420:10-1-6 would delete antiquated language regarding how filing fees are paid and add clarifying language that a filing fee is to be submitted with any new permit fee.

The proposed rule amendments to 420:10-1-8 would place authority with the Administrator to review the Class I and Class

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X examination questions and the Board would then provide final approval. Language was added to provide the Board with the authority to approve procedures for applicants to review their examination papers.

The proposed rule amendments to 420:10-1-9 would strike antiquated language regarding a requirement that permit holders furnish the board with a written list of all places in which the holder(s) intends to engage in the business in the State. Subsequent subheadings were then renumbered accordingly.

The proposed rule amendments to 420:10-1-14 would strike antiquated language regarding a Container charging requirement. The container charging requirement for DOT cylinders with water capacity less than 300 pounds is already addressed in applicable Federal regulations. The Administration's inspection fee for reinstalled underground containers would increase from \$25.00 to \$100.00. New language was added to require any person performing an installation of an underground container to have completed Board approved Cathodic Protection training prior to performing an installation. Subheadings were renumbered accordingly.

The proposed rule amendments to 420:10-1-16 would clarify the requirements for obtaining a fuel handlers card and specifies that the qualifications must be demonstrated per CFR 49 requirements for transporting LP Gas.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H).

COMMENT PERIOD:

Persons wishing to submit written comments must do so before 10:00 a.m. on March 20, 2019. Written comments should be submitted to Larry Snodgrass, Oklahoma Liquefied Petroleum Gas Administration, 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118 or by email to Larry.Snodgrass@lpgas.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to orally present their views at 10:00 a.m. on Wednesday, March 20, 2019, at 3815 N. Santa Fe, Suite 117, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollars 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 up to March 20, 2019, in writing to Larry Snodgrass, at the above address, or by email at Larry.Snodgrass@lpgas.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at <https://lpgas.ok.gov> and copies may be obtained by written request mailed to the attention of Larry Snodgrass at the

Oklahoma Liquefied Petroleum Gas Administration's office located at 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118, or emailed to Larry.Snodgrass@lpgas.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and available for review on and after March 1, 2019, at the above addresses for the Oklahoma Liquefied Petroleum Gas Administration.

CONTACT PERSON:

For information regarding the proposed rulemaking contact Larry Snodgrass, Administrator, at 405-521-2458 or Larry.Snodgrass@lpgas.ok.gov.

[OAR Docket #19-42; filed 1-24-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #19-104]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

475:1-1-1. Purpose [AMENDED]

Subchapter 5. Administrative Actions

475:1-5-7. Official transcript; index; corrections
[AMENDED]

475:1-5-10. Final order [AMENDED]

475:1-5-11. Surrender of Registration in Lieu of
Administrative Action [AMENDED]

SUMMARY:

The proposed rule amendments update the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control's (OBNDD) statutory enforcement authority and removes outdated language. The amendments allow a party to an administrative hearing to make written request for a copy of testimony/exhibits and require that any reportable action taken as a result of a Final Order from an administrative hearing or an Agreed Order be reported to the National Practitioner Data Bank as required by federal law. The proposed rule amendments allow registrants who surrendered an OBNDD registration to reapply within six (6) months from the date of surrender as opposed to one (1) year and clarifies that any registrant who surrenders an OBNDD registration in lieu of further administrative action shall be reported to the National Practitioner Data Bank as required by federal law. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND D website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.

[OAR Docket #19-104; filed 1-25-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 10. REQUIREMENTS FOR REGISTRATION**

[OAR Docket #19-105]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:10-1-3. Exemption from registration or payment of fees [AMENDED]

- 475:10-1-4. Separate registration [AMENDED]
- 475:10-1-5. Exemptions of agents and employees [AMENDED]
- 475:10-1-9. Application for registration pursuant to Title 63 Okl.St. Ann § 2-302 [AMENDED]
- 475:10-1-10. Application notices for registration and re-registration [AMENDED]
- 475:10-1-11. Operational protocols [AMENDED]
- 475:10-1-12. Filing of application [AMENDED]
- 475:10-1-18. Certificate of ~~registration~~Registration—form [AMENDED]
- 475:10-1-20. Modification of registration [AMENDED]
- 475:10-1-22. Termination of registration [AMENDED]

SUMMARY:

The proposed rule amendments require a fee exemption be requested at the time of application submission. The proposed rules give persons/entities registered with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBND D) to manufacture any controlled dangerous substances (CDS) listed in Schedules I through V the ability to conduct chemical analysis and preclinical research with the CDS listed in those schedules in which they are authorized to manufacture. The proposed rules require limited practitioners to report any new or additional locations of employment to OBND D. The proposed rules clarify the inclusion of entities, and allows a thirty (30) day grace period before an expired registration is inactivated. The proposed rules specify where a registrant may obtain an application, what to include in the application, how notification will be provided prior to expiration, and when directions to a business location must be included. The proposed rules remove operational protocol requirements for canine handlers, updates federal and state entities involved in scientific research, analytical laboratory activities, or institutional instructional activities. The rule changes also specify the Certificate of Registration shall contain any limitation or condition placed on the registration. The proposed rules reduce the documentation required for a modification of registration. The proposed rules require any registrant who no longer holds a valid Oklahoma license of the profession or occupation to notify the OBND D Director within fourteen (14) days of such fact. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105.

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Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnDD/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-105; filed 1-25-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 15. IMMINENT DANGER SUSPENSION

[OAR Docket #19-106]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:15-1-1. Purpose [AMENDED]

SUMMARY:

The proposed rule amendment provides for language that is consistent with rules and statute by renaming a "narcotics" registration to a "controlled dangerous substances" registration. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following

address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnDD/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-106; filed 1-25-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 20. SECURITY REQUIREMENTS

[OAR Docket #19-107]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:20-1-3. Physical security controls for nonpractitioners; storage areas [AMENDED]

475:20-1-4. Physical security controls for nonpractitioners; manufacturing areas [AMENDED]

475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]

SUMMARY:

The proposed rule amendments exempt Schedule I medical marijuana registrants from the Code of Federal Regulations security controls. The proposed rules provide the required physical security controls for Schedule I medical marijuana retail storage areas, growers, processors, packagers, and manufacturers. The proposed rule amendments clarify that before distributing a controlled dangerous substance (CDS), all registrants must make a good-faith inquiry with the appropriate licensing entity to determine if a person is registered to possess CDS. The amendments also provide that Schedule I medical marijuana transit shall be in conformance with the rules set forth by the Oklahoma State Department of Health. The proposed rule amendments exempt Schedule I medical marijuana registrants, employees, and agents from the criminal history limitations set forth in statute, and instead subjects Schedule I medical marijuana registrants, employees, and agents to 63 Okl.St. Ann. §420A et seq. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND D website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-107; filed 1-25-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 25. RECORDS AND REPORTS OF REGISTRANTS**

[OAR Docket #19-108]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 475:25-1-2. General Information [AMENDED]
- 475:25-1-3. Persons required to keep records and file reports [AMENDED]
- 475:25-1-4. Maintenance of records and inventories [AMENDED]
- 475:25-1-9. Inventories of manufacturers [AMENDED]
- 475:25-1-10. Inventories of distributors [AMENDED]
- 475:25-1-14. Records for manufacturers [AMENDED]
- 475:25-1-15. Records for distributors [AMENDED]
- 475:25-1-16. Records of scientific researchers [AMENDED]
- 475:25-1-17. Records of ~~scientific analyst~~ analytical laboratory activities [AMENDED]

SUMMARY:

The proposed rule amendments provide the same requirements set forth in the rules of the Oklahoma State Department of Health for maintenance of records, reports, and inventory tracking. The proposed rules require records to be readily retrievable. The proposed rules clarify the information required to be maintained in patient records to include the patient's chief complaint, and diagnostic and medical procedure reports. The proposed rule amendments also allow quantitative and qualitative analysis to be conducted on samples. Samples no longer have to be anonymous. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419

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NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnDD/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-108; filed 1-25-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 30. LABELING REQUIREMENTS

[OAR Docket #19-109]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:30-1-1. Purpose [AMENDED]

475:30-1-4. Manner of issuance of prescriptions [AMENDED]

475:30-1-5. Dispensing of narcotic drugs during scientific research [AMENDED]

475:30-1-7. Partial filling of Schedule II prescriptions [AMENDED]

475:30-1-11. Refilling of prescriptions; issuance of multiple prescriptions [AMENDED]

475:30-1-12. Partial filling of Schedules III, IV, and V prescriptions [AMENDED]

SUMMARY:

The proposed rule amendments provide that labeling for Schedule I medical marijuana shall be in accordance with rules promulgated by the Oklahoma State Department of Health. The proposed rules allow the issuance of a second opioid prescription no less than seven (7) days after the initial prescription. The second opioid prescription shall not exceed seven (7) days. This rule allows practitioners who perform a major surgical procedure, and those practitioners who have patients who are "confined to home" as defined in 42 U.S.C. §1395n(a), to issue the second prescription on the same day as the first prescription. The second prescription shall have written instructions indicating the earliest date on which the prescription may be filled (i.e. "do not fill until" date). The proposed rules update the entity that approves the scientific protocol in conjunction with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The proposed rules mirror federal law to allow for the partial fill of Schedule II controlled dangerous substance prescriptions (CDS) if requested by the patient or practitioner except as otherwise prohibited by law or rule. The proposed rules mirror federal law to allow for the issuance of multiple prescriptions of Schedule II CDS except as otherwise prohibited by law or rule. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419

NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnidd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-109; filed 1-25-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 35. TRANSFER AND DISPOSAL OF CONTROLLED DANGEROUS DRUGS**

[OAR Docket #19-110]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 475:35-1-3. Distribution upon discontinuance or transfer of business [AMENDED]
- 475:35-1-4. Procedure for disposing of controlled dangerous substances [AMENDED]

SUMMARY:

The proposed rule amendments provide that disposal for Schedule I medical marijuana shall be in accordance with the Uniform Controlled Dangerous Substances Act and the rules of the Oklahoma Department of Environmental Quality. The proposed rules require registrants who discontinue or transfer business and registrants who receive controlled dangerous substances due to a discontinuance or transfer of business to file a copy of the inventory with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Transfers of Schedule I medical marijuana will not require the use of forms in accordance with the Code of Federal Regulations. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State

Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnidd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-110; filed 1-25-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 40. ENFORCEMENT AND ADMINISTRATIVE INSPECTIONS**

[OAR Docket #19-111]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 475:40-1-2. Authority to make inspections [AMENDED]

SUMMARY:

The proposed rule amendment provides that Schedule I medical marijuana registrants are subject to administrative inspections that shall include, but not be limited to, inspecting, copying, and verifying the correctness of records, reports, or

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other documents required to be kept pursuant to the Oklahoma State Department of Health and other applicable state statutes and rules. The proposed rule also elucidates that practitioner patient records are included in administrative inspections. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND D website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-111; filed 1-25-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL

CHAPTER 45. OKLAHOMA CONTROL REPORTING REQUIREMENTS

[OAR Docket #19-112]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:45-1-4. Waiver of electronic submissions [AMENDED]

475:45-1-6. Failure to report [AMENDED]

SUMMARY:

The proposed rule amendments remedy an oversight relating to the ability of pharmacies to submit Schedule IV controlled dangerous substance prescription data in paper format with an approved waiver from the Director. The proposed rules clarify that pharmacies or dispensing practitioners must correct inaccuracies within information reported to the central repository or be subject to administrative action. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace,

Oklahoma City, OK 73105, or on the OBND D website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-112; filed 1-25-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 50. ANIMAL CONTROL OFFICERS**

[OAR Docket #19-113]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:50-1-2. Qualification for Registration/Required Training [AMENDED]

SUMMARY:

The proposed rule amendment adjusts the training requirement for animal control officers as to allow them to complete a certification course meeting the standards set by the state association or equivalent curriculum approved by the Oklahoma State Bureau of Narcotics and Dangerous Drug Control Director. Other nonsubstantive changes to correct unclear language or formatting errors are included.

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5 pm on March 18, 2019, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on March 25, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Each person will be allowed a maximum of five (5) minutes to speak. Anyone who wishes to speak must sign in by 9:30 am.

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 before 5 pm on March 18, 2019, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBND D website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2019.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and website beginning on March 1, 2019.

CONTACT PERSON:

Sunne Riedel Day, Deputy General Counsel, (405) 521-2885, or sday@obn.state.ok.us.

[OAR Docket #19-113; filed 1-25-19]

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

[OAR Docket #19-84]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Pharmacies
 - 535:15-3-9. Non-resident pharmacies [AMENDED]
 - 535:15-3-11. Prescription drugs [AMENDED]
 - 535:15-3-12.1. Electronic transfer of prescription refill information [AMENDED]
 - 535:15-3-21. Prescription fill, refill and partial fill records and reports [AMENDED]
- Subchapter 5. Hospital Pharmacies
 - 535:15-5-2. Definitions [AMENDED]
 - 535:15-5-7.2. Supervision of pharmacy technicians [AMENDED]
 - 535:15-5-7.3. Auxiliary supportive personnel tasks [AMENDED]
 - 535:15-5-7.4. Pharmacy technician tasks [AMENDED]
- Subchapter 10. Good Compounding Practices
 - Part 3. Good Compounding Practices for Sterile Preparations
 - 535:15-10-52. Pharmacist responsibilities [AMENDED]
 - Part 5. Handling Hazardous Drugs in a Pharmacy [NEW]
 - 535:15.10.73. Purpose [NEW]
 - 535:15-10-74. Definitions [RESERVED]

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- 535:15-10-75. Categories of Involvement [NEW]
- 535:15-10-76. Pharmacy List of Hazardous Drugs [NEW]
- 535:15-10-77. Responsibilities of Personnel Handling Hazardous Drugs [NEW]
- 535:15-10-78. Pharmacy and Engineering Controls [NEW]
- 535:15-10-79. Personal Protective Equipment [NEW]
- 535:15-10-80. Hazard Communication Program [NEW]
- 535:15-10-81. Personnel Training [NEW]
- 535:15-10-82. Receiving and Storage [NEW]
- 535:15-10-83. Labeling, Packaging, Transport, and Disposal [NEW]
- 535:15-10-84. Dispensing Final/Finished Dosage Forms [NEW]
- 535:15-10-85. Compounding, Nonsterile [NEW]
- 535:15-10-86. Compounding, Sterile [NEW]
- 535:15-10-87. Deactivating, Decontaminating, Cleaning, and Disinfecting [NEW]
- 535:15-10-88. Spill Control [NEW]
- 535:15-10-89. Documentation [NEW]
- 535:15-10-90. Hazardous Waste [NEW]
- 535:15-10-91. Medical Surveillance [NEW]
- Subchapter 13. Pharmacy Supportive Personnel
- 535:15-13-5. Supervision of pharmacy technicians [AMENDED]
- 535:15-13-6. Duties [AMENDED]
- 535:15-13-7. Prohibited duties [AMENDED]
- 535:15-13-13. Pharmacy technician training [AMENDED]

SUMMARY:

The revision in 535:15-3-9 (c) (3) adds to non-resident pharmacy rules that no pharmacist may serve as pharmacist in charge in more than one pharmacy at a time.

