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

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

[OAR Docket #18-733]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking

PROPOSED RULES:

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

SUMMARY:

The purpose of this proposed rulemaking action is to update the district zoning map.

AUTHORITY:

73 O.S. §83.4; Capitol-Medical Center Improvement and Zoning Commission.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from December 17, 2018 through 5 p.m. Friday, January 25, 2019.

PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m., January 24, 2019 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning December 31, 2018.

CONTACT PERSON:

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

[OAR Docket #18-733; filed 11-20-18]

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

[OAR Docket #18-711]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Description of Organization

158:1-1-2 [AMENDED]

Subchapter 3. General Operation and Procedures

158:1-3-13 [NEW]

Subchapter 5. Procedure in Individual Proceedings

158:1-5-1 [AMENDED]

158:1-5-2 [AMENDED]

158:1-5-3 [AMENDED]

158:1-5-4 [AMENDED]

158:1-5-13.1 [AMENDED]

Subchapter 9. Actions to Improve Workforce Development and Skilled Trade Education [NEW]

158:1-9-1 [NEW]

158:1-9-2 [NEW]

158:1-9-3 [NEW]

SUMMARY:

The proposed amendments to 158:1-1-2 clarify the definition of Administrative Law Judge and provide a definition for petition. The proposed amendments for 158:1-3-13 add procedures for reciprocity and portability of licensure and registration. The proposed amendment to 158:1-5-1 clarifies procedures for serving petition and notice of hearing in individual proceedings. The proposed amendment to

158:1-5-2 clarifies the notice of individual hearing as it relates to the Oklahoma Inspector's Act. The proposed amendment to 158:1-5-3 clarifies service of paper and documents. The proposed amendments to 158:1-5-13.1 clarifies how appeals are to be filed. The proposed addition of 158:1-9-1, 158:1-9-2 and 158:1-9-3 is to add procedures and duties for a skilled trade education and workforce development fund.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/ Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make

comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #18-711; filed 11-19-18]

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

[OAR Docket #18-712]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:30-1-2 [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-2 [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1.4 [NEW]

158:30-9-4 [AMENDED]

SUMMARY:

The proposed amendment to 158:30-1-2 further clarifies a definition; the proposed amendment to 158:30-5-2 adds clarification to the rule regarding failure to meet requirements for bonds and insurance; the addition of 158:30-9-1.4 establishes exam equivalency requirements and the proposed amendment to 158:30-9-4 allows for an additional method for obtaining alternate continuing education credit accrual.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1002

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period

set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #18-712; filed 11-19-18]

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

[OAR Docket #18-713]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Provisions
158:40-1-2 [AMENDED]
- Subchapter 5. Licensing Requirements, Display of License, and Firm Name, and Bond Requirements
158:40-5-1 [AMENDED]
158:40-5-2 [AMENDED]
158:40-5-3 [AMENDED]
- Subchapter 7. License Classifications
158:40-7-2 [AMENDED]

- Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals
158:40-9-2.4 [NEW]
158:40-9-4 [AMENDED]
- Subchapter 11. License Revocation or Suspension and Prohibited Acts
158:40-11-2 [AMENDED]

SUMMARY:

The proposed amendment to 158:40-1-2 is to clean up definitions and provide the public better clarity. The proposed amendments to 158:40-5-1 are due to statutory changes and to clarify how documentation of apprenticeships should be obtained and maintained for future license applications. The proposed amendments to 158:40-5-2 are to clarify how documentation of journeyman should be obtained and maintained for future license applications and for cleanup purposes. The proposed amendments to 158:40-5-3 are for clarification related to contractor requirements. The proposed amendment to 158:40-7-2 is for clarification related to residential electrical work. The addition of 158:40-9-2.4 is to provide exam equivalency for a journeyman or contractor seeking Oklahoma licensure from a state or local jurisdiction that does not have a reciprocity agreement. The proposed amendment to 158:40-9-4 is to add an additional method of alternate continuing education credit accrual. The proposed amendment to 158:40-11-2 is due to statutory change.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #18-713; filed 11-19-18]

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

[OAR Docket #18-714]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-3 [AMENDED]

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

158:50-9-4.1 [NEW]

158:50-9-7 [AMENDED]

SUMMARY:

The amendments to 158:50-1-2 is to clarify the definition for "direct supervision". The proposed amendment to

158:50-5-3 adds clarification to the rule regarding failure to meet requirements for bonds and insurance. The addition of 158:50-9-4.1 provides exam equivalency and requirements. The proposed amendment to 158:50-9-7 provides an additional method for alternate continuing education credit accrual.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1850.3

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that

monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #18-714; filed 11-19-18]

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

[OAR Docket #18-715]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Procedures of the Committee
158:60-3-2 [NEW]

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

158:60-5-3 [AMENDED]

158:60-5-5 [AMENDED]

SUMMARY:

The addition of 158:60-3-2 is for the purpose of establishing a hearing process for the Oklahoma Inspector Examiners Committee. The proposed amendments to 158:60-5-3 are to clarify license requirements for inspectors. The proposed amendments to 158:60-5-5 are to remove limitations and to clarify standards for continuing education as they relate to online courses; clarify approval procedures; allow for an alternate method for continuing education credit accrual.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1032.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the

public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #18-715; filed 11-19-18]

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

[OAR Docket #18-716]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Notices of Rulemaking Intent

158:85-1-2 [AMENDED]

Subchapter 2. Registration and Endorsement Application and Renewal Requirements, Procedures, Fees, Duration, Military and Reciprocity

158:85-2-1 [AMENDED]

Subchapter 5. Registration and Endorsement Requirements and Limitations, Display of Registration Number, Endorsement, Firm Name and Contact Information, Exclusions

158:85-5-1 [AMENDED]

158:85-5-5 [AMENDED]

SUMMARY:

Many of the proposed amendments to OAC 158:85 are for the purpose of administration of the provisions of the Roofing Contractor Registration Act in accordance with HB 1535. The proposed amendments to 158:85-1-2 add definitions for "comparable material," "labor-only crews," clarifies the definition for "Residential roofing contractor work" and adds a definition for "stand-by". The amendments to 158:85-2-1 provide clarification related to installing shingles to a building for commercial purposes and provide requirements for "labor-only crews". The amendment to 158:85-5-1 sets forth guidelines on allowing a party designated by a roofing firm to sit for the commercial roofing exam. The proposed amendments to 158:85-5-5 are related to metal building erectors and prefabricated or pre-engineered metal building packages.

AUTHORITY:

Construction Industries Board; 1000.4, 1000.5, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2019, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 23, 2019, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2019, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 28, 2018, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 23, 2019, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 23, 2019, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 13, 2019, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #18-716; filed 11-19-18]

TITLE 243. OKLAHOMA ENERGY RESOURCES BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS [REVOKED]

[OAR Docket #18-717]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [REVOKED]

SUMMARY:

The Oklahoma Energy Resources Board propose the revocation of all administrative rules for the Board because the administrative rules are no longer necessary for the operation of the Board. The administrative rules address procedures and functions that are no longer applicable to the Board or are no longer administered by the Board. The revocation of the administrative rules by the Board will not impact or change the delivery of services or operations of the Board. The purpose of the revocation is to remove the rules that are no longer needed and can be confusing for the public.