The revision in 535:15-3-11 (c) adds the words "shipping to a reverse distributor for" to "destruction or by being returned to the supplier" to clarify the rule.

The revision in 535:15-3-12.1. adds the ability of a permitted technician to do an electronic transfer of prescription refill information where there is a common electronic file.

The three revisions in 535:15-3-21 (d) (1) (C), 535:15-3-21 (d) (2) (A) and 535:15-3-21 (d) (3) correct the CFR cite to CFR 1306.22.

The revision in 535:15-5-2 removes the "Certified pharmacy technician" definition from the hospital pharmacy rules and adds "and direct" after "immediate supervision" in the Pharmacy technician definition.

The revision in 535:15-5-7.2 (a) adds the words "and direct" to supervision of pharmacy technicians.

The revision in 535:15-5-7-2 (e) changes the technician ratio from to not exceed two to five; and adds a reference to the rule regarding technician ratio for sterile compounding which is limited to two technicians per supervising pharmacist.

The revision in 535:15-5-7.3. (a) (2) removes "data entry" from auxiliary supportive (non-technician) tasks and is being moved to technician tasks in 535:15-5-7.4 (a) (13).

The revision in 535:15-5-7.4 (a) (6) (A) - (C) adds that a pharmacy technicians may fill modified unit dose distribution

systems, automated dispensing systems and/or unit dose distribution systems, without a final check by the pharmacist, when certain processes, policy and procedures, and controls are in place.

The revision in 535:15-5-7.4 (a) (6) (D) adds the ability for pharmacy technicians to transport non-CDS stock to a licensed drug room to fill an automated dispensing system in certain circumstances.

The revision in 535:15-5-7.4 (a) (10) removes (A) and (B) describing functions/limitations that a pharmacy technician may perform in a hospital pharmacy since these requirements since are replaced with the rule 535:15-10-52 (d).

The revision in 535:15-5-7.4 (a) (10) removes (C) which described functions / limitations that a certified pharmacy technician may perform in a hospital pharmacy since rules are now included in Subchapter 10 compounding rules for sterile products/preparations.

The revision in 535:15-5-7.4 (a) (13) adds data entry to technician tasks.

The revision in Part 3. Good Compounding Practices for Sterile Preparations, 535:15-10-52 (e) adds that the pharmacy technician ratio shall not exceed two technicians for one supervising pharmacist on duty when compounding sterile preparations.

Added is the new Part 5. Handling Hazardous Drugs in a Pharmacy to Subchapter 10 Good Compounding Practices. Rule 535:15-10-73 describes the purpose for the rules for handling hazardous drugs in a pharmacy.

Rule 535:15-10-74 is reserved for definitions.

Rule 535:15-10-75 includes pharmacy rules for categories of involvement for handling hazardous drugs.

Rule 535:15-10-76 includes pharmacy rules for the pharmacy list of hazardous drugs and assessment of risk or containment strategies and work practices.

Rule 535:15-10-77 describe the responsibilities of personnel handling hazardous drugs in and for the pharmacy.

Rule 535:15-10-78 describe required pharmacy and engineering controls regarding hazardous drugs in a pharmacy.

Rule 535:15-10-79 describe personal protective equipment required in a pharmacy for hazardous drugs.

Rule 535:15-10-80 describe requirements for standard operating procedures to ensure worker safety and training during all aspects of hazardous drug handling. These rules describe requirements for hazardous drug communication. These rules describe SOP's for hazardous drug training.

Rule 535:15-10-81 describe training requirements for all personnel regarding hazardous drugs.

Rule 535:15-10-82 describe requirements for the pharmacy standard operating procedure for receiving and storage of hazardous drugs, including requirements if the shipping container appears damaged and/or such damaged container must be opened.

Rule 535:15-10-83 describe the requirements for pharmacies standard operating procedures regarding labeling packaging, transport, and disposal of hazardous drugs.

Rule 535:15-10-84 describe requirements for pharmacies dispensing final / finished dosage form of hazardous drug or hazardous drug products.

Rule 535:15-10-85 describe requirements for pharmacies compounding non-sterile hazardous drugs.

Rule 535:15-10-86 describe requirement for pharmacies compounding sterile hazardous drugs.

Rule 535:15-10-87 describe requirements for pharmacies regarding hazardous drugs regarding deactivating, decontamination, cleaning and disinfecting.

Rule 535:15-10-88 describe requirements for spill control standard operating procedures and spill kit requirements.

Rule 535:15-10-89 describe documentation in standard operating procedures and requirement for safety data sheets regarding hazardous drugs.

Rule 535:15-10-90 describe rules for disposal of hazardous drug waste and required standard operating procedures.

Rule 535:15-10-91 describe rules for medical surveillance regarding hazardous drugs and follow-up plans.

Rule 535:15-13-5 (c) increases the pharmacy technician ratio to no more than "five" to one supervising pharmacist on duty from "two".

New rule 535:15-13-5 (d) sets a ratio of "two" pharmacy technicians to a supervising pharmacist on duty for compounded sterile preparations.

The old 535:15-13-5 (d) is renumbered to (e).

The old 535:15-13-5 (e) is renumbered to (f).

The revision in 535:15-13-6 (a) (2) removes "data entry" from tasks that can be performed by auxiliary personnel. That duty is moved to technician duties in 535:15-13-6 (b) (10).

The revision removes the pharmacy technician limitations in 535:15-13-6 (b) (7)

The revision renumbers 535:15-13-6 (b) the old (8) to (7).

The revision renumbers 535:15-13-6 (b) the old (9) to (8).

The revision renumbers 535:15-13-6 (b) the old (10) to (9).

The revision in 535:15-13-6 (b) adds (10) data entry and initial order entry of prescriptions.

The revision in 535:15-13-6 (b) (11) adds to technician duties that they may clarify non-CDS prescription. If omitted, the date, quantity, route of administration, and the number of refills may be added to a prescription after confirming with the prescriber or prescriber's authorized agent. Such clarification shall be notated by the technician on the back of the prescription.

The revision in 535:15-13-7 (a) (5) removes the requirement that only the pharmacy may prepare multi-ingredient, non-repetitive, cytotoxic or experimental drug IV's, enteral or other sterile multi-ingredient medication, and the pharmacist shall be responsible for weighing, measuring and calculating ingredients for sterile compounded preparations because these rules for sterile compounding are now in Subchapter 10.

The revisions in 535:15-13-7 (a) (6) through 535:15-13-7 (a) (8) are renumbered to 535:15-13-7 (a) (5) through 535:15-13-7 (a) (7).

The revision in 535:15-13-13 (a) (3) (D) removes "Pharmacy technician applicants shall not have fully received their permits until they have completed Phase II of pharmacy technician training", as that is covered in 535:15-13-13 (a) (3) (C) and (D).

The revision in 535:15-13-13 (e) adds "The annual training must include the pharmacy technician law exam provided by the Board and drug diversion training" to the rule.

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 February 15, 2019 through March 18, 2019, at 3:00 p.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 19, 2019, at 10:00 a.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 March 18, 2019, at 3:00 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 February 15, 2019, 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:

Dorothy Gourley, 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 #19-84; filed 1-25-19]

Notices of Rulemaking Intent

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

[OAR Docket #19-85]

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 (m) adds that a third-party logistics provider cannot be in the same location as a wholesale distributor.

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 February 15, 2019 through March 18, 2019, at 3:00 p.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 19, 2019, at 10:00 a.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 March 18, 2019, at 3:00 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, 2019, 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:

Dorothy Gourley, 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 #19-85; filed 1-25-19]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[OAR Docket #19-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 2. Application for Initial Driver License

595:10-1-2. General information [AMENDED]

595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]

595:10-1-5. Graduated driver license; persons under eighteen (18) years of age [AMENDED]

Part 3. Driver License Renewal

595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]

595:10-1-12. Oklahoma licensee temporarily residing out of the state [AMENDED]

Part 5. Driver License Replacement

595:10-1-18. Procedure for obtaining a replacement driver license [AMENDED]

595:10-1-19. Oklahoma licensee temporarily residing out of the state [AMENDED]

Part 7. Identification Cards

595:10-1-25. Procedure for obtaining an identification card [AMENDED]

595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]

595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]

Part 13. Motor License Agents

595:10-1-50. Identification required [AMENDED]

595:10-1-56. Renewal of driver license or identification cards [AMENDED]

595:10-1-57. Replacement of driver license or identification card [AMENDED]

Part 19. Driver License and Identification Card Content

595:10-1-92. Driving restriction codes [AMENDED]

Part 21. Identity Verification Unit

595:10-1-101. Identity fraud or theft [AMENDED]

Subchapter 5. Medical Aspects

Part 1. Medical conditions

595:10-5-4. Applicability [AMENDED]

595:10-5-7. Vision standards and problems [AMENDED]

Subchapter 11. Certified Schools and Designated Class D Examiners

595:10-11-3. Definitions [AMENDED]

595:10-11-5. Requirements for certification as a designated examiner; display of certificate; certification renewal [AMENDED]

595:10-11-7. Examination requirements and standards [AMENDED]

595:10-11-12. Prescribed forms [AMENDED]

Subchapter 13. Parent-Taught Driver Education

595:10-13-5. Requirements for parents and students [AMENDED]

SUMMARY:

The changes in 595:10-1-2 update the phone number for the DPS Driver License Services Division. The reason for this change is for accuracy of information. The changes in 595:10-1-3 update the procedures for obtaining an initial driver license to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-5 change the word "affidavit" to "application" and clean up other language. The reason for this change is for accuracy of information. The changes in 595:10-1-10 update the procedures for renewing a driver license to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595-1-12 update the procedures for renewing a driver license by mail to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-18 update the procedures for replacing a driver license to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-19 update the procedures for replacing a driver license by mail to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-25 update the procedures for obtaining an initial identification card to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-26 update the procedures for renewing an identification card to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-27 update the procedures for replacing an identification card to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-50 update identification required when applying for a renewal or replacement driver license or ID card to meet the requirements for REAL ID implementation. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-56 allow motor license agents to invalidate certain cards by cutting the lower right corner of the card being replaced and allow a REAL ID-certified motor license agent to verify legal presence for a non-commercial license holder who is expired for more than

one year. The reason for this change is for compliance with federal regulations. The changes in 595:10-1-57 modify the motor license agent procedures to allow the invalidating of certain driver license cards by cutting the lower right corner of the card being replaced or punch a hole through the driver license number. The reason for this change is to update our procedure. The changes in 595:10-1-92 change existing driver license restriction codes to conform to American Association of Motor Vehicle Administrators (AAMVA) standards. The reason for this change is to conform to AAMVA standards. The changes in 595:10-1-101 update our procedure regarding identity theft and fraud restriction codes. The reason for this change is to match our modernization process. The changes in 595:10-5-4 allow a validly licensed CDL driver, who has a medical deficiency, to continue to operate a CDL vehicle via medical waiver issued by DPS following the review of the driver's experience and motor vehicle record. The reason for this change is to eliminate the grandfathering date of June 12, 1989 referenced in the rule prior to this amendment. The changes in 595:10-5-7 change the method in which physicians will measure each eye of an individual for visual acuity and peripheral vision to reflect the finding in each eye, rather than the measurement when both eyes are measured together. The reason for this change is to ensure that all licensed drivers meet the proper visual standards. The changes in 595:10-11-3 add "parent-taught driver education course" to the definition of Driver Education. The reason for this change is for accuracy of information. The changes in 595:10-11-5 change requirements to allow former state driver license examiners to qualify for certification as a designated examiner without having to be a commercial driver education instructor. The reason for this change is to allow former state driver license examiners to become designated examiners. The changes in 595:10-11-7 adds rules concerning the examination of applicants by a designated examiner. The reason for this change is to ensure that the Department has all necessary information regarding the examination of applicants by designated examiners. The changes in 595:10-11-12 updates where designated examiners can obtain DPS forms. The reason for this change is for accuracy of information. The changes in 595:10-13-5 change the word "affidavit" to "application" and clean up other language. The reason for this change is for accuracy of information.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 9:00 A.M., Tuesday, March 19th, in classroom F, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.ok.gov> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

CONTACT PERSON:

Sheridan O'Neal, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2761. E-mail: sheridan.oneal@dps.ok.gov

[OAR Docket #19-89; filed 1-25-19]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 11. COMMERCIAL DRIVER LICENSES

[OAR Docket #19-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Commercial Driver Licensing
- Part 2. Application for Initial Driver License
- 595:11-1-11. General information [AMENDED]
- 595:11-1-12. Procedures for obtaining an initial commercial driver license [AMENDED]
- 595:11-1-14. Adoption by reference [AMENDED]
- Subchapter 3. Examination
- 595:11-3-8. Skills examination [AMENDED]
- Subchapter 5. Commercial Driver License Third-Party Examiners
- 595:11-5-7. Skills examination requirements and standards [AMENDED]
- 595:11-5-9. Failed examination and reexamination [AMENDED]
- 595:11-5-14. Official seal, Map, and CDL Examiners Manual [AMENDED]
- Subchapter 7. Truck Driver Training
- 595:11-7-3. School licenses and instructor permits [AMENDED]
- 595:11-7-4. Qualifications for instructors [AMENDED]

595:11-7-9. Prescribed course of study [AMENDED]

SUMMARY:

The changes in 595:11-1-11 update contact information for the purpose of accuracy of information. The change in 595:11-1-12 removes the need for prior approval for additional driver license number changes as it has been decided that this is no longer necessary. The change in 595:11-1-14 corrects the phone number for the Oklahoma Trucking Association for the purpose of accuracy of information. The changes in 595:11-3-8 updates firefighter testing rules in order to be in compliance with FMCSA regulations. The change in 595:11-5-7 updates the time period from 24 hours to 2 business days for a retest in order to be in compliance with FMCSA regulations. The changes in 595:11-5-9 update language to match federal regulations for third-party examiner retesting in order to be in compliance with FMCSA. The changes in 595:11-5-14 assure that third-party examiners keep their score sheets secure for the purpose of confidentiality. The changes in 595:11-7-3 adds equipment leases to our file. The purpose of this change is to ensure that the leases are being insured. The changes in 595:11-7-4 add DOT medical cards to the required qualifications in order to be in compliance with the DOT medical card rule. The changes to 595:11-7-9 add Truckers Against Trafficking to the curriculum in order to be in compliance with state statute.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10:00 A.M., Tuesday, March 19th, in classroom F, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.ok.gov/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

CONTACT PERSON:

Sheridan O'Neal, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2761. E-mail: sheridan.oneal@dps.ok.gov

[OAR Docket #19-90; filed 1-25-19]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 25. WRECKERS AND TOWING SERVICES**

[OAR Docket #19-91]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 595:25-1-2. Definitions [AMENDED]
- Subchapter 3. Wrecker License
- 595:25-3-1. General requirements [AMENDED]
- Subchapter 5. All Wrecker Operators
- 595:25-5-1. Physical requirements for storage facility [AMENDED]
- 595:25-5-2. Equipment requirements for all classes of wrecker vehicles [AMENDED]
- 595:25-5-3. Operation [AMENDED]