AUTHORITY:

Oklahoma Energy Education and Marketing Act; Title 52, Sections 288.1 through 288.12, of the Oklahoma Statutes

COMMENT PERIOD:

Written comment will be accepted through 4:30 pm January 16, 2019, at the Oklahoma Energy Resources Board, 500 N.E. 4th Street, Suite 100, Oklahoma City, OK 73104, Attn:Mindy Stitt, or by email to mstitt@oerb.com.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Mindy Stitt at (405) 601-2277 or mstitt@oerb.com no later than 4:30 p.m. on January 16, 2019.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through January 16, 2019, at Oklahoma Energy Resources Board 500 N.E. 4th Street, Suite 100, Oklahoma City, OK 73104, Attn: Mindy Stitt, or by email to mstitt@oerb.com.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Mindy Stitt at Oklahoma Energy Resources Board, 500 N.E. 4th Street, Suite 100, Oklahoma City, OK 73104, (405) 601-2277, mstitt@oerb.com.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Mindy Stitt, Executive Director, (405) 601-2277, mstitt@oerb.com

[OAR Docket #18-717; filed 11-19-18]

**TITLE 243. OKLAHOMA ENERGY RESOURCES BOARD
CHAPTER 10. REFUND PROCEDURES
[REVOKED]**

[OAR Docket #18-718]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Refund Procedures [REVOKED]

SUMMARY:

The Oklahoma Energy Resources Board propose the revocation of all administrative rules for the Board because the administrative rules are no longer necessary for the operation of the Board. The administrative rules address procedures and functions that are no longer applicable to the Board or are no longer administered by the Board. The revocation of the

administrative rules by the Board will not impact or change the delivery of services or operations of the Board. The purpose of the revocation is to remove the rules that are no longer needed and can be confusing for the public.

AUTHORITY:

Oklahoma Energy Education and Marketing Act; Title 52, Sections 288.1 through 288.12, of the Oklahoma Statutes

COMMENT PERIOD:

Written comment will be accepted through 4:30 pm January 16, 2019, at the Oklahoma Energy Resources Board, 500 N.E. 4th Street, Suite 100, Oklahoma City, OK 73104, Attn:Mindy Stitt, or by email to mstitt@oerb.com.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Mindy Stitt at (405) 601-2277 or mstitt@oerb.com no later than 4:30 p.m. on January 16, 2019.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through January 16, 2019, at Oklahoma Energy Resources Board 500 N.E. 4th Street, Suite 100, Oklahoma City, OK 73104, Attn: Mindy Stitt, or by email to mstitt@oerb.com.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Mindy Stitt at Oklahoma Energy Resources Board, 500 N.E. 4th Street, Suite 100, Oklahoma City, OK 73104, (405) 601-2277, mstitt@oerb.com.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Mindy Stitt, Executive Director, (405) 601-2277, mstitt@oerb.com

[OAR Docket #18-718; filed 11-19-18]

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

[OAR Docket #18-735]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Salary and Payroll

Part 1. Salary and Rate of Pay

260:25-7-11. [AMENDED]

260:25-7-12. [AMENDED]

Notices of Rulemaking Intent

Subchapter 9. Recruitment and Selection
Part 1. General Provisions
260:25-9-9. [AMENDED]
Subchapter 11. Employee Actions
Part 3. Probationary Employees
260:25-11-31. [AMENDED]
260:25-11-36. [AMENDED]
Part 5. Promotions
260:25-11-55. [AMENDED]
Part 11. Other transactions
260:25-11-110. [AMENDED]
Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
260:25-15-52. [AMENDED]
Subchapter 17. Performance Evaluation and Career Enhancement Programs
Part 9. Mandatory Supervisory Training
260:25-17-91. [AMENDED]
Part 11. Certified Public Manager Program
260:25-17-110. [AMENDED]
260:25-17-111. [AMENDED]
260:25-17-112. [AMENDED]
260:25-17-113. [AMENDED]
260:25-17-114. [AMENDED]
260:25-17-115. [AMENDED]
Part 13. Personnel Professional Training and Certification
260:25-17-130. [AMENDED]
260:25-17-132. [AMENDED]
260:25-17-138. [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State's workforce. It is proposed that the rules be amended. The effect of the amended rules is to comply with newly created or amended statutes, promote efficiency in training the State's workforce, correct citations and scrivener's errors, and increase clarity of the rules. 260:25-7-11 corrects the statutory reference. 260:25-7-12 provides clarification regarding when overtime or compensatory time may accrue. 260:25-9-9 provides clarity regarding the Administrator's authority to remove a person's name from all registers. 260:25-11-31 removes a reference to a revoked rule. 260:25-11-36 removes the requirement that days absent from work must be continuous in order to adjust the probationary period. 260:25-11-55 removes the requirement that days absent from work must be continuous in order to adjust the trial period and allows the trial period adjustment to be at the Appointing Authority's option. 260:25-11-110 provides clarification regarding detail to special duty. 260:25-15-52 prescribes the standards for shared leave in accordance with the statutory amendments to the Shared Leave program. 260:25-17-91 amends the requirements for mandatory supervisory training. 260:25-17-111, 260:25-17-112, and 260:25-17-113 amend the participation and completion requirements of the certified public manager program. 260:25-17-132 amends the training requirements for personnel professionals.

AUTHORITY:

Office of Management and Enterprise Services Human Capital Management Division. 74 O.S. Section 840-1.6A; 74 O.S. Section 840-2.23; 74 O.S. Section 840-3.1; 74 O.S. Section 840-3.15; 74 O.S. Section 840-4.11; 74 O.S. Section 840-4.13; 62 O.S. Section 34.6(8) The Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2019. Comments should be filed in the office of Tracy Hird, Deputy General Counsel, Office of Management and Enterprise Services Human Capital Management Division, located at 2401 N. Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing has been scheduled for 10:00 am to 12:00 pm on January 23, 2019, at the offices of the Human Capital Management Division located at 2401 N. Lincoln Blvd., Will Rogers Building, Conference Room 216, Oklahoma City, Oklahoma 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Tracy Hird, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management Division
2401 N. Lincoln Blvd., Suite 106
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning January 1, 2019. The rule impact statement may be obtained for review by contacting Tracy Hird of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Tracy Hird, Deputy General Counsel, (405) 522-3428

[OAR Docket #18-735; filed 11-20-18]

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

[OAR Docket #18-736]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2019. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 23, 2019, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-736; filed 11-20-18]

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

[OAR Docket #18-737]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2019. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 23, 2019, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-737; filed 11-20-18]

Notices of Rulemaking Intent

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 55. EMPLOYEES GROUP INSURANCE DIVISION - THE DISABILITY PLAN

[OAR Docket #18-738]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Employees Group Insurance Division - The Disability Plan [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2019. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 23, 2019, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-738; filed 11-20-18]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 115. PROCUREMENT

[OAR Docket #18-734]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

260:115-1-2. Definitions [AMENDED]

Subchapter 3. Supplier Provisions

260:115-3-7. Bid preparation [AMENDED]

260:115-3-9. Bid documents open for public inspection [AMENDED]

260:115-3-11. Bid submission [AMENDED]

260:115-3-19. Suppliers Protest [AMENDED]

260:115-3-21. Supplier suspension from Supplier List [AMENDED]

260:115-3-23. Supplier debarment [AMENDED]

Subchapter 5. State Agency Provisions

260:115-5-3. Certified Procurement Officers (CPO) [AMENDED]

260:115-5-7. State agency purchasing procedures [AMENDED]

260:115-5-9. Retention of state agency acquisition records [AMENDED]

260:115-5-11. State agency acquisitions [AMENDED]

260:115-5-13. Authorized signatures for state agency procurement [AMENDED]

260:115-5-15. Agency savings reporting [AMENDED]

260:115-5-21. Procedures for state agency privatization contracts [AMENDED]

Subchapter 7. Procurement

Part 1. General Procurement

260:115-7-3. Methods state agencies use to make acquisitions [AMENDED]

Part 3. Requirements for Acquisitions

260:115-7-15. Acquisitions over \$25,000.00 and not exceeding \$50,000.00 [AMENDED]

260:115-7-19. Emergency acquisitions [AMENDED]

Part 5. Competitive Sealed Solicitations

260:115-7-30. Competitive sealed solicitations [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to update rules, define additional terminology used in procurement practice, and to provide clarification to vendors and users.

These proposed changes will improve agencies efficiencies and costs.

AUTHORITY:

74 O.S. §85.1 Central Purchasing Act and 62 O.S. §34.6 the Director of the Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Tim Tuck at Tim.Tuck@omes.ok.gov during the period from December 17, 2018 through January 18, 2019.

PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.m. to 4:00 p.m. on January 18th, 2019 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building) Conference Room 216, Oklahoma City, OK

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

As required by 75 O.S. 303 (D), a rule impact statement will be available beginning December 29th 2018.