SUMMARY:

The changes in 595:25-1-2 define the required capabilities for class AA wreckers for the purpose of clarification. The changes in 595:25-3-1 more clearly define the training and continuing education requirements to be licensed for the purpose of clarification. The changes in 595:25-5-1 define the requirements for types of storage facilities for the purpose of clarification. The changes in 595:25-5-2 update equipment requirements for wreckers, clean up language, and remove an outdated rule for the purpose of clarification and accuracy of information. The purpose of these changes is to inform new operators of what kind of equipment that is needed. The changes in 595:25-5-3 add language to clarify how to secure personal property in a stored vehicle. The purpose of this change is for clarification. Language was also added to prohibit taking or sharing crash scene photos that would include certain identifiers. The purpose of this change is to protect private and sensitive information.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:00 P.M., Tuesday, March 19th, in classroom F, of the

Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.ok.gov/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

CONTACT PERSON:

Sheridan O'Neal, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2761. E-mail: sheridan.oneal@dps.ok.gov

[OAR Docket #19-91; filed 1-25-19]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 30. SIZE AND WEIGHTS PERMITS**

[OAR Docket #19-92]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Size and Weight Permit Load
- 595:30-3-2. A permit is a legal document; permit types [AMENDED]
- 595:30-3-5. Method of placing permit in suspension where conditions exist beyond the control of the permittee [AMENDED]
- 595:30-3-8. Provisional permit book [REVOKED]
- 595:30-3-9. Suspension of permits obtained by provisional method [REVOKED]
- 595:30-3-13. Governmental agencies [AMENDED]
- 595:30-3-17. Requirements for escort vehicles and escort vehicle operators [AMENDED]
- 595:30-3-19. Manufactured homes and industrialized housing [AMENDED]
- 595:30-3-21. Industrialized housing, houses, and buildings [AMENDED]
- 595:30-3-22. Agriculture permits [AMENDED]

Notices of Rulemaking Intent

Subchapter 5. Special Combination Vehicles

595:30-5-7. Weight [AMENDED]

Subchapter 9. National and Regional Permits

595:30-9-1. Regional Permits [AMENDED]

SUMMARY:

The changes in 595:30-3-2 clean up language for the purpose of accuracy of information and removing redundancies. The changes in 595:30-3-5 update information regarding requesting reinstatement of a permit. The reason for this change is for accuracy of information. 595:30-3-8 and 595:30-3-9 are revoked because SB982 abolished the provisional permitting system. The changes in 595:30-3-13 clean up language and update telephone numbers for the purpose of clarity and accuracy of information. The changes in 595:30-3-17 update and clean up language for the purpose of clarity and accuracy of information. There is also a change requiring escort vehicle operators to carry their driver license and escort certification on their person and present them for inspection at the request of any law enforcement officer. This change is for ease of enforcement. The change in 595:30-3-19 changes wording from "overlength" to "overwidth" permit. This change is for the purpose of clarity and accuracy of information. The change in 595:30-3-21 specifies dimensions. This change is for clarity. The changes in 595:30-3-22 add and clean up language for the purpose of clarity and accuracy of information. The change in 595:30-5-7 updates the relevant statute for the purpose of accuracy of information. The change in 595:30-9-1 updates the telephone number for the purpose of accuracy of information.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 2:00 P.M., Tuesday, March 19th, in classroom F, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.ok.gov/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

CONTACT PERSON:

Sheridan O'Neal, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2761. E-mail: sheridan.oneal@dps.ok.gov

[OAR Docket #19-92; filed 1-25-19]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY

CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT

[OAR Docket #19-93]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

595:35-1-10. Administrative penalty assessment guidelines [AMENDED]

595:35-1-12. Department of Public Safety port of entry officers [AMENDED]

SUMMARY:

The changes in Section 35-1-10 remove errors and correct amounts. The purpose of these changes is to clean up the errors and to be congruent with current state statute. The changes in Section 35-1-12 correct errors regarding statute citations. The purpose of these changes is to clean up the errors.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 3:00 P.M., Tuesday, March 19th, in classroom F, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor,

professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.ok.gov/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

CONTACT PERSON:

Sheridan O'Neal, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2761. E-mail: sheridan.oneal@dps.ok.gov

[OAR Docket #19-93; filed 1-25-19]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT**

[OAR Docket #19-94]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Driver Education Instruction
- 595:40-1-4. Qualifications for instructors [AMENDED]
- 595:40-1-6. Review of license and school [AMENDED]
- 595:40-1-16. Prohibited acts; conduct [AMENDED]

SUMMARY:

The changes in 595:40-1-4 add a qualification to the list for commercial school driver education instructors. Five years of law enforcement experience plus an Instructor Development course certification is now one of the options. The changes in 595:40-1-6 require driver education schools to respond to Department of Public Safety requests for review. The changes in 595:40-1-16 add rules of conduct for driver education schools.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 11:00 A.M., Tuesday, March 19th, in classroom F, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.ok.gov/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

CONTACT PERSON:

Sheridan O'Neal, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2761. E-mail: sheridan.oneal@dps.ok.gov

[OAR Docket #19-94; filed 1-25-19]

**TITLE 752. UNIVERSITY HOSPITALS AUTHORITY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #19-78]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 752:1-1-1. Purpose and scope [AMENDED]
- 752:1-1-2. Definitions [AMENDED]
- 752:1-1-5. Organization [AMENDED]
- 752:1-1-6. Location for information and for filing [AMENDED]
- 752:1-1-7. Records [AMENDED]
- 752:1-1-8. Forms and instructions [REVOKED]
- Subchapter 3. General Operations of the University Hospitals
- 752:1-3-1. Official office [REVOKED]
- 752:1-3-2. Meetings of the Authority [AMENDED]
- 752:1-3-3. Executive sessions [REVOKED]
- 752:1-3-4. Notice of meeting [REVOKED]
- 752:1-3-5. Agenda items [REVOKED]
- Subchapter 5. Administrative Rules
- 752:1-5-2. Requests for declaratory rulings [REVOKED]
- Subchapter 7. Formal and Informal Procedures
- 752:1-7-1. Purpose [AMENDED]
- 752:1-7-3. Complaints [REVOKED]

Notices of Rulemaking Intent

752:1-7-4. Representation [REVOKED]

SUMMARY:

The University Hospitals Authority has conducted a substantial update to its rules to better reflect current information and practices.

AUTHORITY:

University Hospitals Authority Act; 63 O.S. § 3208.

COMMENT PERIOD:

Persons may submit written comments through March 18, 2019, to Randy Dowell, University Hospitals Authority, PO Box 26307, Oklahoma City, Oklahoma 73126, or by email to randy-dowell@ouhsc.edu.

PUBLIC HEARING:

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

Tuesday, March 19, 2019, at 10:00 a.m., in the East Boardroom of the Samis Education Center at the OU Children's Hospital, 1200 Children's Avenue, Oklahoma City, Oklahoma 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the University Hospitals Authority's website at www.uhatok.com, and copies may be obtained by written request emailed to randy-dowell@ouhsc.edu.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the University Hospitals Authority at the above address beginning March 4, 2019.

CONTACT PERSON:

Randy Dowell, Chief Executive Officer, (405) 271-4962 or randy-dowell@ouhsc.edu.

[OAR Docket #19-78; filed 1-25-19]

TITLE 752. UNIVERSITY HOSPITALS AUTHORITY CHAPTER 10. PURCHASING RULES [REVOKED]

[OAR Docket #19-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 752:10-1-1. Purpose [REVOKED]
- 752:10-1-2. Definitions [REVOKED]
- 752:10-1-3. General purchasing provisions [REVOKED]
- 752:10-1-4. Vendor registration [REVOKED]
- 752:10-1-5. Vendor retention and removal from bidders list [REVOKED]

752:10-1-6. Vendor samples [REVOKED]

752:10-1-7. Submission of bids [REVOKED]

752:10-1-8. Bid openings [REVOKED]

752:10-1-9. Bid tabulations [REVOKED]

752:10-1-10. Award of bid [REVOKED]

752:10-1-11. Terms and conditions for acceptable bids [REVOKED]

752:10-1-12. Challenge of award [REVOKED]

752:10-1-13. Administrative review [REVOKED]

752:10-1-14. Group purchasing acquisition [REVOKED]

752:10-1-15. Sole source contracts [REVOKED]

752:10-1-16. Emergency acquisition process [REVOKED]

752:10-1-17. Delegation of authority [REVOKED]

752:10-1-18. Authority order [REVOKED]

752:10-1-19. Purchases in excess of \$2,500 and not exceeding \$10,000 [REVOKED]

752:10-1-20. Professional service contracts [REVOKED]

SUMMARY:

The University Hospitals Authority has conducted a substantial update to its acquisition and construction rules reflected in a new Chapter 11 which better reflect its updated practices and more closely reflect those acquisition and construction rules employed and adopted by other state entities. This Chapter 10 thus contains outdated content.

AUTHORITY:

University Hospitals Authority Act; 63 O.S. § 3208.

COMMENT PERIOD:

Persons may submit written comments through March 18, 2019, to Randy Dowell, University Hospitals Authority, PO Box 26307, Oklahoma City, Oklahoma 73126, or by email to randy-dowell@ouhsc.edu.

PUBLIC HEARING:

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

Tuesday, March 19, 2019, at 10:00 a.m., in the East Boardroom of the Samis Education Center at the OU Children's Hospital, 1200 Children's Avenue, Oklahoma City, Oklahoma 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the University Hospitals Authority's website at www.uhatok.com, and copies may be obtained by written request emailed to randy-dowell@ouhsc.edu.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the University Hospitals Authority at the above address beginning March 4, 2019.

CONTACT PERSON:

Randy Dowell, Chief Executive Officer, (405) 271-4962 or randy-dowell@ouhsc.edu.

[OAR Docket #19-75; filed 1-25-19]

**TITLE 752. UNIVERSITY HOSPITALS
AUTHORITY
CHAPTER 11. ACQUISITIONS AND
CONSTRUCTION**

[OAR Docket #19-74]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
 - 752:11-1-1. Purpose [NEW]
 - 752:11-1-2. Definitions [NEW]
 - 752:11-1-3. General Provisions [NEW]
 - 752:11-1-4. Ethics [NEW]
 - 752:11-1-5. Online Bidding (74 O.S. § 85.45r) [NEW]
- Subchapter 3. Purchasing [NEW]
 - 752:11-3-1. Supplier Selection and Standard Requirements [NEW]
 - 752:11-3-2. Acquisitions [NEW]
 - 752:11-3-3. Formal or Informal Competitive Solicitations (\$5,000 - \$50,000) [NEW]
 - 752:11-3-4. Competitive Sealed Solicitations (\$50,000+) [NEW]
 - 752:11-3-5. Bid Submission [NEW]
 - 752:11-3-6. Bid Changes and Withdrawal [NEW]
 - 752:11-3-7. Non-Responsive Bids [NEW]
 - 752:11-3-8. Contract Negotiation and Award [NEW]
 - 752:11-3-9. Contract Management [NEW]
 - 752:11-3-10. Acquisitions by Facilities Management and Housekeeping Contractor [NEW]
 - 752:11-3-11. Professional Service Contracts [NEW]
 - 752:11-3-12. Sole Source Contracts [NEW]
 - 752:11-3-13. Emergency Acquisitions [NEW]
 - 752:11-3-14. Credit/Debit Card [NEW]
- Subchapter 5. Design Consultants [NEW]
 - 752:11-5-1. Registration of Design Consultants [NEW]
 - 752:11-5-2. Selection procedure [NEW]
 - 752:11-5-3. Scheduling and performing interviews [NEW]
 - 752:11-5-4. Negotiation of Contract [NEW]
 - 752:11-5-5. Award of contract [NEW]
 - 752:11-5-6. Professional services contracts [NEW]
- Subchapter 7. Construction [NEW]
 - 752:11-7-1. Bid solicitations [NEW]
 - 752:11-7-2. Bid documents [NEW]
 - 752:11-7-3. Bid submittal [NEW]
 - 752:11-7-4. Modifications/withdrawal of bids [NEW]
 - 752:11-7-5. Bid openings [NEW]
 - 752:11-7-6. Bid review and evaluation [NEW]
 - 752:11-7-7. Contract award [NEW]

- 752:11-7-8. Pre-construction conference [NEW]
- 752:11-7-9. Construction conference [NEW]
- 752:11-7-10. Construction requirements; reviews and permits [NEW]
- 752:11-7-11. Adopted codes [NEW]
- 752:11-7-12. Payment requests [NEW]
- 752:11-7-13. Change orders [NEW]
- 752:11-7-14. Time extensions [NEW]
- 752:11-7-15. Substantial completion inspection [NEW]
- 752:11-7-16. Final inspection [NEW]
- 752:11-7-17. Contract completion [NEW]
- Subchapter 9. Construction Management/At Risk [NEW]
 - 752:11-9-1. Registration of Construction Managers [NEW]
 - 752:11-9-2. Project designation consideration [NEW]
 - 752:11-9-3. Selection procedure [NEW]
 - 752:11-9-4. Selection committee [NEW]
 - 752:11-9-5. Scheduling and performing interviews [NEW]
 - 752:11-9-6. Fee negotiation and contracts [NEW]
 - 752:11-9-7. Award of contract [NEW]
 - 752:11-9-8. Changes to base contract [NEW]
- Subchapter 11. Best Value Methodology [NEW]
 - 752:11-11-1. Best Value vendor selection [NEW]
 - 752:11-11-2. Vendor selection [NEW]
 - 752:11-11-3. Clarification Period [NEW]
 - 752:11-11-4. Risk minimization and performance [NEW]
 - 752:11-11-5. Transparency and Best Value documentation [NEW]
 - 752:11-11-6. Other requirements for contracts awarded using Best Value methodology [NEW]
- Subchapter 13. Supplier Protests [NEW]
 - 752:11-13-1. Supplier protest and notification [NEW]
 - 752:11-13-2. Review and determination [NEW]
 - 752:11-13-3. Supplier appeal of decision to deny protest [NEW]
 - 752:11-13-4. Determination [NEW]
 - 752:11-13-5. Administrative procedure [NEW]
 - 752:11-13-6. Remedies [NEW]
 - 752:11-13-7. Decision to be final [NEW]

SUMMARY:

The University Hospitals Authority has conducted a substantial update to its acquisition and construction rules which better reflect updated practices and closely reflect those rules employed and adopted by other state entities.

AUTHORITY:

University Hospitals Authority Act; 63 O.S. § 3208.

COMMENT PERIOD:

Persons may submit written comments through March 18, 2019, to Randy Dowell, University Hospitals Authority, PO Box 26307, Oklahoma City, Oklahoma 73126, or by email to randy-dowell@ouhsc.edu.

PUBLIC HEARING:

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

Notices of Rulemaking Intent

Tuesday, March 19, 2019, at 10:00 a.m., in the East Boardroom of the Samis Education Center at the OU Children's Hospital, 1200 Children's Avenue, Oklahoma City, Oklahoma 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the University Hospitals Authority's website at www.uhatok.com, and copies may be obtained by written request emailed to randy-dowell@ouhsc.edu.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the University Hospitals Authority at the above address beginning March 4, 2019.

CONTACT PERSON:

Randy Dowell, Chief Executive Officer, (405) 271-4962 or randy-dowell@ouhsc.edu.

[OAR Docket #19-74; filed 1-25-19]

TITLE 752. UNIVERSITY HOSPITALS AUTHORITY CHAPTER 15. MEDICAL INFORMATION [REVOKED]

[OAR Docket #19-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Release of Medical Record Information [REVOKED]

752:15-1-1. Purpose [REVOKED]

752:15-1-2. Definitions [REVOKED]

752:15-1-3. Maintenance of records; employee responsibilities [REVOKED]

752:15-1-4. Evaluation of authorization [REVOKED]

752:15-1-5. Review of medical records by non-employees [REVOKED]

752:15-1-6. Review by medical records requestors [REVOKED]

752:15-1-7. Requests for specific reports and other information [REVOKED]

Subchapter 3. Release of Information for News Media [REVOKED]

752:15-3-1. Purpose [REVOKED]

752:15-3-2. Coordination of news/news media [REVOKED]

752:15-3-3. Facilitation of media access [REVOKED]

752:15-3-4. Release of information [REVOKED]

Subchapter 5. Release of Confidential Computerized Patient Information [REVOKED]

752:15-5-1. Purpose [REVOKED]

752:15-5-2. Computer access [REVOKED]

752:15-5-3. Information available [REVOKED]

752:15-5-4. Persons authorized to receive specific information [REVOKED]

752:15-5-5. Methods for receiving information [REVOKED]

Subchapter 7. Confidentiality - Patient Accounting [REVOKED]

752:15-7-1. Purpose [REVOKED]

752:15-7-2. General policy [REVOKED]

752:15-7-3. Requests for billing and/or medical information [REVOKED]

Subchapter 9. Confidentiality - Nursing Departments [REVOKED]

752:15-9-1. Purpose [REVOKED]

752:15-9-2. Record requests made to nursing departments [REVOKED]

752:15-9-3. Care of patient records and media requests about patient condition [REVOKED]

752:15-9-4. Other issues concerning patient confidentiality [REVOKED]

Subchapter 11. Confidentiality - Admitting and Registration [REVOKED]

752:15-11-1. Purpose [REVOKED]

752:15-11-2. Protecting confidentiality of records [REVOKED]

752:15-11-3. Requests for patient information [REVOKED]

Subchapter 13. Patients' Rights and Responsibilities [REVOKED]

752:15-13-1. Purpose [REVOKED]

752:15-13-2. General policy [REVOKED]

752:15-13-3. Specific patient rights, responsibilities and rights statement [REVOKED]

SUMMARY:

These rules were adopted at a time when the University Hospitals Authority operated the University Hospitals. These rules are being revoked as the University Hospitals Authority no longer acts as operator of the University Hospitals, and, further, these rules reflect outdated content.

AUTHORITY:

University Hospitals Authority Act; 63 O.S. § 3208.

COMMENT PERIOD:

Persons may submit written comments through March 18, 2019, to Randy Dowell, University Hospitals Authority, PO Box 26307, Oklahoma City, Oklahoma 73126, or by email to randy-dowell@ouhsc.edu.

PUBLIC HEARING:

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

Tuesday, March 19, 2019, at 10:00 a.m., in the East Boardroom of the Samis Education Center at the OU Children's Hospital, 1200 Children's Avenue, Oklahoma City, Oklahoma 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the University Hospitals Authority's website at www.uhatok.com, and copies may be obtained by written request emailed to randy-dowell@ouhsc.edu.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the University Hospitals Authority at the above address beginning March 4, 2019.

CONTACT PERSON:

Randy Dowell, Chief Executive Officer, (405) 271-4962 or randy-dowell@ouhsc.edu.

[OAR Docket #19-77; filed 1-25-19]

**TITLE 753. UNIVERSITY HOSPITALS TRUST
CHAPTER 1. GENERAL AGENCY RULES**

[OAR Docket #19-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 753:1-1-6. Location for information and filing [AMENDED]
- 753:1-1-7. Records [AMENDED]
- 753:1-1-8. Forms and instructions [REVOKED]
- Subchapter 3. General Operations of the University Hospitals Trust
- 753:1-3-1. Official office [REVOKED]
- 753:1-3-2. Meetings of Board of Trustees [AMENDED]
- 753:1-3-3. Executive sessions [REVOKED]
- 753:1-3-4. Notice of meeting [REVOKED]
- 753:1-3-5. Agenda items [REVOKED]
- Subchapter 5. Administrative Rules
- 753:1-5-2. Requests for declaratory rulings [REVOKED]
- Subchapter 7. Formal and Informal Procedures
- 753:1-7-1. Purpose [AMENDED]
- 753:1-7-3. Complaints [REVOKED]
- 753:1-7-4. Representation [REVOKED]

SUMMARY:

The University Hospitals Trust has conducted a substantial update to its rules to better reflect current information and practices.

AUTHORITY:

University Hospitals Authority Act; 63 O.S. §§ 3208, 3224.

COMMENT PERIOD:

Persons may submit written comments through March 18, 2019, to Randy Dowell, University Hospitals Trust, PO

Box 26307, Oklahoma City, Oklahoma 73126, or by email to randy-dowell@ouhsc.edu.

PUBLIC HEARING:

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

Tuesday, March 19, 2019, at 10:00 a.m., in the East Boardroom of the Samis Education Center at the OU Children's Hospital, 1200 Children's Avenue, Oklahoma City, Oklahoma 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the University Hospitals Trust's website at www.uhatok.com, and copies may be obtained by written request emailed to randy-dowell@ouhsc.edu.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the University Hospitals Trust at the above address beginning March 4, 2019.

CONTACT PERSON:

Randy Dowell, Chief Executive Officer, (405) 271-4962 or randy-dowell@ouhsc.edu.

[OAR Docket #19-79; filed 1-25-19]

**TITLE 753. UNIVERSITY HOSPITALS TRUST
CHAPTER 11. ACQUISITIONS AND CONSTRUCTION**

[OAR Docket #19-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 753:11-1-1. Purpose [NEW]
- 753:11-1-2. Definitions [NEW]
- 753:11-1-3. General Provisions [NEW]
- 753:11-1-4. Ethics [NEW]
- 753:11-1-5. Online Bidding (74 O.S. § 85.45r) [NEW]
- Subchapter 3. Purchasing [NEW]
- 753:11-3-1. Supplier Selection and Standard Requirements [NEW]
- 753:11-3-2. Acquisitions [NEW]
- 753:11-3-3. Formal or Informal Competitive Solicitations (\$5,000 - \$50,000) [NEW]
- 753:11-3-4. Competitive Sealed Solicitations (\$50,000+) [NEW]
- 753:11-3-5. Bid Submission [NEW]
- 753:11-3-6. Bid Changes and Withdrawal [NEW]

Notices of Rulemaking Intent

753:11-3-7. Non-Responsive Bids. [NEW]
753:11-3-8. Contract Negotiation and Award [NEW]
753:11-3-9. Contract Management [NEW]
753:11-3-10. Acquisitions by Facilities Management and Housekeeping Contractor [NEW]
753:11-3-11. Professional Service Contracts [NEW]
753:11-3-12. Sole Source Contracts [NEW]
753:11-3-13. Emergency Acquisitions [NEW]
753:11-3-14. Credit/Debit Card [NEW]
Subchapter 5. Design Consultants [NEW]
753:11-5-1. Registration of Design Consultants [NEW]
753:11-5-2. Selection procedure [NEW]
753:11-5-3. Scheduling and performing interviews [NEW]
753:11-5-4. Negotiation of Contract [NEW]
753:11-5-5. Award of contract [NEW]
753:11-5-6. Professional services contracts [NEW]
Subchapter 7. Construction [NEW]
753:11-7-1. Bid solicitations [NEW]
753:11-7-2. Bid documents [NEW]
753:11-7-3. Bid submittal [NEW]
753:11-7-4. Modifications/withdrawal of bids [NEW]
753:11-7-5. Bid openings [NEW]
753:11-7-6. Bid review and evaluation [NEW]
753:11-7-7. Contract award [NEW]
753:11-7-8. Pre-construction conference [NEW]
753:11-7-9. Construction conference [NEW]
753:11-7-10. Construction requirements; reviews and permits [NEW]
753:11-7-11. Adopted codes [NEW]
753:11-7-12. Payment requests [NEW]
753:11-7-13. Change orders [NEW]
753:11-7-14. Time extensions [NEW]
753:11-7-15. Substantial completion inspection [NEW]
753:11-7-16. Final inspection [NEW]
753:11-7-17. Contract completion [NEW]
Subchapter 9. Construction Management/At Risk [NEW]
753:11-9-1. Registration of Construction Managers [NEW]
753:11-9-2. Project designation consideration [NEW]
753:11-9-3. Selection procedure [NEW]
753:11-9-4. Selection committee [NEW]
753:11-9-5. Scheduling and performing interviews [NEW]
753:11-9-6. Fee negotiation and contracts [NEW]
753:11-9-7. Award of contract [NEW]
753:11-9-8. Changes to base contract [NEW]
Subchapter 11. Best Value Methodology [NEW]
753:11-11-1. Best Value vendor selection [NEW]
753:11-11-2. Vendor selection [NEW]
753:11-11-3. Clarification Period [NEW]
753:11-11-4. Risk minimization and performance [NEW]
753:11-11-5. Transparency and Best Value documentation [NEW]
753:11-11-6. Other requirements for contracts awarded using Best Value methodology [NEW]
Subchapter 13. Supplier Protests [NEW]
753:11-13-1. Supplier notification [NEW]
753:11-13-2. Review and determination [NEW]

753:11-13-3. Supplier appeal of decision to deny protest [NEW]
753:11-13-4. Determination [NEW]
753:11-13-5. Administrative procedure [NEW]
753:11-13-6. Remedies [NEW]
753:11-13-7. Decision to be final [NEW]

SUMMARY:

The University Hospitals Trust has conducted a substantial update to its acquisition and construction rules which better reflect updated practices and closely reflect those rules employed and adopted by other state entities.

AUTHORITY:

University Hospitals Authority Act; 63 O.S. §§ 3208, 3224.

COMMENT PERIOD:

Persons may submit written comments through March 18, 2019, to Randy Dowell, University Hospitals Trust, PO Box 26307, Oklahoma City, Oklahoma 73126, or by email to randy-dowell@ouhsc.edu.

PUBLIC HEARING:

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

Tuesday, March 19, 2019, at 10:00 a.m., in the East Boardroom of the Samis Education Center at the OU Children's Hospital, 1200 Children's Avenue, Oklahoma City, Oklahoma 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the University Hospitals Trust's website at www.uhatok.com, and copies may be obtained by written request emailed to randy-dowell@ouhsc.edu.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the University Hospitals Trust at the above address beginning March 4, 2019.

CONTACT PERSON:

Randy Dowell, Chief Executive Officer, (405) 271-4962 or randy-dowell@ouhsc.edu.

[OAR Docket #19-76; filed 1-25-19]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 10. CENTER DIVISION PROGRAM

[OAR Docket #19-41]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 3. Maintenance Charges, Patient Funds and Assets

770:10-3-1. Care and maintenance charges [AMENDED]

SUMMARY:

The proposed rule will prospectively amend current regulations governing calculation of monthly maintenance charges assessed on residents of Oklahoma Veterans Centers in furtherance of the Agency's statutory authority to field capabilities for billing of services to Medicare and Medicaid and to maximize payments for services from available third party coverages and other sources.

AUTHORITY:

Oklahoma Department of Veterans Affairs; Title 72 O.S. Section 63.1; Title 75 O.S., Section 250 et seq.

COMMENT PERIOD:

Persons wishing to submit written comments must do so on or before 4:30 p.m., March 18, 2019 at the following address: Oklahoma Department of Veterans Affairs, 2132 N.E. 36th St. Oklahoma City, OK 73111 attention Randy Reynolds; or submitted to Randy Reynolds at randy.reynolds@odva.ok.gov or FAX (405) 523-4029.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. to 12:00 p.m. on Tuesday, March 19, 2019, at Oklahoma Department of Veterans Affairs training conference room, 2132 N.E. 36th St. Oklahoma City, OK 73111. Persons who wish to speak must sign in at the door. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide ODVA, 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 to the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing on or before the comment period end of the comment period to Oklahoma Department of Veterans Affairs, 2132 N.E. 36th St. Oklahoma City, OK 73111 attention Randy Reynolds; or submitted to Randy Reynolds at randy.reynolds@odva.ok.gov; or FAX (405) 523-4029.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Veterans Affairs at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Veterans Affairs at the above address.

CONTACT PERSON:

Randy Reynolds, Legislative Liaison, Oklahoma Department of Veterans Affairs, P.O. Box 53067

Oklahoma City, OK. 73152, Tel: (405) 523-4023, randy.reynolds@odva.ok.gov.