CONTACT PERSON:

Tim Tuck, (405) 521-2403 or Tim.Tuck@omes.ok.gov.

[OAR Docket #18-734; filed 11-20-18]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 125. STATE EMPLOYEE SUGGESTION PROGRAMS**

[OAR Docket #18-740]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 260:125-1-1 [NEW]
- 260:125-1-2 [NEW]
- Subchapter 3. State Employee Suggestion Program Requirements [NEW]
- 260:125-3-1 [NEW]
- 260:125-3-2 [NEW]
- 260:125-3-3 [NEW]
- 260:125-3-4 [NEW]
- 260:125-3-5 [NEW]
- 260:125-3-6 [NEW]
- 260:125-3-7 [NEW]
- Subchapter 5. State of Oklahoma Rights [NEW]
- 260:125-5-1 [NEW]

SUMMARY:

The purpose of this proposed rulemaking action is to adopt rules to implement legislation and establish standards for State Employee Suggestion programs.

AUTHORITY:

Office of Management and Enterprise Services Human Capital Management Division; 74 O.S. Section 1604(D).

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2019. Comments should be filed in the office of Tracy Hird, Deputy General Counsel, Office of Management and Enterprise Services Human Capital Management Division, located at 2401 N. Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing has been scheduled for 1:30 pm to 3:30 pm on January 23, 2019, at the offices of the Human Capital Management Division located at 2401 N. Lincoln Blvd., Will Rogers Building, Conference Room 216, Oklahoma City, Oklahoma 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Tracy Hird, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management Division
2401 N. Lincoln Blvd., Suite 106
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning January 1, 2019. The rule impact statement may be obtained for review by contacting Tracy Hird of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Tracy Hird, Deputy General Counsel, (405) 522-3428

[OAR Docket #18-740; filed 11-21-18]

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

[OAR Docket #18-723]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 6. Inpatient Psychiatric Services
- 317:30-5-95.1 [AMENDED]
- 317:30-5-95.34 [AMENDED]
- (Reference APA WF # 18-06)

Notices of Rulemaking Intent

SUMMARY:

The proposed revisions will establish a prior authorization requirement for inpatient psychiatric services for adults. Revisions will also align the time requirement of the first individual treatment by the physician to the requirement of completion of the psychiatric evaluation. Other revisions will involve limited rewriting aimed at clarifying text.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 Code of Federal Regulations, Sec. 441.154

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-723; filed 11-20-18]

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

[OAR Docket #18-724]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-28 [AMENDED]

(Reference APA WF # 18-10)

SUMMARY:

The proposed revisions will update policy on how to qualify for the Electronic Health Records Incentive Program by changing the timeframe in which hospitals must meet SoonerCare patient volume criteria for a continuous 90-day period from the preceding calendar year to the preceding federal fiscal year. The proposed revisions will add a 30-day time limit for eligible providers to submit documentation or make corrections to avoid denial of their EHR attestation. In addition, the proposed revisions will add language further defining the process and timeframes for providers to request an informal reconsideration or a formal appeal.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section; 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-724; filed 11-20-18]

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

[OAR Docket #18-725]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 85. Advantage Program Waiver Services
317:30-5-761 [AMENDED]
317:30-5-763 [AMENDED]
(Reference APA WF # 18-21A)

SUMMARY:

The proposed revisions will update spouse and legal guardian requirements as paid service providers for personal care services. Revisions will also align current rules on how SoonerCare (Medicaid) funding is used for caregiver direct care support reimbursement. Additionally, the proposed revisions will update assisted living rules regarding Home and Community-Based Services (HCBS) Waivers for visitation in residential HCBS settings. The proposed revisions will ensure that policy aligns rules with the Centers for Medicare and Medicaid Services' restrictions regarding assisted living

for overnight visits of member's guests. Finally, the proposed revisions will remove and update outdated policy in order to align with current business practices.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 162 of Title 56 of the Oklahoma Statutes and Sections 430 and 431 of Title 42 of the Code of Federal Regulations

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-725; filed 11-20-18]

Notices of Rulemaking Intent

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

[OAR Docket #18-726]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-40 [AMENDED]
(Reference APA WF # 18-22A)

SUMMARY:

The proposed revisions to the Developmental Disabilities Division (DDS) policy will amend rules to implement changes recommended during the annual Department of Human Services (DHS) DDS rule review process. Additionally, revisions will reflect new service requirements for employment services through Home and Community-Based Services waivers. Further revisions will eliminate and/or update outdated policy in order to better align with current business practices.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Sections 441.301 et. seq. of Title 42 of the Code of Federal Regulations

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-726; filed 11-20-18]

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

[OAR Docket #18-727]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-42 [AMENDED]
(Reference APA WF # 18-05)

SUMMARY:

The proposed revisions amend eligibility policy to be consistent with federal law. Federal law excludes, for nine months following the month of receipt, the unspent portion of any Social Security Retirement, Survivors, and Disability Insurance (RSDI) or Supplemental Security Income (SSI) retroactive payment when determining the resources of an eligible individual and spouse. According to the regulations, a retroactive payment is one that is paid after the month in which it was due.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section; 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 20 CFR §416.1233

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-727; filed 11-20-18]

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

[OAR Docket #18-728]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Eligibility and Countable Income
 - Part 1. Determination of Qualifying Categorical Relationships
 - 317:35-5-4 [AMENDED]
 - 317:35-5-4.1 [AMENDED]
 - Part 5. Countable Income and Resources
 - 317:35-5-49 [AMENDED]

- Subchapter 7. Medical Services
 - Part 7. Certification, Redetermination and Notification
 - 317:35-7-61.1 [AMENDED]
- (Reference APA WF # 18-12)**

SUMMARY:

The proposed revisions to the Tax Equity and Fiscal Responsibility Act (TEFRA) policy and the "Determining categorical relationship to the disabled" policy will remove references to "OKDHS worker" and "local county office" and replace it with "the Oklahoma Health Care Authority" in those instances when the policy is referencing the TEFRA program or the Level of Care Evaluation Unit at the OHCA. Currently, TEFRA applications are processed entirely by the TEFRA/Level of Care unit of the OHCA.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section; 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 134 of the Tax Equity and Fiscal Responsibility Act of 1982 - (P.L. 97-248); Section 1919 of the Social Security Act (42 U.S.C. 1396r); 42 CFR 440.150; 42 CFR 435.1009; 42 CFR 483.440

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-728; filed 11-20-18]

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

[OAR Docket #18-729]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Oklahoma Cares Breast and Cervical
Cancer Treatment Program

317:35-21-1 [AMENDED]

317:35-21-3 [AMENDED]

317:35-21-4 [AMENDED]

317:35-21-5 [AMENDED]

317:35-21-6 [AMENDED]

317:35-21-9 [AMENDED]

317:35-21-11 [AMENDED]

317:35-21-12 [AMENDED]

317:35-21-14 [AMENDED]

(Reference APA WF # 18-19)

SUMMARY:

The proposed revisions to the Breast and Cervical Cancer (BCC) policy will add reference to the American Society for Colposcopy and Cervical Pathology Consensus and National Comprehensive Cancer Network, which provides guidelines for "in need of treatment" determinations. In addition, the term "OKDHS worker" will be replaced with the term "eligibility coordinator" to make policy current. Finally, proposed revisions will include cleanup and remove outdated language.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 435.213

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-729; filed 11-20-18]

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

[OAR Docket #18-730]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 18. Programs of All-Inclusive Care for the Elderly

317:35-18-5 [AMENDED]

(Reference APA WF # 18-20)

SUMMARY:

The proposed revisions will amend the Program for All-Inclusive Care for the Elderly (PACE) policy to reflect current business practice pertaining specifically to where the Oklahoma Department of Human Services (DHS) nurse or PACE nurse are to perform the Uniform Comprehensive Assessment Tool, Part III visit. Finally, revisions will update obsolete acronyms and align language with appropriate format guidelines for better flow and understanding.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-730; filed 11-20-18]

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

[OAR Docket #18-731]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Personal Care Services