[OAR Docket #19-41; filed 1-24-19]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 10. ADMINISTRATION AND SUPERVISION

[OAR Docket #19-114]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Finance [AMENDED]

Subchapter 7. Local Programs, or Instructional Positions: Application; Student Accounting; Evaluation [AMENDED]

SUMMARY:

This proposed rule amendment clarifies the contract dates for CareerTech teachers to allow local school districts additional flexibility. The proposed rule amendment clarifies the agency's ethics policy for accreditation evaluations.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-108, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2019 until 4:00 p.m. March 20, 2019. Written comments in electronic form will be accepted during the open public comment period via email at Jessica.ventris@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 28, 2019, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 15, 2019, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at

Notices of Rulemaking Intent

www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 15, 2019, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Jessica Ventris, Executive Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #19-114; filed 1-25-19]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 15. TECHNOLOGY CENTERS

[OAR Docket #19-115]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Technology Centers Education
[AMENDED]

SUMMARY:

This proposed rule amendment will update agency policy regarding approval of technology center capital improvement projects, and accommodations for individuals with disabilities, and will clarify the agency construction project approval procedure, and will clarify standards used to provide accessible facilities for persons with disabilities.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-108, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2019 until 4:00 p.m. March 20, 2019. Written comments in electronic form will be accepted during the open public comment period via email at Jessica.ventris@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 28, 2019, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak

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

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 15, 2019, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 15, 2019, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Jessica Ventris, Executive Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #19-115; filed 1-25-19]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #19-116]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs [AMENDED]

SUMMARY:

This proposed new rule clarifies the definition of work-based learning and clarifies the framework for work-based learning. The proposed amendment implements SB 1370 (2018) and defines the provisions of the act related to accepted industry-valued credentials which are industry-endorsed or industry-aligned for purposes of a math credit for certain career and technology education classes. The proposed amendment provides for a certification option for teachers and instructors in technology center school districts. The proposed amendment adds updated language to promote national best practices, promotes the need for an advisory committee for technology centers'

guidance and counseling programs and provides further clarification on math credit option. The proposed amendment clarifies the role of credentialed staff needed for guidance and counseling at technology centers. The proposed amendment clarifies language to reflect current procedures in Family and Consumer Science programs and provide school districts with additional flexibility. The proposed amendment better defines areas of instruction for Trade and Industrial Education in secondary programs, and provides flexibility for local school districts. The proposed amendment eliminates duplication of certification information and provides more flexibility for teachers in Science, Technology, Engineering and Math (STEM) programs, clarifies language and better defines full-time, part-time and unfunded STEM programs.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-108, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2019 until 4:00 p.m. March 20, 2019. Written comments in electronic form will be accepted during the open public comment period via email at Jessica.ventris@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 28, 2019, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard,

Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 15, 2019, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 15, 2019, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Jessica Ventris, Executive Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #19-116; filed 1-25-19]

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 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS

[OAR Docket #19-31]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Records and Inspections

240:1-3-4. Copies [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 10, 2019

[OAR Docket #19-31; filed 1-10-19]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #19-32]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

240:10-1-2. Definitions [AMENDED]

Subchapter 3. Benefits

Part 3. Rates Computation

240:10-3-12. Payment of benefits [AMENDED]

Part 5. Eligibility

240:10-3-20. Instructions to secure work [AMENDED]

Subchapter 5. Contributions

Part 1. General Provisions

240:10-5-2. Definitions [AMENDED]

Part 7. Collection of Contributions

240:10-5-33. Application of payments to Computer Assessment Fund and Technology Reinvestment Apportionment [AMENDED]

Part 19. Maintenance and Production of Work Records

240:10-5-91. Employer's Quarterly Contribution Wage Reports [AMENDED]

240:10-5-96. Application for Oklahoma UI Tax Account Number [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 10, 2019

[OAR Docket #19-32; filed 1-10-19]

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

[OAR Docket #19-39]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 5. Regulation of Licensees

505:10-5-11. Authorized post-graduate educational work [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 17, 2019

[OAR Docket #19-39; filed 1-17-19]

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 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 10. REQUIREMENTS FOR REGISTRATION

[OAR Docket #19-33]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

475:10-1-4. Separate registration [AMENDED]

475:10-1-18. Certificate of registration form [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S §§ 2-301, 2-309H.

ADOPTION:

December 11, 2018

APPROVED BY GOVERNOR:

January 4, 2019

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

On July 26, 2018, new laws codified at 63 O.S. §420A et seq., went into effect concerning medical marijuana. Pursuant to 63 O.S. §2-204(C)(12), marijuana is a Schedule I controlled dangerous substance and therefore before any person/entity may manufacture, process, grow, distribute, retail, or use it for scientific purposes, a registration must first be obtained from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBND). See 63 O.S. §2-302. The amendments to OBND rules are an effort to protect the public health, safety, and welfare by providing a framework in which those with OBND Schedule I medical marijuana registrations can function while guarding against diversion.

GIST/ANALYSIS:

The rule changes provide manufacturers with the ability to conduct chemical analysis of Schedule I medical marijuana, which in turn will provide a benefit to those consuming medical marijuana. The public's health and safety will also benefit by providing an avenue to see any Schedule limitations that have been placed on an OBND registration such as Schedule I medical marijuana. This rule interprets 63 O.S. §§2-301, 2-302, and 2-303.

CONTACT PERSON:

Sunne Riedel Day, 405-521-2885

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):

475:10-1-4. Separate registration

(a) Every person who engages in, or who proposes to engage in, more than one group of independent activities shall obtain a separate registration for each group of activities, except as provided by this subsection. Any person, when registered to engage in the group of activities described in each paragraph of this subsection, shall be authorized to engage in the coincident activities described in that subparagraph without obtaining a registration to engage in such coincident activities; provided that, unless specifically exempted, he/she complies with all requirements and duties prescribed by law for persons registered to engage in such coincident activities.

(1) A person registered to manufacture any controlled dangerous substance or basic class of controlled dangerous substances shall be authorized to distribute that substance or class, but is not authorized to distribute any substance or class which he/she is not registered to manufacture.

(2) A person registered to manufacture any controlled dangerous substance listed in Schedules ~~H~~—I through V shall be authorized to conduct chemical analysis and preclinical research (including quality control analysis) with narcotic and non-narcotic controlled dangerous substances listed in those schedules which he/she is authorized to manufacture.

(3) A person registered to conduct scientific research with a basic class of controlled dangerous substances listed in Schedule I shall be authorized to manufacture such substances if and to the extent that such manufacture is set forth in the research protocol and to distribute such substances to other persons registered or authorized to conduct scientific research with such substances or registered or authorized to conduct chemical analysis for scientific purposes with controlled dangerous substances

provided such distribution is made in conformance with state law.

(4) A person registered or authorized to conduct analysis for scientific purposes with controlled dangerous substances shall be authorized to manufacture such substances for analytical or instructional purposes, to distribute such substances to other persons registered or authorized to conduct scientific analysis for scientific purposes or instructional activities or scientific research with such substances and to persons exempted from registration provided such distribution is made in conformance with state law.

(5) A person registered or authorized to conduct scientific research with controlled dangerous substances listed in Schedules II through V shall be authorized to conduct chemical analysis for scientific purposes with controlled dangerous substances listed in those schedules in which he/she is authorized to conduct scientific research, to manufacture such substances if and to the extent that such manufacture is set forth in the protocol filed with the application for registration, to distribute such substances to other persons registered or authorized to conduct chemical analysis for scientific purposes, instructional activities, or scientific research with such substances and to persons exempted from registration provided such distribution is made in conformance with state law, and to conduct instructional activities with controlled dangerous substances.

(6) Physicians, dentists, podiatrists, veterinarians, optometrists and other qualified persons who are authorized to carry on their respective activities under the laws of the State of Oklahoma and who are registered with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to dispense, prescribe or administer controlled dangerous substances shall be authorized to conduct instructional activities with those substances.

(7) Trainers or handlers of a canine controlled dangerous substance detector who, in the ordinary course of their profession, desire to possess any controlled dangerous substance for training said canine.

(8) A single registration to engage in any group of independent activities may include one or more controlled dangerous substances listed in the schedules authorized in that group of independent activities. A person registered to conduct scientific research with controlled dangerous substances listed in Schedule I may conduct scientific research with any substance listed in Schedule I for which he/she has filed and had approved a scientific research protocol.

(b) The following locations shall not be deemed to be principal places where controlled dangerous substances are manufactured, distributed, dispensed or prescribed:

(1) A warehouse where controlled dangerous substances are stored by or on behalf of a registered person, unless such substances are distributed directly from such warehouse to registered locations other than the registered location from which the substances were delivered or to persons not required to register.

(2) An office used by agents of a registrant where sales of controlled dangerous substances are solicited, made or supervised but which neither contain such substances (other than substances for display purposes or lawful distribution as samples only) nor serves as a distribution point for filling sales orders.

(3) An office used by a practitioner (who is registered at another location) where controlled dangerous substances are prescribed but neither administered nor otherwise dispensed as a regular part of the professional practice of the practitioner at such office, and where no supplies of controlled dangerous substances are maintained.

475:10-1-18. Certificate of registration form

The Certificate of Registration shall contain the name, business address, and registration number of the registrant, the schedules of controlled dangerous substances which the registrant is authorized to handle, any limitation or condition placed on the registration, and the expiration date of the registration. The registrant shall maintain the Certificate of Registration at the registered location and shall permit inspection of the Certificate by a peace officer or agency official in the enforcement of laws relating to controlled dangerous substances.

[OAR Docket #19-33; filed 1-14-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 20. SECURITY REQUIREMENTS

[OAR Docket #19-34]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

475:20-1-3. Physical security controls for nonpractitioners; storage areas [AMENDED]

475:20-1-4. Physical security controls for nonpractitioners; manufacturing areas [AMENDED]

475:20-1-5. Other security controls for nonpractitioner registrants [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

ADOPTION:

December 11, 2018

APPROVED BY GOVERNOR:

January 4, 2019

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

On July 26, 2018, new laws codified at 63 O.S. §420A et seq., went into effect concerning medical marijuana. Pursuant to 63 O.S. §2-204(C)(12), marijuana is a Schedule I controlled dangerous substance and therefore before any person/entity may manufacture, process, grow, distribute, retail, or use it for scientific purposes, a registration must first be obtained from the Oklahoma

State Bureau of Narcotics and Dangerous Drugs Control (OBNDD). See 63 O.S. §2-302. The amendments to OBNDD rules are an effort to protect the public health, safety, and welfare by providing a framework in which those with OBNDD Schedule I medical marijuana registrations can function while guarding against diversion.

GIST/ANALYSIS:

The proposed rule amendments provide the required physical security controls for Schedule I medical marijuana retail storage areas, growers, processors, packagers, and manufacturers. As it does for controlled dangerous substances (CDS) Schedules II through V, the rules changes also prohibit Schedule I medical marijuana commercial growers, processors, and manufacturers from distributing samples of Schedule I medical marijuana unless certain requirements are met. The amendments also provide that Schedule I medical marijuana transit shall be in conformance with the rules set forth by the Oklahoma State Department of Health (see OAC 310:681-3). The proposed rule amendments subject Schedule I medical marijuana registrants, employees, and agents to the criminal history requirements set forth in 63 Okl.St. Ann. §420A et seq. This rule interprets 63 O.S. §§2-301, 2-302, and 2-303.

CONTACT PERSON:

Sunne Riedel Day, 405-521-2885

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):

475:20-1-3. Physical security controls for nonpractitioners; storage areas

Physical security controls for nonpractitioners and storage areas shall comply with Title 21 Code of Federal Regulations §1301.72, except physical security controls for medical marijuana retailers shall, at a minimum, meet the following requirements for each retail storage area:

- (1) Each registered premises shall have a Security Alarm System which upon unauthorized entry shall transmit a signal directly to a central station protection agency or a local state or state police agency, each having a legal duty to respond, or to a 24-hour control station operated by the registrant, or to such other source of protection as the Director may approve.
- (2) All retail storage areas shall be equipped with self-closing, self-locking doors constructed of substantial material commensurate with the type of building construction, provided, however, a door which is kept closed and locked at all times when not in use and when in use is kept under direct observation of a responsible employee or agent of the registrant is permitted in lieu of a self-closing, self-locking door. Doors may be sliding or hinged. If doors hinges are mounted on the outside, such hinges shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for such doors shall be either of the multiple-position combination, keyless entry, or key lock type and;
 - (A) In the case of key locks, shall require key control which limits access to a limited number of employees, or;
 - (B) In the case of multiple-position combination or keyless entry systems, the system shall be limited to a minimum number of employees and can be changed

upon termination of employment of an employee having knowledge of the combination.

- (3) The retail storage areas shall be accessible only to an absolute minimum number of authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests, or visitors to be present in or pass through controlled substances storage areas, the registrant shall provide for adequate observation of the area by an employee specifically authorized in writing.

475:20-1-4. Physical security controls for nonpractitioners; manufacturing areas

Physical security controls for nonpractitioners and manufacturing areas shall be in compliance with Title 21 Code of Federal Regulations §1301.73, except physical security controls for medical marijuana commercial growers, processors, packagers, and manufacturers shall, at a minimum, meet the following requirements:

- (1) All in-process medical marijuana shall be returned to the storage area at the termination of the process. If the process is not terminated at the end of a workday (except where a continuous process or other normal manufacturing operation should not be interrupted), the processing area or tanks, vessels, bins or bulk containers containing medical marijuana shall be securely locked, with adequate security for the area or building.
- (2) Each building shall require an alarm, that upon unauthorized entry, shall transmit a signal directly to a central station protection company, or local or state police agency that has a legal duty to respond, or a 24-hour control station operated by the registrant, or to such other source of protection as the Director may approve.
- (3) Each building shall be equipped with self-closing, self-locking doors constructed of substantial material commensurate with the type of building construction, provided, however, a door which is kept closed and locked at all times when not in use and when in use is kept under direct observation of a responsible employee or agent of the registrant is permitted in lieu of a self-closing, self-locking door. Doors may be sliding or hinged. If doors hinges are mounted on the outside, such hinges shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for such doors shall be either of the multiple-position combination, keyless entry, or key lock type and;
 - (A) In the case of key locks, shall require key control which limits access to a limited number of employees, or;
 - (B) In the case of multiple-position combination or keyless entry systems, the system shall be limited to a minimum number of employees and can be changed upon termination of employment of an employee having knowledge of the combination.
- (4) Any outdoor or greenhouse facilities shall provide adequate security measures for the area or building including the following:

Emergency Adoptions

- (A) The entire outdoor or greenhouse facility shall be surrounded by a fence and entry gates. The fence shall measure at least eight (8) feet from the ground to the top of the fence and shall be constructed of at least six (6) gauge or higher metal chain link fence or another similarly secure material or wood. All support posts shall be steel and securely anchored.
- (B) All entry gates shall measure at least eight (8) feet from the ground to the top of the entry gate and shall be constructed of six (6) gauge or higher metal chain link fence or a similarly secure material or wood.
- (C) The fence shall be in good repair and obscure the Limited Access Area so that it is not easily viewed from outside the fence.
- (5) The medical marijuana commercial growing, processing, packaging, and manufacturing areas shall be accessible only to an absolute minimum number of authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests, or visitors to be present in or pass through controlled substances storage areas, the registrant shall provide for adequate observation of the area by an employee specifically authorized in writing.