317:35-15-4 [AMENDED]

317:35-15-10 [AMENDED]

Subchapter 17. Advantage Waiver Services

317:35-17-14 [AMENDED]

317:35-17-22 [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-2 [AMENDED]

(Reference APA WF # 18-21B)

SUMMARY:

The proposed revisions will remove outdated language regarding Uniform Comprehensive Assessment Tool (UCAT) Part III submission and align it with the ADvantage eligibility policy. Additional revisions will add guidelines for the Oklahoma Department of Human Services (DHS) nurse when establishing/assigning a medical certification period, with annual reviews, for persons younger than eighteen (18) years of age. Further revisions address personal care services medical eligibility extensions when medical redetermination is not made by current medical certification end date; what constitutes reasons that personal care services may be terminated in a member's home and documentation that must be provided to justify termination. Other revisions will provide clarification on service provider's and service recipient's duties and responsibilities, reflect new federal regulations that affect the Electronic Visit Verification (EVV) process and implementation, and process changes for case management services. Finally, rules will add language to clarify existing policy procedure and practice in administering Consumer-Directed Personal Assistance Services and Supports (CD-PASS) service options.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 162 of Title 56 of the Oklahoma Statutes and Sections 430 and 431 of Title 42 of the Code of Federal Regulations

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-731; filed 11-20-18]

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

[OAR Docket #18-732]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

317:40-7-5 [AMENDED]

317:40-7-6 [AMENDED]

317:40-7-15 [AMENDED]

317:40-7-21 [AMENDED]

(Reference APA WF # 18-22B)

SUMMARY:

The proposed revisions to the Developmental Disabilities Division (DDS) policy will amend rules to implement changes recommended during the annual Department of Human Services (DHS) DDS rule review process. Additionally, revisions will reflect new service requirements for employment services through Home and Community-Based Services waivers. Further revisions will eliminate and/or update outdated policy in order to better align with current business practices.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Director of Human Services; Sections 441.301 et. seq. of Title 42 of the Code of Federal Regulations

COMMENT PERIOD:

Persons may submit written comments through January 16, 2019 to Carrie Evans and Ivoria Holt, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

PUBLIC HEARING:

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

Wednesday, January 16, 2019 at 1:00 p.m. and Wednesday, February 20, 2019 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Carrie Evans or Ivoria Holt, at the above addresses, before the close of the comment period on January 16, 2019.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Carrie.Evans@okhca.org or Ivoria.Holt@okhca.org.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Carrie Evans, Deputy Chief Executive Officer, 405-522-7359 or Carrie.Evans@okhca.org; Ivoria Holt, Director, 405-522-7773, Ivoria.Holt@okhca.org.

[OAR Docket #18-732; filed 11-20-18]

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

[OAR Docket #18-710]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Minimum Standards for Approved Nursing Education Programs
 - 485:10-5-5.2. [AMENDED]
 - 485:10-5-12. [AMENDED]
- Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse
 - 485:10-7-1. [AMENDED]
 - 485:10-7-2. [AMENDED]
- Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse
 - 485:10-9-1. [AMENDED]
 - 485:10-9-2. [AMENDED]
 - 485:10-9-4. [AMENDED]
- Subchapter 11. Disciplinary Action
 - 485:10-11-1. [AMENDED]
- Subchapter 15. Requirements for Practice as an Advanced Practice Registered Nurse
 - 485:10-15-4. [AMENDED]
 - 485:10-15-5. [AMENDED]
- Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Registered Nurses
 - 485:10-16-6. [AMENDED]

SUMMARY:

Proposed revisions include:

Subchapter 5 includes grammatical clarification in OAC 485:10-5-5.2(d); and adds the word "higher" in consideration of existing nursing education bridge programs. OAC 485:10-5-12(c)(2) adds "unencumbered" in alignment with in-state nursing education faculty requirements.

Subchapters 7 and 9 have citation corrections due to reformatting of Rules. Options for qualification for practice are expanded for endorsement applicants, in alignment with current options for renewal and reinstatement of licensure. Specific to subchapter 9, the period of demonstrating evidence of continued qualifications is extended from two years to five years aligning with Board-approved timeline.

Subchapter 11 adds new language clarifying deceit or material misrepresentation.

Subchapter 15 proposes grammatical and punctuation revisions to clarify options for demonstrating continued qualifications as introduced in stem language.

Subchapter 16 adds new language in consideration of the recommendation included in *The Oklahoma Commission on Opioid Abuse - Final Report*, as developed by the nine-member commission and issued on January 23, 2018 by Attorney General Mike Hunter, Chairman of the Commission, for appropriate medical boards to pursue requiring at least one hour of continuing education on proper prescribing, the risks of opioids and recognizing addiction and diversion for all prescribers every reporting period.

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S. §§ 567.2(A); 567.4(F); 567.5(B)(5)(D); 567.5a(B)(6) (C) (D)(6)(7); 567.6(B)(5)(D); 567.7(B); 567.8; 567.12(A)(B); 567.12a(B)

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 28, 2019, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, February 5, 2019, at 5:30 p.m., at The Sheraton Oklahoma City Downtown, 2nd floor Ballroom, 1 North Broadway Avenue, Oklahoma City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., February 5, 2019.

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 January 28, 2019, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

CONTACT PERSON:

Jackye Ward, MS, RN, NEA-BC, (405) 962-1809.

[OAR Docket #18-710; filed 11-19-18]

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

[OAR Docket #18-741]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Petition Procedures

550:1-5-5. Qualified domestic relations orders
[AMENDED]

SUMMARY:

The proposed amendment to OAC 550:1-5-5 added subsection (f) to provide that the rules in the preceding subsections (c), (d), and (e) apply only to qualified domestic relations orders that meet the requirements of 11 O.S. § 50-124 prior to January 1, 2020.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 13th, 2019, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., on Wednesday, February 20, 2019, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on December 31st, 2019.

CONTACT PERSON:

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

[OAR Docket #18-741; filed 11-21-18]

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

[OAR Docket #18-742]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Collections and Disbursements

550:1-7-4. Vouchers payable to an estate [AMENDED]

SUMMARY:

The proposed amendment to OAC 550:1-7-4 provides that a decedent's successor in interest may be an eligible recipient for vouchers (provided certain conditions are met) and identify a small estate as one whose Oklahoma net asset value does not exceed the maximum value stated in 58 O.S. Section 393, which is currently \$50,000.00

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 13th, 2019, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., on Wednesday, February 20, 2019, in the Board Room of the Oklahoma Police

Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on December 31st, 2019.

CONTACT PERSON:

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

[OAR Docket #18-742; filed 11-21-18]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN**

[OAR Docket #18-743]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

550:15-1-2. Forward drop [AMENDED]

SUMMARY:

The proposed amendment to OAC 550:15-1-2 is to clarify interest and allow a DROP participant to designate one or more recipients to be beneficiaries of any undistributed DROP balance at the time of the participant's death, or if none, to the participant's surviving spouse, or if none, to the participant's estate.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., February 13th, 2019, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., on Wednesday, February 20, 2019, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on December 31st, 2019.

CONTACT PERSON:

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

[OAR Docket #18-743; filed 11-21-18]

**TITLE 600. REAL ESTATE APPRAISER BOARD
CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS**

[OAR Docket #18-705]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

10-1-6. Experience prerequisite [AMENDED]

SUMMARY:

The proposed amendments to Title 600, Chapter 10 at OAC 600:10-1-6 will add required language pursuant to the provisions of 59 O.S. 4003 (A) pertaining to a one-time one-year waiver of fees associated with the initial licensure or certification for low-income individuals as Real Estate Appraisers.

AUTHORITY:

Real Estate Appraiser Board; 59 O.S. § 858-706.