475:20-1-5. Other security controls for nonpractitioner registrants

- (a) Before distributing a controlled dangerous substance to any person whom the registrant does not know to be registered to possess the controlled dangerous substance, the registrant shall make a good-faith inquiry either with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or with the Drug Enforcement Administration, or when applicable, the Oklahoma Medical Marijuana Authority, to determine that the person is registered to possess the controlled substance.
- (b) The registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled dangerous substances. The registrant shall inform the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.
- (c) All registrants shall notify the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control of any theft or significant loss of any controlled dangerous substances upon discovery of such theft or loss. Notification shall be made in writing and shall contain a list of the substances stolen or diverted by their trade name, quantities, descriptions, amount lost or stolen, and any cost code marks utilized. Thefts must be reported whether or not the controlled dangerous substances are subsequently recovered and/or the responsible parties are identified and action taken against them.
- (d) No person acting as an agent of a registered controlled dangerous substances manufacturer or distributor (i.e., detailman, salesman, etc.), or a medical marijuana commercial grower, processor, or manufacturer, shall distribute samples of controlled dangerous substances to a practitioner without first

having been registered (no fee required) with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

- (1) To register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control to distribute samples of controlled dangerous substances a form must be filled out and submitted to the Registration Department. Such forms may be obtained through the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control website or by calling the Registration Department.
- (2) A new form shall be completed and submitted to the registration department each time the list of items to be distributed changes.
- (3) A copy of the form submitted to the Oklahoma State Bureau of Narcotics shall be retained by the distributor.
- (4) The practitioner receiving the samples shall keep a record each time he/she receives or distributes samples of controlled dangerous substances.
- (e) When shipping controlled dangerous substances, a registrant is responsible for selecting common or contract carriers which provide adequate security to guard against in-transit losses. When storing controlled dangerous substances in a public warehouse, a registrant is responsible for selecting a warehouseman which will provide adequate security to guard against storage losses; wherever possible, the registrant shall store controlled dangerous substances in a public warehouse which complies with the requirements set forth in this Chapter. In addition, the registrant shall employ precautions (e.g., assuring that shipping containers do not indicate that contents are controlled dangerous substances except in the case of medical marijuana) to guard against storage or in-transit losses and comply with all current Federal regulations, except medical marijuana transit shall comply with rules set forth in OAC 310:681-3. Reporting the loss of in-transit shipments is the responsibility of the registrant shipping the controlled dangerous substances.
- (f) When distributing controlled dangerous substances through agents (e.g., detailmen), a registrant is responsible for providing and requiring adequate security to guard against theft and diversion while the controlled dangerous substances are being stored or handled by the agent(s).
- (g) No registrant shall knowingly employ as an agent or employee any person who will have access to controlled dangerous substances if such person has been convicted, pled guilty or nolo contendere or otherwise ordered to complete a period of probation or supervision for a misdemeanor or felony relating to any controlled dangerous substances as defined by the Uniform Controlled Dangerous Substances Act in this state, any other state, or the United States, or any person convicted, pled guilty or nolo contendere or otherwise ordered to complete a period of probation or supervision for any felony of this state, any other state, or the United States, unless, after full review of the circumstances, the Director waives this requirement in writing with respect to each person on a case-by-case basis. However, Schedule I medical marijuana registrants, employees, and agents shall be subject to the criminal history requirements pursuant to Title 63 Okl.St. Ann. §420A et seq. unless, after full review of the circumstances, the Director

waives this requirement in writing with respect to each person on a case-by-case basis.

(h) The registrant shall immediately notify OBN and seek authorization to employ any individual as specified above.

[OAR Docket #19-34; filed 1-14-19]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 25. RECORDS AND REPORTS OF REGISTRANTS

[OAR Docket #19-35]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- 475:25-1-2. General information [AMENDED]
475:25-1-4. Maintenance of records and inventories [AMENDED]
475:25-1-9. Inventories of manufacturers [AMENDED]
475:25-1-10. Inventories of distributors [AMENDED]
475:25-1-14. Records for manufacturers [AMENDED]
475:25-1-15. Records for distributors [AMENDED]
475:25-1-16. Records of scientific researchers [AMENDED]
475:25-1-17. Records of scientific analyst [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S §§ 2-301, 2-309H.

ADOPTION:

December 11, 2018

APPROVED BY GOVERNOR:

January 4, 2019

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

On July 26, 2018, new laws codified at 63 O.S. §420A et seq., went into effect concerning medical marijuana. Pursuant to 63 O.S. §2-204(C)(12), marijuana is a Schedule I controlled dangerous substance and therefore before any person/entity may manufacture, process, grow, distribute, retail, or use it for scientific purposes, a registration must first be obtained from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBND). See 63 O.S. §2-302. The amendments to OBND rules are an effort to protect the public health, safety, and welfare by providing a framework in which those with OBND Schedule I medical marijuana registrations can function while guarding against diversion.

GIST/ANALYSIS:

The proposed rule amendments provide the same requirements set forth in the rules of the Oklahoma Department of Health for maintenance of records, reports, and inventory tracking (see OAC 310:681-5-6). The proposed rule amendments also allow qualitative analysis to be conducted on samples. Samples no longer have to be anonymous. This rule interprets 63 O.S. §§2-301, 2-302, 2-303, and relates to OAC 475:20-1-6, 475:20-1-7, 475:35-1-4, and 252:205.

CONTACT PERSON:

Sunne Riedel Day, 405-521-2885

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):

475:25-1-2. General information

Registrants shall be required to maintain records, reports and inventory in accordance with this Chapter and pursuant to Title 21 Code of Federal Regulations, and Title 63 Okl.St. Ann. §2-307-, except Schedule I medical marijuana registrants shall be required to maintain readily-retrievable inventory tracking, records, and reports in the format set forth in OAC 310:681-5-6.

475:25-1-4. Maintenance of records and inventories

(a) Every inventory and other record required to be kept by the Uniform Controlled Dangerous Substances Act and this Chapter shall be kept by the registrant and be available for at least two (2) years from the date of such inventory or record-, Schedule I medical marijuana inventory and records shall be kept for at least seven (7) years from the date of such inventory or record. Every inventory and other record required to be kept shall be available for inspecting and copying by authorized peace officers or officers of agencies specifically directed to enforce the State of Oklahoma or the United States controlled dangerous substances laws, pursuant to and in the manner prescribed by Title 63 Okl.St. Ann. § 2-502, Title 21 Code of Federal Regulations § 1304.04, and this Chapter.

(b) Each registered manufacturer and distributor shall maintain inventories and records of controlled substances as follows:

- (1) Inventories and records of controlled dangerous substances listed in Schedules I and II shall be maintained separately from all other records of the registrant.
(2) Inventories and records of controlled dangerous substances listed in Schedules III, IV and V shall be maintained separately from all other records of the registrant as of November 1, 1990.

(c) Each registered individual practitioner required to keep records and institutional practitioners required to keep records shall maintain inventories and records of controlled dangerous substances in the manner prescribed in (b) of this Section.

(d) Each registered pharmacy shall maintain the inventories and records of controlled dangerous substances as follows:

- (1) Inventories, records, invoices and purchase records of all controlled dangerous substances listed in Schedules I and II shall be maintained separately from all other records of the pharmacy, and prescriptions for such substances shall be maintained in a separate prescription file and be readily retrievable.
(2) Inventories, records, invoices and purchase records of controlled dangerous substances listed in Schedules III, IV and V shall be maintained separately from all other records of the pharmacy and be readily retrievable. Prescriptions for such substances shall be maintained in separate prescription files for controlled dangerous substances listed in Schedules III, IV and V and shall be readily retrievable from the other prescription records of the pharmacy.

Emergency Adoptions

475:25-1-9. Inventories of manufacturers

Except for Schedule I medical marijuana registrants, inventories of manufacturers of controlled dangerous substances shall conform to Title 21 Code of Federal Regulations, §1304.11.

475:25-1-10. Inventories of distributors

Except for Schedule I medical marijuana registrants, each person registered or otherwise authorized to distribute controlled dangerous substances shall include in his/her inventory the same information required of a manufacturer pursuant to Title 21 Code of Federal Regulations, §1304.11.

475:25-1-14. Records for manufacturers

Except for Schedule I medical marijuana registrants, records for manufacturers of controlled dangerous substances shall conform to Title 21 Code of Federal Regulations, §1304.22.

475:25-1-15. Records for distributors

Each person registered or otherwise authorized to distribute controlled dangerous substances, except for Schedule I medical marijuana registrants, shall maintain records with the following information for each controlled dangerous substance:

- (1) The name of the substance.
- (2) Each finished form (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter) and the number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial).
- (3) The number of commercial containers of each such finished form received from other persons, including the date and number of containers in each receipt and the name, address and Federal Drug Enforcement Administration registration number of the person from whom the containers were received.
- (4) The number of commercial containers of each such finished form imported directly by the person, including the date of, the number of commercial containers in, and the import permit or declaration number for each importation.
- (5) The number of commercial containers of each such finished form distributed to other persons, including the date and number of containers in each distribution and the name, address and Federal Drug Enforcement Administration registration number of the person to whom the containers were distributed.
- (6) The number of commercial containers of each such finished form exported directly by the person, including the date of, the number of commercial containers in, and the export permit or declaration number for each exportation.
- (7) The number of units or volume of finished forms and/or commercial containers distributed or disposed of in any other manner by the person (e.g., by distribution as complimentary samples or by destruction), including the

date and manner of distribution or disposal, the name, address and the Federal Drug Enforcement Administration registration number of the person to whom distributed, and the quantity of the substance in finished form distributed or disposed.

475:25-1-16. Records of scientific researchers

Each person registered or otherwise authorized to conduct scientific research with controlled dangerous substances and required to keep records shall maintain records with the following information for each controlled dangerous substance:

- (1) The name of the substance.
- (2) Each finished form (e.g., 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter) and the number of units or volume of finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial).
- (3) The number of commercial containers of each such finished form received from other persons, including the date of and number of containers in each receipt and the name, address and, if applicable, Federal Drug Enforcement Administration registration number of the person from whom the containers were received.
- (4) The number of units or volume of such finished forms and/or commercial containers disposed of in any other manner by the registrant, including the date and manner of disposal and the quantity of the substance in the finished form disposed.

475:25-1-17. Records of scientific analyst

(a) Each person registered or otherwise authorized to conduct scientific analysis with controlled dangerous substances shall maintain records with the following information to the extent known and reasonably ascertainable by him/her for each controlled dangerous substance:

- (1) The name of the substance.
- (2) The form or forms in which the substance is received, imported or manufactured by the registrant (e.g., powder, granulation, tablet, capsule or solution) and the concentration of the substance in such form (e.g., C.P., U.S.P., N.D., 10-milligram tablet or 10-milligram concentration per milli-liter).
- (3) The total number of the forms received, imported or manufactured (e.g., 100 tablets, 30 1-milliliter vials, or 10 grams of powder), including the date and quantity of each receipt, importation or manufacture and the name, address and Federal Drug Enforcement Administration registration number, if any, of the person from whom the substance was received.
- (4) The quantity distributed or destroyed in any manner by the registrant (except quantities used in chemical analysis or other laboratory work), including the date and manner of distribution or destruction and the name, address and Federal Drug Enforcement Administration registration number, if any, of each person to whom the substance was distributed.

~~(b) Records of controlled dangerous substances used in chemical analysis or other laboratory work are not required.~~

~~(eb) Records relating to known or suspected controlled dangerous substances received as evidentiary material for analysis are not required under (a) of this Section.~~

~~(ec) Each person registered as a scientific analyst conducting scientific analysis of anonymous samples of suspected controlled dangerous substances shall maintain records containing the following information (to the extent known and reasonably ascertainable by him/her):~~

- (1) Laboratory identification number.
- (2) Date the sample received.
- (3) Purported contents and actual identification.
- (4) Quantity received.
- (5) Form of sample (i.e., powder, liquid, tablets, etc.).
- (6) Description of sample.
- (7) Quantity utilized in analysis.
- (8) Disposition of sample.
- (9) Street price, if known.
- (10) Method shipment is received.
- (11) Each laboratory shall submit to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control a quarterly report containing at least the following information:
 - (A) Actual content of drug analyzed.
 - (B) Alleged content of drug analyzed.
 - (C) Description of sample.
 - (D) Origin of sample.
 - (E) Street price, if known.

~~(ed) Qualitative and Quantitative quantitative analysis may be conducted of anonymous samples. However, to prevent the possibility of illegal drug traffickers utilizing these laboratories as quality control, only qualitative results may be given to the donor. Analysis should be sufficient to determine if the strength is so great that use would be harmful to the user. In these cases, the submitter can only be told what the drug was and that use would be dangerous.~~

- (1) Security of standards and samples, including Schedule I medical marijuana, shall be in accordance with 475:20-1-6 and 475:20-1-7, with the exception that all standards and samples must be treated as Schedules I and II.
- (2) Any unused portion of a submitted ~~anonymous~~ sample shall be disposed of in accordance with 475:35-1-4.
- (3) All controlled dangerous substances distributed to canine handler registrants and scientific research registrants shall be analyzed quantitatively, and a record of such analysis shall be maintained prior to distribution. Oklahoma State Bureau of Investigation has discretion to refuse to distribute any controlled dangerous substances. Each such registrant shall receive a copy of the quantitative analysis.

[OAR Docket #19-35; filed 1-14-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 30. LABELING REQUIREMENTS**

[OAR Docket #19-36]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
475:30-1-1. Purpose [AMENDED]

AUTHORITY:
The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S §§ 2-301, 2-309H.

ADOPTION:
December 11, 2018

APPROVED BY GOVERNOR:
January 4, 2019

EFFECTIVE:
Immediately upon Governor's approval

EXPIRATION:
Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
On July 26, 2018, new laws codified at 63 O.S. §420A et seq., went into effect concerning medical marijuana. Pursuant to 63 O.S. §2-204(C)(12), marijuana is a Schedule I controlled dangerous substance and therefore before any person/entity may manufacture, process, grow, distribute, retail, or use it for scientific purposes, a registration must first be obtained from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD). See 63 O.S. §2-302. The amendments to OBNDD rules are an effort to protect the public health, safety, and welfare by providing a framework in which those with OBNDD Schedule I medical marijuana registrations can function while guarding against diversion.

GIST/ANALYSIS:
The proposed rule amendment provides that labeling for Schedule I medical marijuana shall be in accordance with rules promulgated by the Oklahoma State Department of Health (see OAC 310:681-7-1). This rule interprets 63 O.S. §§2-301, 2-302, 2-303, and references OAC 310:681-7-1.

CONTACT PERSON:
Sunne Riedel Day, 405-521-2885

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):

475:30-1-1. Purpose

The rules of this Chapter describe the procedures to be followed for issuance of a valid prescription, and the information required to be placed on labels for controlled dangerous substances. Labeling for Schedule I medical marijuana shall be in accordance with OAC 310:681-7-1.

[OAR Docket #19-36; filed 1-14-19]

Emergency Adoptions

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 35. TRANSFER AND DISPOSAL OF CONTROLLED DANGEROUS DRUGS

[OAR Docket #19-37]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

475:35-1-3. Distribution upon discontinuance or transfer of business [AMENDED]

475:35-1-4. Procedure for disposing of controlled dangerous substances [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S. §§ 2-301, 2-309H.

ADOPTION:

December 11, 2018

APPROVED BY GOVERNOR:

January 4, 2019

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

On July 26, 2018, new laws codified at 63 O.S. §420A et seq., went into effect concerning medical marijuana. Pursuant to 63 O.S. §2-204(C)(12), marijuana is a Schedule I controlled dangerous substance and therefore before any person/entity may manufacture, process, grow, distribute, retail, or use it for scientific purposes, a registration must first be obtained from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBND). See 63 O.S. §2-302. The amendments to OBND rules are an effort to protect the public health, safety, and welfare by providing a framework in which those with OBND Schedule I medical marijuana registrations can function while guarding against diversion.

GIST/ANALYSIS:

The proposed rule amendments provide that disposal for Schedule I medical marijuana shall be in accordance with the Uniform Controlled Dangerous Substances Act and the rules of the Oklahoma Department of Environmental Quality. Transfers of Schedule I medical marijuana will not require the use of forms in accordance with the Code of Federal Regulations, but will require the Schedule I medical marijuana registrants to comply with transfer rules promulgated by the Oklahoma State Department of Health. These rules interpret 63 O.S. §§2-301, 2-302, 2-303, and reference 63 O.S. §2-101 et seq., OAC 310:681-5-6, and OAC 252:205.