COMMENT PERIOD:

Persons may submit written or oral comments to Christine McEntire at the offices of the Real Estate Appraiser Board, Oklahoma Insurance Department, 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112 during the period **December 18, 2018 to January 17, 2019.**

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on **February 1, 2019**, in the offices of the Oklahoma Insurance Commissioner

Notices of Rulemaking Intent

located at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed rule are requested to provide the Board with information, in dollar amounts if possible, about any increases in the level of direct 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 Christine McEntire, Director, at the above address during the period of **December 18, 2018 to January 17, 2019.**

COPIES OF PROPOSED RULES:

A copy of the proposed rules is available at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112. A copy of the proposed rule may also

be obtained by written request to the attention of Christine McEntire, Real Estate Appraiser Board, Five Corporate Plaza, Suite 100, Oklahoma City, OK 73112. A copy of the proposed rules is posted on the Real Estate Appraiser Board website, www.reab.oid.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a copy of the Rule Impact Statement may be obtained at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

CONTACT PERSON:

Christine McEntire, Director (405) 521-6636.

[OAR Docket #18-705; filed 11-9-18]

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

[OAR Docket #18-719]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3. [AMENDED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 19, 2018

[OAR Docket #18-719; filed 11-20-18]

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

[OAR Docket #18-720]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

Part 7. Specific Operations

252:100-39-40. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 19, 2018

[OAR Docket #18-720; filed 11-20-18]

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

[OAR Docket #18-721]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

Part 7. Specific Operations

252:100-39-41. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 19, 2018

[OAR Docket #18-721; filed 11-20-18]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

[OAR Docket #18-722]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Introduction

252:606-1-3 [AMENDED]

252:606-1-4 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 19, 2018

[OAR Docket #18-722; filed 11-20-18]

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

[OAR Docket #18-739]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Operational Policies

Part 20. Medical Support

340:25-5-168 [AMENDED]

(WF 18-14)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Section 666 of Title 42 of the United States Code; Section 303.31 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.31); and 43 O.S. § 118F.

ADOPTION:

October 8, 2018

EFFECTIVE:

Immediately Upon Governor's approval or November 1, 2018, whichever is later.

APPROVED BY GOVERNOR:

November 15, 2018

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:

An emergency rule is proposed to amend the rule to align with Senate Bill 979 (SB 979) from the 2nd Session of the 56th Legislature that amended 43 O.S. § 118F to comply with 45 C.F.R. § 303.31(b)(2) that mandates Child Support Services (CSS) include government medical assistance, such as SoonerCare (Medicaid), as qualifying health care coverage.

GIST/ANALYSIS:

The proposed amendment: (1) modifies the definition of health care coverage to include government medical assistance programs or health plans; (2) removes unnecessary language; and (3) changes references to health insurance to health care coverage.

The proposed amendment brings Oklahoma Administrative Code 340:25-5-168 into compliance with federal and state law. SB 979, approved by the Governor and effective November 1, 2018, changes the definition of health care coverage to include public assistance medical coverage, such as SoonerCare (Medicaid), in the establishment and enforcement of a child support order.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2018, WHICHEVER IS LATER:

SUBCHAPTER 5. OPERATIONAL POLICIES

PART 20. MEDICAL SUPPORT

340:25-5-168. Establishment of medical support

(a) **Scope and applicability.** Oklahoma Department of Human Services (DHS) Child Support Services (CSS) refers to federal and state law for establishment of a medical support order, per:

- (1) Section 666 of Title 42 of the United States Code;
- (2) Sections 302.33, 302.56, 303.7, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations; and
- (3) Section 6058A of Title 36 of the Oklahoma Statutes (36 O.S. § 6058A); 43 O.S. §§ 112, 118-118I, 118.2, and 119; and 56 O.S. § 237.

(b) **Medical support provision of child support order.** A child support order established by CSS must contain a medical support provision.

(c) **Calculating the cost of medical support.** To calculate the actual premium cost of health insurance, CSS:

- (1) deducts from the total insurance premium, the cost of coverage for the parent;
- (2) deducts from the total insurance premium, the cost of coverage for any other adults in the household, when that cost information is available;
- (3) divides the remainder by the number of dependent children covered; and
- (4) multiplies the amount per child by the number of children in the child support case under consideration.

(d) **Standards for medical support provision.** When choosing a medical support provision, CSS requests the court

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to apply the standards in paragraphs (1) through (3) of this subsection.

- (1) Health insurance must be reasonable in cost, meaning that the pro rata share of the actual out-of-pocket premium cost paid for the child(ren) by the insured does not exceed five percent of the gross income of the parent ordered to provide health insurance.
 - (2) Health insurance must be accessible, meaning the health care providers must be available to meet the child(ren)'s individual health care needs, and must be located no more than 60 miles one-way from the primary residence of the child(ren).
 - (3) Health insurance must provide coverage for both routine and major medical expenses including, but not limited to: preventive care, office visits, hospitalization, and medication coverage in compliance with the Oklahoma Insurance Department per Oklahoma Administrative Code (OAC) 365:10-5-3(14) and OAC 365:10-5-5(f). Limited Insurance Coverage, per OAC 365:10-5-5(k) does not satisfy this requirement. Annual deductibles must be reasonable and relate to the medical circumstances of the child(ren).
- (e) **Exceptions to standards for medical support provision.** When the parents agree or it is otherwise appropriate, CSS requests the court make an exception to the standards for health coverage when the:
- (1) reasonable cost of health insurance exceeds five percent of the gross income of the parent ordered to provide health insurance; or
 - (2) closest insurance provider exceeds 60 miles one-way from the primary residence of the child(ren).
- (f) **~~Hierarchy of medical support provisions~~ Selection of health care coverage.** ~~The provision for medical support must be consistent with one of the priorities listed in (1) through (4) of this subsection.~~
- ~~(1) Health insurance is provided through a parent's employer or other available group health insurance plan.~~
 - ~~(2) No coverage is available under (1) of this subsection, and a private insurance policy or group health insurance is available to the child(ren) through another source, such as a third party custodian or spouse of a parent, CSS seeks an order for the:~~
 - ~~(A) parent to provide health insurance when insurance is provided through the spouse of a parent; or~~
 - ~~(B) third party custodian to provide health insurance when insurance is provided through a third party custodian and the third party custodian requested an order to provide the coverage.~~
 - ~~(3) No health coverage is available under (1) or (2) of this subsection, and alternative health coverage including, but not limited to, Indian Health Services (IHS) and Defense Eligibility Enrollment Reporting System (DEERS) is available to the child(ren). CSS requests the court consider the cost, quality, and accessibility of health care coverage available to the parties when entering a medical support order.~~
 - ~~(4) When none of the provisions in (1) through (3) of this subsection are available at reasonable cost or are not~~

~~accessible, the custodial person (CP) is required to make application for the child(ren) for health coverage through a government medical assistance program, such as SoonerCare (Medicaid).~~

- (g) **Health coverage preference.** When health coverage meeting standards in (d) of this Section is available to both parents, CSS requests the court give priority to the preference of the custodial person (CP).
- (h) **~~Exceptions to hierarchy~~ Applicability of cash medical support.** CSS requests a cash medical order ~~instead of an order for health coverage by the noncustodial parent (NCP) per (f)(1) or (2) of this Section~~ obligor, when the:
- ~~(1) the court determines an order for health insurance is inappropriate due to family violence concerns; or~~
 - ~~(2) obligor is an applicant for a governmental medical assistance program, such as Insure Oklahoma, State Children's Health Insurance Program (SCHIP), or the only health care plan available for the child is a governmental medical assistance program or health plan, such as SoonerCare (Medicaid); or~~
 - ~~(3) there is no health care plan available for the child(ren).~~
- (i) **Cash medical support.**
- ~~(1) When (f)(4) of this Section is chosen as the provision for cash medical support is applicable, CSS requests the court order cash medical support to be paid by the NCPs obligor until insurance is provided per (f)(1) through (3) of this Section~~ the obligor enrolls the child(ren) in accessible insurance coverage and provides proof of enrollment to CSS and the CP.
 - ~~(2) CSS refers to the Cash Medical Income Guidelines Table as found in the child support computation form prescribed by CSS and published by the Administrative Office of the Courts on the Oklahoma State Courts Network site, per 43 O.S. § 120 to determine the cash medical support amount.~~
 - ~~(3) CSS computes a cash medical order by applying the Cash Medical Income Guidelines Table, using the gross income for the noncustodial person (NCP) of the child in the case under consideration and the number of children in the instant case.~~
 - ~~(A) When the NCP's gross income is at or below the income amount for the number of children in the case, CSS requests the court order a cash medical order at \$0 per month.~~
 - ~~(B) When the NCP's gross income exceeds the income amount for the number of children in the case, CSS computes the requested cash medical order by:~~
 - ~~(i) multiplying the amount of \$115, representing the average monthly cost of health care for an uninsured child(ren), by the number of children in the case not covered by insurance; and~~
 - ~~(ii) prorating the result by the percentage of income for each parent.~~
 - ~~(C) The NCP's share of the cash medical amount is added to the child support obligation.~~