CONTACT PERSON:

Sunne Riedel Day, 405-521-2885

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):

475:35-1-3. Distribution upon discontinuance or transfer of business

(a) Any registrant desiring to discontinue business activities altogether or with respect to controlled dangerous substances (without transferring such business activities to another person) shall return for cancellation of his/her Certificate of

Registration. Any controlled dangerous substances in his/her possession may be disposed of in accordance with Title 21 Code of Federal Regulations, part 1317. Schedule I medical marijuana shall be disposed pursuant to standards set forth in the Uniform Controlled Dangerous Substances Act, 63 Okla.St. Ann. §2-101 et seq., and OAC 252:205.

(b) Any registrant desiring to discontinue business activities altogether or with respect to controlled dangerous substances (by transferring such business activities to another person) shall submit in person or by registered or certified mail, return receipt requested, to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control at least fourteen (14) days in advance of the date of the proposed transfer (unless the Director waives this time limitation in individual instances), the following information:

(1) The name, address, registration number and authorized business activity of the registrant discontinuing the business (registrant-transferor).

(2) The name, address, registration number and authorized business activity of the person acquiring the business (registrant-transferee).

(3) Whether the business activities will be continued at the location registered by the person discontinuing the business or moved to another location (if the latter, the address of the new location should be listed).

(4) Whether the registrant-transferor has a quota to manufacture or procure any controlled dangerous substance listed in Schedule I or II (if so, the basic class or classes of the substance should be indicated).

(5) The date on which the transfer of controlled dangerous substances will occur.

(c) Unless the registrant-transferor is informed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, before the date on which the transfer was stated to occur, that the transfer may not occur, the registrant-transferor may distribute (without being registered to distribute) controlled dangerous substances in his/her possession to the registrant-transferee in accordance with the following:

(1) On the date of transfer of the controlled dangerous substances, a complete inventory of all controlled dangerous substances being transferred shall be taken in accordance with 475:25-1-5 through 475:25-1-12. This inventory shall serve as the final inventory of the registrant-transferor and the initial inventory of the registrant-transferee, and a copy of the inventory shall be included in the records of each person. It shall ~~not~~ be necessary to file a copy of the inventory with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control unless ~~requested~~ waived by the Director. Except for Schedule I medical marijuana, Transfer/transfers of any substances listed in Schedule I or II requires the use of order forms in accordance with Title 21 Code of Federal Regulations, § 1305.

(2) On the date of transfer of the controlled dangerous substances, all records required to be kept by the registrant-transferor with reference to the controlled dangerous substances being transferred, pursuant to this Chapter and Title 21 Code of Federal Regulations, § 1304, or OAC

310:681-5-6, shall be transferred to the registrant-transferee. Responsibility for the accuracy of records prior to the date of transfer remains with the transferor, but responsibility for custody and maintenance shall be upon the transferee.

475:35-1-4. Procedure for disposing of controlled dangerous substances

Any registrant in possession of any controlled dangerous substances and desiring or required to dispose of such substances may do so according to the provisions of Title 63 Okl.St. Ann. §2-315 and Title 21 of the Code of Federal Regulations, part 1317, except Schedule I medical marijuana shall be disposed pursuant to standards set forth in the Uniform Controlled Dangerous Substances Act, 63 Okla.St. Ann. §2-101 et seq., and OAC 252:205.

[OAR Docket #19-37; filed 1-14-19]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 40. ENFORCEMENT AND ADMINISTRATIVE INSPECTIONS**

[OAR Docket #19-38]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
475:40-1-2. Authority to make inspections [AMENDED]

AUTHORITY:
The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; 63 O.S §§ 2-301, 2-309H.

ADOPTION:
December 11, 2018

APPROVED BY GOVERNOR:
January 4, 2019

EFFECTIVE:
Immediately upon Governor's approval

EXPIRATION:
Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
On July 26, 2018, new laws codified at 63 O.S. §420A et seq., went into effect concerning medical marijuana. Pursuant to 63 O.S. §2-204(C)(12), marijuana is a Schedule I controlled dangerous substance and therefore before any person/entity may manufacture, process, grow, distribute, retail, or use it for scientific purposes, a registration must first be obtained from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBND). See 63 O.S. §2-302. The amendments to OBND rules are an effort to protect the public health, safety, and welfare by providing a framework in which those

with OBND Schedule I medical marijuana registrations can function while guarding against diversion.

GIST/ANALYSIS:
The proposed rule amendment provides that Schedule I medical marijuana registrants are subject to administrative inspections that shall include, but not be limited to, inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept pursuant to the Oklahoma State Department of Health (see OAC 310:681-5-6) and applicable state statutes and rules. This rule interprets 63 O.S. §§2-301, 2-302, 2-303, and references OAC 310:681-5-6.

CONTACT PERSON:
Sunne Riedel Day, 405-521-2885

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):

475:40-1-2. Authority to make inspections

Administrative inspections of OBN registrants shall include, but not be limited to, the following:

- (1) Inspecting, copying and verifying the correctness of records, reports or other documents required to be kept or made, including, but not limited to, inventory and other records required to be kept pursuant to the Uniform Controlled Dangerous Substances Act, this Title, ~~and~~ the Code of Federal Regulations governing controlled dangerous substances, or OAC 310:681-5-6; order form records required to be kept pursuant to Title 63 Okl.St. Ann. § 2-308 and other applicable state statutes and rules; prescriptions and distribution records required to be kept pursuant to Title 63 Okl.St. Ann. § 2-307 and other applicable state statutes and rules; shipping records identifying the name of each carrier used; and the date and quantity of each storage.
- (2) Inspecting within reasonable limits and in a reasonable manner all pertinent equipment, finished and unfinished controlled dangerous substances and other substances or materials, containers, and labeling found at the controlled premises relating to the Uniform Controlled Dangerous Substances Act and this Title.
- (3) Making a physical inventory of all controlled dangerous substances on hand at the premises.
- (4) Collecting samples of controlled dangerous substances or precursors (in the event any samples are collected during an inspection, the peace officer or officer so authorized shall issue a receipt for such samples to the owner, operator or agent in charge of the premises).

[OAR Docket #19-38; filed 1-14-19]

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

1:2019-1.

EXECUTIVE ORDER 2019-1

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by the Executive Branch Reform Act of 1986, hereby create the Cabinet System. Pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes, it is hereby ordered:

The Cabinet shall be comprised of the following Secretaries:

1. Secretary of Agency Accountability;
2. Secretary of Agriculture;
3. Secretary of Budget;
4. Secretary of Commerce and Workforce Development;
5. Secretary of Digital Transformation and Administration;
6. Secretary of Energy and Environment;
7. Secretary of Health and Mental Health;
8. Secretary of Human Services and Early Childhood Initiatives;
9. Secretary of Native American Affairs;
10. Secretary of Public Safety;
11. Secretary of Science and Technology;
12. Secretary of State and Education;
13. Secretary of Tourism and Branding;
14. Secretary of Transportation; and
15. Secretary of Veterans Affairs and Military.

The **Secretary of Agency Accountability** shall be responsible for the following executive entities or their successors:

Auditor and Inspector, State
Management and Enterprise Services, Office of

The **Secretary of Agriculture** shall be responsible for the following executive entities or their successors:

Agriculture, State Board of, and Agriculture, Food and Forestry, Department of
Apiary Committee
Boll Weevil Eradication Organization
Commodity Commissions and entities (Peanut, Oilseed, Sheep and Wool, Sorghum and Wheat)
Conservation Commission, Oklahoma

Emergency Drought Commission
Horse Racing Commission, Oklahoma
Industry Advisory Committee
South Central Interstate Forest Fire Protection Compact and Advisory Committee
Southern Dairy Compact
Standards, Bureau of
Veterinary Medical Examiners, State Board of

The **Secretary of Commerce and Workforce Development** shall be responsible for the following executive entities or their successors:

Accountancy Board, Oklahoma
Alarm and Locksmith Industry Committee
Athletic Commission, Oklahoma State
Capitol-Medical Center Improvement and Zoning Commission
Chiropractic Examiners, Board of
Commerce, Oklahoma Department of
Construction Industries Board
Cosmetology and Barbering, State Board of
Development Finance Authority, Oklahoma
Employment Security Commission, Oklahoma, and State Advisory Council and Board of Review
Governor's Council for Workforce and Economic Development
Home Inspector Examiners, Committee of
Housing Finance Agency, Oklahoma
Industrial Finance Authority, Oklahoma
Interstate Cooperation, Oklahoma Commission on
Labor Commissioner and Department of Labor
Licensed Architects, Landscape Architects and Interior Designers of Oklahoma, Board of Governors of
Long-Term Care Administrators, Oklahoma State Board of Examiners for
Main Street Program
Manufactured Home Advisory Committee
Midwestern Oklahoma Development Authority
Motor Vehicle Commission, Oklahoma
Municipal Clerks and Treasurers Division of the Oklahoma Career and Technology Education, Advisory Committee to the
Northeast Oklahoma Public Facilities Authority
Office for Minority and Disadvantaged Business Enterprises
Optometry, Board of Examiners in
Ordinance Works Authority, Oklahoma
Osteopathic Examiners, State Board of

Executive Orders

Private Vocational Schools, Oklahoma Board of
Professional Engineers and Land Surveyors, State Board of
Registration for
Real Estate Appraiser Board
Real Estate Commission, Oklahoma
Real Estate Contract Form Committee, Oklahoma
Rural Action Partnership Program
Rural Area Development Task Force
Rural Development, Center for
Used Motor Vehicle and Parts Commission, Oklahoma

The **Secretary of Digital Transformation & Administration** shall be responsible for the following executive entities or their successors:

Abstractors Board, Oklahoma
Banking Board, State, and State Banking Department
Bipartisan Legislative Apportionment Commission
Bond Oversight, Council of
Building Bonds Commission
Capital Investment Board, Oklahoma
Capitol Preservation Commission, State
Cash Management Oversight Committee
Compensation and Unclassified Positions Review Board,
Oklahoma
Consumer Advocacy, Office of
Consumer Credit Commission and Department of Consumer
Credit
Consumer Protection Licensing Advisory Council
Electronic and Information Technology Accessibility Advi-
sory Council
Employee Assistance Program, State, and Advisory Council
Employee Insurance & Benefits Board, Oklahoma
Equalization, State Board of
Ethics Commission, Oklahoma
Firefighters Pension and Retirement System and Board
Incentive Approval Committee
Insurance Commissioner and State Insurance Department
Judicial Compensation, Board of
Judicial Complaints, Council on
Land Office, Commissioners of the
Legislative Compensation, Board on
Law Enforcement Retirement System and Board, Oklahoma
Life and Health Insurance Guaranty Association and Board of
Directors, Oklahoma
Long-Range Capital Planning Commission
Lottery Commission and Board of Trustees, Oklahoma
Market Assistance Association and Board of Directors
Merit Protection Commission
Oversight Committee for State Employee Charitable Contribu-
tions
Pension Commission, Oklahoma State
Police Pension and Retirement System and Board, Oklahoma
Program Development and Credit Review Committee
Public Employees Relations Board
Public Employees Retirement System and Board, Oklahoma

Securities Commission, Oklahoma, and Department of Securi-
ties
State Credit Union Board, Oklahoma
State Governmental Technology Applications Review Board
Tax Commission, Oklahoma
Teachers' Retirement System, Board of Trustees of the, and
Teachers' Retirement System
Treasurer, State

The **Secretary of Energy and Environment** shall be responsible for the following executive entities or their succes-
sors:

Alternative Fuels Technician Examiners and Board, Oklahoma
Arkansas River Basin Compact Commission, Arkansas-Okla-
homa
Arkansas River Basin Compact and Commission, Kansas-Ok-
lahoma
Canadian River Commission
Central Interstate Low-Level Radioactive Waste Compact and
Commission
Climatological Survey
Corporation Commission, Oklahoma
Energy Initiative and Energy Initiative Board, Oklahoma
Energy Office, Oklahoma State
Energy Resources Board, Oklahoma
Environmental Quality Board and
Air Quality Advisory Council
Radiation Management Advisory Council
Hazardous Waste Advisory Council
Solid Waste Management Advisory Council
Water Quality Management Advisory Council
Department of Environmental Quality
Grand River Dam Authority Board of Directors and Grand
River Dam Authority
Geological Survey
Interstate Oil Compact Commission
Liquefied Petroleum Gas (LPG) Board, Oklahoma
Mining Commission, Interstate
Mining Commission, Oklahoma, and Department of Mines
Miner Training Institute, Oklahoma
Municipal Power Authority Board, Oklahoma
Oil and Gas Compact Commission, Interstate
Red River Compact and Commission, Arkansas-Louisiana-
Oklahoma-Texas
Southern States Energy Compact and Southern States Energy
Board
Sustaining Oklahoma's Energy Resources, Committee
Storage Tank Advisory Council
Water for 2060 Advisory Council
Water Resources Board, Oklahoma
Well Drillers and Pump Installers Advisory Council
Wildlife Conservation Commission and Department of
Wildlife Conservation

The **Secretary of Health and Mental Health** shall be responsible for the following executive entities or their successors:

Anatomical Board, State
 Advancement of Wellness Advisory Council
 Alcohol and Drug Counselors, Oklahoma Board of Licensed
 Alcohol, Drug Abuse and Community Mental Health Planning
 and Coordination Boards
 Alzheimer's Research Advisory Council
 Anatomical Board, State
 Athletic Trainers Advisory Committee
 Behavioral Health Licensure, Board of Catastrophic Health
 Emergency Planning Task Force, Oklahoma
 Cerebral Palsy Commission and Community Hospitals Au-
 thority
 Dentistry, Board of
 Dietetic Registration, Advisory Committee on
 Food Service Advisory Council
 Funeral Board, Oklahoma
 Health Care Authority, Oklahoma
 Health Care Information Advisory Committee
 Health, State Board of, and Department of Health
 Home Care and Hospice Advisory Council
 Hospital Advisory Committee, Oklahoma
 Hospital Advisory Council, Oklahoma
 Medical Licensure and Supervision, Board of
 Mental Health and Substance Abuse, Board of, and Depart-
 ment of Mental Health and Substance Abuse
 Mental Health, Interstate Compact on
 Nursing, Board of, and Formulary Advisory Council
 Occupational Therapy Advisory Committee, Oklahoma
 Oklahoma State University Medical Authority
 Perfusionists, State Board of Examiners of
 Pharmacy, Board of
 Physical Therapy Committee
 Physician Manpower Training Commission
 Physician's Assistant Advisory Committee
 Podiatric Medical Examiners, Board of
 Psychologists, State Board of Examiners of
 Registered Electrologists, Advisory Committee of
 Respiratory Care Advisory Committee
 Sanitarian and Environmental Specialist Registration Advisory
 Council
 Self-Directed Services Program Committee
 Speech Pathology and Audiology, Board of Examiners for
 Suicide Prevention Council, Oklahoma
 Tobacco Settlement Endowment Trust Fund Board of Directors
 Trauma and Emergency Response Advisory Council
 Traumatic Spinal Cord and Traumatic Brain Injury, Advisory
 Council on
 University Hospitals Authority

The **Secretary of Human Services and Early Childhood Initiatives** shall be responsible for the following executive entities or their successors:

Blind Vendors, Committee of
 Child Abuse Examination, Board of
 Child Abuse Prevention, Office of
 Child Abuse Prevention, Training, and Coordination Council
 Child Death Review Board
 Children and Youth, Oklahoma Commission on
 Community Social Services Center Authority
 Developmental Disabilities Council
 Disability Concerns, Governor's Advisory Committee to the
 Office of
 Disability Concerns, Office of
 Early Childhood Intervention, Interagency Coordinating
 Council for
 Employment of People with Disabilities, Governor's Advisory
 Committee on
 Faith-based and Community Initiatives
 Group Homes for Persons with Developmental or Physical Dis-
 abilities Advisory Board
 Human Services, Department of
 Infant and Children's Health Advisory Council
 Interstate Compact for Juveniles
 J.D. McCarty Center for Children with Developmental Disabil-
 ities
 Juvenile Affairs, Board of, and Office of Juvenile Affairs
 Juvenile Justice, State Advisory Group on
 Licensed Social Workers, State Board of
 Long-Term Care Facility Advisory Board
 Medical Care for Public Assistance Recipients, Advisory
 Committee for
 Partnership for Children's Behavioral Health
 Partnership for School Readiness Board, Oklahoma
 Placement of Children, Interstate Compact on the
 Post Adjudication Review Advisory Board
 Prevention of Adolescent Pregnancy and Sexually Transmitted
 Diseases, Interagency Coordinating Council for Coordina-
 tion of Efforts for
 Public Guardian, Office of
 Rehabilitation Services Commission, Oklahoma
 Rehabilitation Services, Department of
 Residents and Family State Council
 Santa Claus Commission
 Statewide Independent Living Council
 Vulnerable Adult Intervention Task Force

The **Secretary of Native American Affairs** shall be responsible for the following executive entities or their successors:

Native American Cultural and Educational Authority
 Native American Liaison, Oklahoma

The **Secretary of Public Safety** shall be responsible for the following executive entities or their successors:

Access to Justice Commission, Oklahoma

Executive Orders

Adult Offender Supervision, Oklahoma State Council for Interstate
Alcohol and Drug Influence, Board of Tests for Alcoholic Beverage Laws Enforcement
Attorney General
Bureau of Investigation Commission, Oklahoma State, and Oklahoma State Bureau of Investigation
Bureau of Narcotics and Dangerous Drugs Control Commission, Oklahoma State, and Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
Chief Medical Examiner, Office of, and Board of Medicolegal Investigations
Corrections, Department of, and Board of Corrections
Crime Victims Compensation Board
District Attorneys Council
Domestic Violence Fatality Review Board
Driver License Compact
Driver's License Medical Advisory Committee
Emergency Management, Oklahoma Department of
Hazardous Materials Emergency Response Commission
Homeland Security Director, Office of
Indigent Defense System Board and Appellate Indigent Defender System
Law Enforcement Education and Training, Council on (CLEET), and CLEET Advisory Council
Motorcycle Safety and Education, Committee for
National Crime Prevention and Privacy Compact Council
Nonresident Violator Compact Board of Administrators
Pardon and Parole Board, Oklahoma
Polygraph Examiners Board
Public Safety, Department of
State Fire Marshal Commission, and State Fire Marshal, Office of
Statewide Nine-One-One Advisory Board

The **Secretary of Science and Innovation** shall be responsible for the following executive entities or their successors:

Center for the Advancement of Science and Technology, Oklahoma, and Oklahoma Health Research Committee
Experimental Program to Stimulate Competitive Research Advisory Committee
Science and Technology Council
Science and Technology Research and Development Board, Oklahoma
Space Industry Development Authority, Oklahoma

The **Secretary of State and Education** shall be responsible for the following executive entities or their successors:

Archives and Records Commission
Career and Technology Education, State Board of, and Department of Career and Technology Education
College and University Boards of Regents or Trustees
Contingency Review Board

County Government Personnel Education and Training, Commission on
Dyslexia Teacher Training Pilot Program Advisory Committee
Education Commission of the States
Educational Quality and Accountability, Office of, and Commission for Educational Quality and Accountability
Education, State Board of,
Superintendent of Public Instruction and State Department of Education
Educational Television Authority (OETA), Oklahoma
Election Board, State
Judicial Nominating Commission
Library Board, State, and Department of Libraries
National Conference of Commissioners on Uniform State Laws
Professional Responsibility Tribunal
School and County Funds Management, Commission on
School of Science and Mathematics, Oklahoma Board of Trustees of, and Oklahoma School of Science and Mathematics
Secretary of State
State Regents for Higher Education, Oklahoma
Student Loan Authority
Textbook Committee, State
Virtual Charter School Board, Statewide
Workers' Compensation, Advisory Council on
Workers' Compensation Commission

The **Secretary of Tourism and Branding** shall be responsible for the following executive entities or their successors:

1921 Tulsa Race Riot Memorial of Reconciliation Design Committee
African-American Centennial Plaza Design Committee
Arts Council, Oklahoma
Geographic Information Council, State
Greenwood Area Redevelopment Authority
Historic Preservation Review Committee, Oklahoma
Historical Records Advisory Board
Historical Society, Oklahoma
Industry Advisory Committee
J.M. Davis Memorial Commission
Jazz Hall of Fame Board, Oklahoma
Quartz Mountain Arts and Conference Center and Nature Park, Board of Trustees, and Quartz Mountain Arts and Conference Center and Nature Park
Register of Natural Heritage Areas, State
Sam Noble Museum of Natural History, Oklahoma
Tourism and Recreation Commission, Oklahoma, and Department of Tourism and Recreation
Tourism Promotion Advisory Committee, Oklahoma
Will Rogers Memorial Commission

The **Secretary of Transportation** shall be responsible for the following executive entities or their successors:

Aeronautics Commission
Highway Construction Materials Technician Certification Board
Port Authorities
Tourism Signage Advisory Task Force, Oklahoma
Transportation Commission and Department of Transportation
Transportation County Advisory Board, Department of
Transportation Tribal Advisory Board, Department of
Turnpike Authority, Oklahoma
Waterways Advisory Board

The **Secretary of Veterans Affairs and Military** shall be responsible for the following executive entities or their successors:

Accrediting Agency, State
Adjutant General, State
Agent Orange Outreach Committee
Military Department, Oklahoma
Strategic Military Planning Commission, Oklahoma
Veterans Affairs, Department of
Veterans Commission

It shall be the duty of each board, commission, agency or other entity of the executive branch of state government to facilitate the purposes of this Order and the Executive Branch Reform Act of 1986 and to cooperate fully with designated cabinet secretaries.

The State Chief Information Officer shall remain an appointee of the Governor and an employee of the Office of Management and Enterprise Services pursuant to 62 O.S. §34.11.1. The CIO shall continue to administer the OMES Information Services Division and the statewide plan to reform, streamline, and consolidate the state of Oklahoma's information technology and telecommunications structure, operations, and purchasing procedures in order to reduce the size of government and ensure that essential public services are delivered to Oklahoma taxpayers in the most efficient, cost-effective manner possible. The information technology consolidation has brought positive attention to Oklahoma as a progressive state in the information technology arena and the legislative intent of the consolidation effort remains a priority of this administration.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 24th day of January, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-43; filed 1-24-19]

1:2019-2.

EXECUTIVE ORDER 2019-2

Upon taking office, I directed my staff to begin examining the frequency with which state agencies, boards, and commissions hire outside lobbyists to lobby the State's legislators on their behalf and the costs incurred as a result of such lobbying. While my office has been able to identify numerous agencies, boards, and commissions that use outside lobbyists, the data related to the costs incurred with respect to such lobbying is virtually impossible to identify.

Certainly, there is a role to be played in governmental affairs for persons to lobby legislators on behalf of various interest groups. The Oklahoma Statutes recognize this role in regulating the conduct of lobbyists in Title 74 of the Oklahoma Statutes, Chapter 62 Appendix 1, Rule 5. However, as Governor of the State Oklahoma with "Supreme Executive power" to manage the Executive Branch of the government, as provided for in Section 2 of Article VI of the Oklahoma Constitution, I have determined that it is not a proper use of state funds for any state agency, board, or commission to expend taxpayers' money on the hiring of outside lobbyists to lobby the State's legislators on behalf of any state agency, board, or commission.

As a result, therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct all "state agencies," as defined by 61 O.S. § 327(A), as follows:

1. On or before March 29, 2019, provide a report to the Office of the Governor with the following information:
 - a. The name or names of any "Legislative Lobbyist," "Executive Lobbyist," or "Lobbyist Principal," (collectively referred to as "Lobbyists") retained by your agency for the purpose of engaging in "Legislative Lobbying" or "Executive Lobbying" (collectively referred to as "Lobbying"), as such capitalized terms are defined in 74 O.S. Chapter 62, Appendix I, Rule 5.2, in Fiscal Year 2019 ("FY 2019").

Executive Orders

- b. The total amount of funds expended by your agency to any and all Lobbyist(s) identified in paragraph 1(a) above in FY 2019 and the total amount anticipated to be expended by your agency through the duration of FY 2019.
 - c. The name or names of any and all Lobbyist(s) retained by your agency for the purpose of Lobbying during Fiscal Years 2015, 2016, 2017, and 2018.
 - d. The total amount of funds expended by your agency to any and all Lobbyist(s) identified in paragraph 1(c) above during Fiscal Years 2015, 2016, 2017, and 2018.
 - e. A description of the process your agency used to award any and all contract(s) to any and all Lobbyist(s) identified in paragraphs 1(a) and 1(c) above.
2. On or before March 29, 2019, provide copies to the Office of the Governor of any and all contracts between your agency and any and all Lobbyist(s) identified in paragraphs 1(a) and 1(c) above.
 3. For the duration of FY 2019, all state agencies are hereby prohibited from entering into any new, or renewing any existing, contract or any other agreement with a Lobbyist for the purpose of Lobbying.

Copies of this Executive Order shall be distributed to the chief executives of every State agency, board, and commission for immediate implementation. Copies of this Executive Order shall also be supplied to each Cabinet Secretary.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this day of January, 2019

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-44; filed 1-24-19]

1:2019-3.

EXECUTIVE ORDER 2019-3

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and by Subsection D of Section 840-2.14 of Title 74 of the Oklahoma Statutes, hereby order a State agency personnel action freeze for classified employee positions (hereinafter referred to as "personnel freeze"). This personnel freeze does not apply to unclassified employee positions.

For purposes of this personnel freeze, I hereby delegate authority to approve or disapprove exemption requests to: 1) the statewide elected officials who direct and manage State employing entities ("agencies"); and 2) for all other State agencies, the appropriate Cabinet Secretary, as designated by the Executive Order in effect that creates the Cabinet System pursuant to 74 O.S. § 10.3. In the event the appropriate Cabinet Secretary position is vacant, the authority to approve or disapprove exemptions is delegated to the Secretary of Agency Accountability.

This hiring freeze shall be implemented by all agencies in accordance with the following guidelines:

1. No audits of classified positions or reallocation of unclassified positions shall be initiated or conducted at the request of any agency unless specifically approved by the appropriate statewide elected official or Cabinet Secretary (collectively referred to as "Cabinet Secretary"). Provided, however, an audit at the request of an employee who files a classification grievance shall be conducted during this personnel freeze in accordance with 74 O.S. § 840.43.
2. Except as specifically provided and authorized by this Order, all agencies are prohibited from hiring, reinstating, granting salary raises, awarding performance bonuses, and promoting classified employees and from accepting a transferred classified employee from another agency without first securing the express, written approval of the appropriate Cabinet Secretary.
3. With regard to classified Information Technology ("IT") positions, all hiring, reinstatement, salary raises, performance bonuses, promotions, or acceptances of transferred employees, shall require the exclusive approval of the Secretary of Agency Accountability.
4. For personnel actions meeting any of the criteria outlined in paragraphs 2 or 3 above, an exemption to this personnel freeze may only be granted if the Chief Administrative Officer of an agency submits a request to, and receives approval from, the appropriate Cabinet Secretary for that agency, or, for IT personnel actions, approval from, the Secretary of Agency Accountability. Requests for exemptions and approvals shall be made in the following manner:
 - a. A Chief Administrative Officer shall submit a written request to the appropriate cabinet secretary stating the special conditions requiring the submission of the request.
 - b. Such requests shall be submitted through the electronic exception process of the Human Capital Management Division of the Office of Management and Enterprise Services ("OMES"), hereinafter referred to as HCM, if such electronic exception process is available.
 - c. Upon finding that the request for an exemption to this personnel freeze is justified based on the special conditions, as identified by the agency's Chief Administrative Officer, the Cabinet Secretary shall indicate his or her approval of the exemption in writing.
 - d. All approved requests and Cabinet Secretary findings shall be maintained in accordance with the Records

Management Act, and in HCM's exception system, if available.

5. The Director of OMES is hereby directed to develop and implement procedures necessary to carry out the provisions of this Order.

6. The Director of OMES is authorized to require Cabinet Secretaries to provide him or her with periodic accountings of approvals and disapprovals of requests for exemptions to this personnel freeze, a copy of such accountings shall also be provided to the Governor. To ensure proper monitoring, the Director of OMES is authorized to develop a protocol requiring all Cabinet Secretaries to regularly report all personnel actions related to this Order in their respective areas of responsibility.

7. The Oklahoma Military Department's personnel actions shall comply with this Order, except for those actions and contracts for which the Department receives total federal government reimbursement.

Copies of this Order shall be distributed to all statewide elected officials, Cabinet Secretaries, and the Director of OMES for immediate implementation.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 24th day of January, 2019

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-45; filed 1-24-19]

1:2019-4.

EXECUTIVE ORDER 2019-4

As stated by a former Governor of the State in a previous Executive Order, planes and other aircraft that are owned by

the State can be an important tool of government. However, the inherently high cost of acquiring, maintaining, and operating aircraft means that the Executive Branch of the State of Oklahoma has a responsibility to oversee the ownership and use of such aircraft with an eye towards eliminating inefficiencies and excessive costs to the taxpayers and citizens of Oklahoma.

After having carefully reviewed the aircraft assets of the State, and the costs associated with owning, maintaining, and operating each of them, I have determined that the State of Oklahoma owns and maintains more aircraft than are necessary for the efficient administration of the roles of the Executive Branch.

As a result, therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order the Commissioner of the Oklahoma Department of Public Safety to sell, as soon as reasonably practicable, for a fair value, the 1990 Beech B300 (King Air), serial number FL-4, with registration tail number N10K, registered to the Oklahoma Department of Public Safety.

Copies of this Executive Order shall be distributed to the Director of the Office of Management and Enterprise Services, and the Commissioner of the Oklahoma Department of Public Safety who shall cause the provisions of this Order to be carried out forthwith. Copies of this Executive Order shall be supplied to each Cabinet Secretary.

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 24th day of January, 2019.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-46; filed 1-24-19]