- (D) CSS does not request the court set cash medical support against a parent who has ~~equally shared physical custody with~~ at least 182 overnights.
- (4) Unless the parties agree or the court orders a greater amount, the prorated cash medical support amount must not exceed five percent of the gross income of the parent who is ordered to pay cash medical support.
- (5) CSS seeks cash medical support only as part of a prospective order for child support. CSS does not include a cash medical support amount in a judgment for support for a prior period per OAC 340:25-5-179.1.
- (6) In a child support modification action, CSS requests a cash medical support order be effective the first day of the month following the date the modification order is entered.
- (j) **Medical support for DHS adopted children.** CSS does not request health insurance or cash medical support for children who are adopted through DHS Adoption Services. CSS requests a medical support order reflecting that the child(ren) receive SoonerCare through the adoption plan. The parties may agree to cover the child(ren) on health insurance.
- (k) **Termination of cash medical support.**
- (1) When CSS receives notice the parent ordered to pay cash medical support enrolled the child(ren) in health insurance, CSS sends a Notice of Proposed Termination of Cash Medical Support to all parties in the case by regular mail. When a party believes the child(ren) is not covered by accessible health insurance, a party may request a review of the termination of cash medical support within 10-calendar days from the date of mailing of the notice.
- (2) When a party requests a review to contest the Notice of Proposed Termination of Cash Medical Support, CSS reviews the case within 10-calendar days of receipt of the request and determines if termination of cash medical support is proper based on information provided by the contesting party. CSS notifies the parties of the review decision.
- (3) When the parties disagree with the review decision, the parties have 15-calendar days from the date of mailing the review decision to request a hearing on the termination of cash medical support.
- (4) CSS files a Notice of Termination of Cash Medical Support with the proper court when no party requests a:
- (A) review within the 10-day time period; or
 - (B) hearing after CSS notifies them of the review decision.
- (5) CSS does not proceed with a separate termination of cash medical support when the child support and medical support order is modified within 30-calendar days of notification that the child(ren) is enrolled in health insurance.
- (6) When a cash medical support order is terminated within a modification action, CSS requests the termination become effective the date of filing of the Motion to Modify or the date, if later when the child was actually enrolled in the insurance.
- (l) **Reinstatement of cash medical support.**
- (1) CSS seeks reinstatement of the cash medical order when:
- (A) a child support court order previously ordered the NCP to pay cash medical support until insurance was available;
 - (B) insurance became available;
 - (C) the cash medical support was terminated; and
 - (D) the insurance subsequently lapsed.
- (2) CSS uses one of the following processes to seek reinstatement of the cash medical order:
- (A) **Modification.** CSS seeks modification of the child support order and reinstatement of cash medical support, per OAC 340:25-5-198.1 and OAC 340:25-5-198.2, when:
 - (i) the child support order that provided for cash medical support was modified to include credit for insurance premium costs; or
 - (ii) there is another material change of circumstance in addition to the lapse of health coverage.
 - (B) **Expedited Process.** When (A) of this paragraph does not apply, CSS uses an expedited process to reinstate the cash medical support. CSS uses the expedited process when there is an address of record for the obligor.
- (3) CSS initiates a reinstatement of cash medical support when it receives notice the parent whose cash medical support was terminated due to the enrollment of the child(ren) in health insurance has allowed the coverage to lapse. CSS sends a Notice of Proposed Reinstatement of Cash Medical Support to all parties in the case by regular mail. When a party believes the child(ren) is covered by health insurance, a party may request a review of the reinstatement within 10-calendar days of the date the notice was mailed.
- (4) A party may file a written objection to the reinstatement of cash medical support and submit it to CSS with supporting health care coverage documentation. CSS reviews the case within 10-calendar days of receipt of the objection and determines if reinstatement of cash medical support is proper based on the information provided by the contesting party. CSS provides the CP and the NCP with written notice of the review decision.
- (5) When the parties disagree with the review decision, they have 15-calendar days from the date of the review decision to request a hearing.
- (6) CSS files a Notice of Reinstatement of Cash Medical Support with the proper court when no party requests a:
- (A) review within the 10-calendar day time period; or
 - (B) hearing after CSS notifies them of the review decision.
- (m) **Fixed medical costs.** When the parties agree or the court orders, CSS includes the total monthly fixed medical costs in the child support guidelines computation. When the obligor's share of fixed medical costs exceeds five percent of the obligor's gross income and the parties do not agree to exceed the five percent standard, CSS requests the court determine the monthly amount of fixed medical costs included in the current child support order.
- (n) **Indian Health Services (IHS).**

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(1) A child support order that provides for the enrollment of a child(ren) in IHS may comply with the standards in (d) of this Section. CSS seeks an order for either or both parents to secure health insurance for the minor child(ren), when:

(A) IHS does not meet the standards in (d) of this Section; or

(B) health insurance is available through an employer or other group plan and the CP requests it.

(2) CSS does not request cash medical support when IHS is the chosen provider.

(o) **Notification requirements.** The NCP and the CP must notify CSS in writing within 30-calendar days after:

(1) health insurance becomes available;

(2) the cost of existing health insurance changes; or

(3) other provisions of existing health insurance change.

(p) **Modification request.** When a child support order exists, CSS considers a request to establish a medical support order as a request for modification of the order per 43 O.S. § 118.1. CSS seeks a medical support order in a tribunal that has jurisdiction to modify the child support order.

[OAR Docket #18-739; filed 11-20-18]

TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 35. COMMUNITY MATCH INTERN RESIDENT PROGRAM

[OAR Docket #18-707]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

540:35-1-3 [AMENDED]

540:35-1-4 [AMENDED]

540:35-1-5 [AMENDED]

540:35-1-7 [AMENDED]

AUTHORITY:

Physician Manpower Training Commission; 70 O.S., § 625.13.

ADOPTION:

September 27, 2018

EFFECTIVE:

Immediately upon Governor's approval or November 1, 2018, whichever is later.

APPROVED BY GOVERNOR:

November 6, 2018

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:

Amendments to these rules are necessary as an emergency measure pursuant to the criteria set forth in 75 O.S., § 253(A), specifically that the rules are necessary to comply with deadlines in amendments to an agency's governing law or federal programs. The amendments to Chapter 35 reflect changes in funding made available to the Community Match Intern Resident Program for fiscal year 2019 and will allow PMTC to adequately fund the Program as mandated by 70 O.S., § 625.13.

GIST/ANALYSIS:

The revisions to Chapter 35 serve to reflect changes to funding available for the Community Match Intern Resident Program for fiscal year 2019 (70 O.S., § 625.13). This change was voted on by the Commission to be effective for fiscal year 2019. Emergency request is necessary to implement these changes for the current FY19 award period providing for additional support to place physicians in rural Oklahoma.

CONTACT PERSON:

Janie Thompson, Deputy Director, (405) 843-5667, janie.thompson@pmtc.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2018, WHICHEVER IS LATER:

540:35-1-3. Power to grant loans

The Physician Manpower Training Commission shall be authorized and empowered to grant loans to qualified individuals who have completed a degree of Doctor of Medicine or Doctor of Osteopathic Medicine, and who have completed an intern/residency program in a primary care specialty (Family Practice, General Practice, Internal Medicine, Pediatrics, OB/GYN, Emergency Medicine, or General Surgery), or other specialty as approved by the Commission on an individual basis. The loans shall be provided through participation with communities considered by the Physician Manpower Training Commission to be medically underserved. Priority shall be given to underserved rural communities with a population of less than 10,000, which qualify under the current rules approved by the Commission and State Legislature. Assistance shall be on a matching basis between state (60%) and community (40%) ~~(50% - 50%)~~. The Physician Manpower Training Commission shall reserve the right to disapprove an application.

540:35-1-4. Terms and conditions of loans

(a) Recipients shall agree to practice medicine in the specific community for a minimum of three years for a ~~\$50,000~~ \$40,000 loan, or two years for a ~~\$30,000~~ \$20,000 loan. Communities shall deposit the funds with the Physician Manpower Training Commission to be administered and matched by the Commission.

(b) The procedures, terms and conditions governing the loans and how they are administered shall be as prescribed and formulated by the Physician Manpower Training Commission but shall include the following:

(1) Eligible communities desiring to participate in the Oklahoma Community Match Intern Resident Program, shall select an individual who meets the requirements for participating and give notice to the Commission.

(2) The Commission shall aid and advise communities in the selection of qualified individuals to participate in a given community loan program.

(3) The communities shall deposit their total share, ~~40%~~ 50%, of the loan with the Commission a minimum

of 30 days prior to the participating physician's initial practice date in the community.

(4) The Commission shall review and approve the selection of a given individual and then (based on availability of funds) match community funds with the state funds from the Oklahoma Community Match Intern Resident Program in the amount agreed upon by the participating physician, the Commission, and the community in each particular case, within limits prescribed by the Commission.

(c) The Contract shall provide that in the event the recipient breaches the terms of the contract by not serving the designated community for the specified period of time, he/she shall pay liquidated damages in an amount determined by the Commission and representing a reasonable estimate of the damage or loss to the community or the state. Said damages shall not exceed one hundred percent (100%) of the principal. After payment of the liquidated damages, repayment of the principal and interest shall be made as agreed upon by the Commission and the recipient.

540:35-1-5. Eligibility and amount

(a) An applicant may be eligible for the Community Match Intern Resident Program when the following conditions are met:

(1) That the physician has not previously received Physician Manpower Training Commission money, either through the Oklahoma Rural Medical Education Scholarship Loan Program, the Community Match Intern Resident Program, the Community Physician Education Scholarship Loan Program, or the Family Practice/General Practice Resident Rural Scholarship Program.

(2) That he/she has successfully completed an accredited medical or osteopathic college and an approved internship or residency program in a primary care specialty (Family Practice, General Practice, Internal Medicine, Pediatrics, OB/GYN, General Surgery or Emergency Medicine) or other specialties as approved by the Commission on an individual basis.

(3) That he/she desires to practice medicine in a specific Oklahoma community which participates in the "matching" program.

(4) That he/she submits proof which states that he/she has not accepted or will not accept any other assistance which has a conflicting service obligation requirement.

(5) That the physician possesses a valid license to practice medicine in the State of Oklahoma at the time he/she actually receives the matching funds.

(6) That the physician has conformed to requirements stipulated in the contract.

(b) The amount of each loan shall not exceed ~~Forty (\$40,000)~~ Fifty (\$50,000) Thousand Dollars.

(c) The method of payment of funds to each recipient will be in lump sum by the Commission, payable upon the recipient's beginning his/her practice in the applicable community, providing that said recipient has met requirements stipulated in the contract.

540:35-1-7. Repayment of loans

(a) Each recipient shall repay the loan to the state and to the community by practicing medicine in the community in Oklahoma providing the initial funds at a minimum of two years for ~~Twenty-Thirty~~ Thirty Thousand Dollars (\$30,000) or three years for ~~FortyFifty~~ Forty Thousand Dollars (\$50,000) which the community and the state have jointly financed for the recipient; provided, however, that the recipient will be given no credit for payment, repayment and reduction of said obligation to the community and the state by serving the given community for a period of less than one year.

(b) Repayment of the total amount of the loan, plus principal, interest, litigation charges, and liquidated damages as assessed by the Physician Manpower Training Commission, upon failure of the recipient to fulfill his/her contractual obligations, shall be made to the state fund. This loan repayment will be shared with the participating community in accordance with the percentage and total amounts contributed by the state and by the community to the matching fund program and in accordance with the provisions of the contract requirements delineated by the Physician Manpower Training Commission.

(c) Monies received by the Commission in repayment of loans granted from appropriated funds shall be deposited with the State Treasurer who shall place the same to the credit of the Commission in a depository fund. All monies so collected and deposited in the State Treasury as aforesaid shall not be subject to fiscal limitations, and the unexpended balance shall at all times be available for expenditures for the purposes and in the manner and form provided by this act. All funds and property, and income therefrom, received by the Commission through the acceptance of gifts, grants, bequests, or devise shall be held by the Commission in trust and may be sold, transferred, invested and reinvested by the Commission in accordance with the provisions of the Oklahoma Trust Act, and all such funds and property and income therefrom shall be used by the Commission in fulfilling and accomplishing the conditions and purposes of the program.

[OAR Docket #18-707; filed 11-19-18]

**TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION
CHAPTER 45. PHYSICIAN ASSISTANT SCHOLARSHIP PROGRAM**

[OAR Docket #18-708]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
540:45-1-4 [AMENDED]

AUTHORITY:
Physician Manpower Training Commission; 2018 Okla. Sess. Laws ch. 286, (H.B. 2987); 70 O.S., § 697.21.

ADOPTION:
September 27, 2018

EFFECTIVE:
Immediately upon Governor's approval or November 1, 2018, whichever is later.

Emergency Adoptions

APPROVED BY GOVERNOR:

November 6, 2018

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:

Amendments to these rules are necessary as an emergency measure pursuant to the criteria set forth in 75 O.S., § 253(A), specifically that the rules are necessary to comply with deadlines in amendments to an agency's governing law or federal programs. The proposed amendments to the rules enact changes to the Physician Assistant Scholarship Program which were authorized by legislation going into effect November 1, 2018 (H.B. 2987). By promulgating the rules, PMTC will be able to comply with the intent of the legislature in administering this program.

GIST/ANALYSIS:

The revisions to Chapter 45 serve to comply with changes made to 70 O.S., § 697.21 regarding residency requirements for participating physician assistant students, which are to be effective November 1, 2018 (H.B. 2987). The program will now be available to out of state students in addition to in state students.

CONTACT PERSON:

Janie Thompson, Deputy Director, (405) 843-5667, janie.thompson@pmtc.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2018, WHICHEVER IS LATER:

540:45-1-4. Eligibility; amount; method of payment

- (a) *Only students ~~who are residents of this state and who have been admitted as a student in an accredited physician assistant program shall be eligible to participate in the Physician Assistant Scholarship Program.~~ [70:697.21(b)]*
- (b) Applicants must also indicate a desire and intent to practice in rural and medically underserved areas of this state. [70:697.21(a)]
- (c) Applicants must submit proof that they are not currently obligated, and will not become obligated, to any other scholarship assistance that has a conflicting service obligation requirement.
- (d) *The number of and amount of each award shall be determined by the Commission based on the availability of funds.* [70:697.21(a)]
- (e) In the event a physician assistant student begins participation in the scholarship program after the beginning of an academic year, the Commission may approve retroactive payment.

[OAR Docket #18-708; filed 11-19-18]

TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 50. OKLAHOMA MEDICAL LOAN REPAYMENT PROGRAM

[OAR Docket #18-709]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- 540:50-1-1 [AMENDED]
- 540:50-1-2 [AMENDED]
- 540:50-1-3 [AMENDED]
- 540:50-1-4 [AMENDED]
- 540:50-1-5 [AMENDED]
- 540:50-1-6 [AMENDED]
- 540:50-1-7 [AMENDED]
- 540:50-1-8 [AMENDED]

AUTHORITY:

Physician Manpower Training Commission; 2018 Okla. Sess. Laws ch. 286, (H.B. 2987); 63 O.S., §§ 1-2721 - 1-2723.

ADOPTION:

September 27, 2018

EFFECTIVE:

Immediately upon Governor's approval or November 1, 2018, whichever is later.

APPROVED BY GOVERNOR:

November 6, 2018

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:

Amendments to these rules are necessary as an emergency measure pursuant to the criteria set forth in 75 O.S., § 253(A), specifically that the rules are necessary to comply with deadlines in amendments to an agency's governing law or federal programs. The proposed amendments to the rules enact changes to the Oklahoma Medical Loan Repayment Program which was authorized by legislation going into effect November 1, 2018 (H.B. 2987). By promulgating the rules, PMTC will be able to comply with the intent of the legislature in administering these programs.

GIST/ANALYSIS:

The revisions to Chapter 50 serve to comply with changes made to the Oklahoma Medical Loan Repayment Program (OMLRP) by the legislature. The OMLRP will now be available to physician assistants in addition to physicians, beginning November 1, 2018. The amendments to the rules ensure that physician assistants will be able to participate in the program beginning November 1, 2018, in accordance with the intent of the Legislature in making changes to the OMLRP (H.B. 2987) and ensure consistency with the authorizing statute. The amendments to the rules also correct statutory references.

CONTACT PERSON:

Janie Thompson, Deputy Director, (405) 843-5667, janie.thompson@pmtc.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2018, WHICHEVER IS LATER:

540:50-1-1. Purpose

The purpose of the Oklahoma Medical Loan Repayment Program (OMLRP) is to provide financial assistance to physicians and physician assistants in repaying educational loans when they elect to provide health care in rural and underserved areas of Oklahoma. *The Program, depending upon and limited to available funding, shall provide educational loan repayment assistance to Oklahoma licensed primary care physicians who agree to establish a practice in a community located in Oklahoma approved by the Commission.* [63:1-2721(3)63:1-2721(A)(5)]

540:50-1-2. Statutory administration

The Physician Manpower Training Commission shall administer the Oklahoma Medical Loan Repayment Program. [63:1-2721(1)63:1-2721(A)(1)] ~~The Oklahoma Medical Loan Repayment Program shall be administered by the Physician Manpower Training Commission pursuant to rules promulgated by the Commission and shall be funded based on an annual estimate of need as determined by the Commission and the actual funds available to the Program for expenditure.~~ The Oklahoma Medical Loan Repayment Program shall be administered by the Physician Manpower Training Commission pursuant to rules promulgated by the Commission and shall be funded based on an annual estimate of need as determined by the Commission and the actual funds available to the Program for expenditure.

540:50-1-3. Terms and conditions of loans

(a) The terms and conditions governing the Program shall be as prescribed and formulated by the Physician Manpower Training Commission. The physician or physician assistant shall agree to practice in the designated need areas identified by the Commission as a condition of the loan repayment. If the physician or physician assistant does not fulfill the service obligation, or doesn't comply with the reporting requirements, the Commission may discontinue the payments beginning with the current year, and may remove the physician or physician assistant from the Program. ~~The physician shall agree to practice in the designated need areas identified by the Commission for no fewer than two (2) consecutive years as a condition of the loan repayment. If the physician does not fulfill the service obligation, the Commission may collect from the participant the entire amount of loan payments made under the Program plus interest.~~ [63:1-2721(D)] ~~The contract shall specify that in case of default the physician shall be required to repay all funds that they received plus interest that equals the prime rate plus one percent (1%).~~

(b) Physicians and physician assistants must submit proof that they are not currently obligated, and will not become obligated, to any other repayment program that has a conflicting service obligation.

540:50-1-4. Eligibility

(a) A physician or physician assistant shall be eligible to participate in the OMLRP if the physician or physician assistant:

(1) ~~Is licensed to practice medicine in Oklahoma a physician that holds a current Oklahoma medical license;~~

(2) ~~Is a new primary care residency graduate physician or physician assistant; or~~

(3) ~~Is a current practicing physician or physician assistant and has met criteria established by the Commission.~~ [63:1-2721(C)(1-3)]; and

(4) ~~Agree to provide medical care and services to Medicaid recipients as authorized by the Oklahoma Health Care Authority.~~ Agrees to provide medical care and services to Medicaid and Medicare recipients as authorized by the Oklahoma Health Care Authority [63: 1-2721(B)]

(b) "Primary care physicians" shall mean physicians practicing in family medicine, geriatrics, general internal medicine, general pediatrics, obstetrics/gynecology, or emergency medicine. [63:1-2721(A)(2)]

540:50-1-5. Amount and method of payment

(a) Physicians and physician assistants would have to provide documentation of legitimate educational debt in the amount of \$160,000 or above to receive the maximum amount available. If total debt is less than \$160,000 a contract would be tailored, on a prorated basis, to provide an amount not to exceed legitimate educational debt of the physician or physician assistant. *Prior to any disbursement, the Commission shall certify and properly review reports submitted by the participating physician or physician assistant detailing performance of activities in accordance with the Program.* [63:1-2721(4)63:1-2721(A)(6)]

(b) Maximum amounts of financial assistance: first year \$25,000; second year \$35,000; third year \$45,000; and fourth year \$55,000. Payments would be made after the physician or physician assistant completed the first year and on each anniversary thereafter, up to a maximum of four years. *The Commission shall review the performance in the Program of the participating physician or physician assistant and determine whether an award may be granted for additional years pursuant to rules.* ~~Physicians would be required to sign on to the Program for a minimum of two years. At the conclusion of an initial two year period, the Commission shall review the performance in the Program of the participating physician and determine whether an award may be granted for additional years pursuant to rules.~~ [63:1-2721(5)63:1-2721(A)(7)]

540:50-1-6. Procedures for administering loans

The Commission shall promulgate and adopt procedures as may be necessary to carry out the administration of the program. The Commission shall delineate the following procedures:

(1) **Promulgation of information concerning loans.** Every reasonable effort shall be made to contact all eligible physicians or physician assistants concerning the availability of the program. *Preference will be given to graduates of the primary care residency programs affiliated with the Oklahoma State University of College of Osteopathic Medicine, the University of Oklahoma College of Medicine and the teaching hospitals affiliated*

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with both schools of medicine and teaching health centers located in this state [63:1-2721(2)63:1-2721(C)(2)]

(2) **Applications.** All interested physicians or physician assistants shall file an application with the Physician Manpower Training Commission. This application can be submitted at any time during the year. Applications are available at www.pmtc.ok.gov and in the office of the Physician Manpower Training Commission.

(3) **Approval by the Commission.** Applications shall be submitted to the Commission for approval at any regular Commission meeting. Applications will be reviewed in the order they are received and will be approved or denied as determined by the Commission.

(4) **Renewal of contracts.** The original contract shall be guaranteed for the initial year, and renewed each anniversary thereafter contingent upon available funding.

540:50-1-7. Repayment by practice or repayment of monies received

(a) Each physician or physician assistant shall repay the financial assistance received by practicing full time in an approved community in Oklahoma. The period shall begin on the date the physician or physician assistant begins to practice in the approved community.

(b) Repayment of the total amount received, plus interest, and litigation costs as assessed by the Commission, upon failure of the physician or physician assistant to fulfill the contractual obligations, shall be made payable to the Commission.

540:50-1-8. Applicant contracts

(a) Each physician or physician assistant shall enter into a contract with the Commission agreeing to the terms and conditions upon which financial assistance shall be granted to the physician or physician assistant.

(b) The physician or physician assistant shall fulfill their contractual obligation to a qualifying community as outlined in the original contract.

(c) The contract shall include such terms and provisions as will carry out the full purpose and intent of the Program, and shall be in a form prepared and approved by the Attorney General.

(d) The contract shall be signed by the Executive Director on behalf of the Commission, and by the applicant. ~~In the event the applicant is married, the contract shall also be cosigned by the applicant's spouse.~~

(e) ~~The Commission may file suit against any physician, and cosigner if applicable, for any balance due the Commission on any contract.~~ The Commission may cancel any contract made between it and any physician or physician assistant upon cause deemed sufficient by the Commission.

(f) The Commission shall maintain copies of the contracts in its offices.

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