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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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #18-777]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Licensing Procedures [AMENDED]

SUMMARY:

The purpose of the proposed permanent rule amendments is to revise the Department's rules to implement a one time, one year waiver for specific occupational licensing fees in accordance with 59 O.S. § 4003.

AUTHORITY:

Oklahoma Constitution, Article 6, Section 31; State Board of Agriculture; and 2 O.S. § 2-4; and 59 O.S. § 4100 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 8:30 a.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-777; filed 12-7-18]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL

[OAR Docket #18-778]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 13. Fuel Alcohol [AMENDED]

SUMMARY:

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

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 11-20 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-778; filed 12-7-18]

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

[OAR Docket #18-779]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 11. Importation of Livestock, Poultry, and Pets [AMENDED]
- Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]
- Subchapter 15. Equine Infectious Anemia (EIA) [AMENDED]
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- Subchapter 36. Scrapie [AMENDED]
- Subchapter 40. Bovine Tuberculosis [AMENDED]
- Subchapter 47. Chronic Wasting Disease (CWD) in Cervids [AMENDED]
- Subchapter 49. Miscellaneous Animal Diseases [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-779; filed 12-7-18]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #18-780]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Registered Poultry Feeding Operations [AMENDED]

SUMMARY:

The proposed rule adopts setbacks for new or expanding construction of poultry barns and clean up language of the Emergency Rule.

AUTHORITY:

OKLA. CONST., Article 6, Section 31; 2 O.S. § 2-4; and 2 O.S. § 10-9.12.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 4:30 p.m., February 5, 2019, in the Board Room of the Oklahoma Department

of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-780; filed 12-7-18]

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

[OAR Docket #18-781]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 2. Planting and Harvesting [AMENDED]
- Subchapter 14. Oklahoma Boll Weevil [AMENDED]
- Subchapter 25. Seed [AMENDED]
- Subchapter 27. Feed [AMENDED]
- Subchapter 29. Fertilizer [AMENDED]
- Subchapter 30. Soil Amendment [AMENDED]
- Subchapter 31. Lime [AMENDED]
- Subchapter 33. Weed Infested Material [AMENDED]
- Subchapter 34. Noxious Weeds [AMENDED]
- Subchapter 36. Weed Free Hay Certification [AMENDED]
- Subchapter 37. Nursery Stock Sales [AMENDED]
- Subchapter 38. Apiaries [AMENDED]
- Subchapter 45. Scrap Metal Dealers [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations, prohibit cheating on certification examinations, provides clean up language, limit credit for continuing education units to five years, and establish an annual expiration date of pesticide registrations and permits.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) and (8); 2 O.S. § 3-3.29; and 2 O.S. § 3-81 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 11:30 a.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-781; filed 12-7-18]

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

[OAR Docket #18-782]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Meat Inspection [AMENDED]
- Subchapter 5. Poultry Products Inspection [AMENDED]
- Subchapter 7. Construction Standards for Meat Packing Plants [AMENDED]
- Subchapter 17. Produce Safety [AMENDED]

SUMMARY:

The proposed amendments update citations to the Code of Federal Regulations, revise construction standards for meat packing plants by updating contact information, reduce

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paperwork submitted during the approval process, make minor grammatical corrections, delete unnecessary or outdated regulations, and clean up of rules.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. 6-181 et seq.; and 2 O.S. § 6-251 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-782; filed 12-7-18]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 48. WILDLIFE SERVICES**

[OAR Docket #18-783]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Aerial Management of Depredating Animals [AMENDED]

SUMMARY:

The proposed rule changes provides clean up language regarding dates contained in rule governing aerial hunting regulation.

AUTHORITY:

OKLA. CONST., Article 6, Section 31; 2 O.S. § 2-4; and 29 O.S. § 4-107.2.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-783; filed 12-7-18]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

[OAR Docket #18-784]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Standards of Care [AMENDED]

SUMMARY:

These proposed rules provide an update to the Code of Federal Regulations date of incorporation and provide amendments to the Canine Brucellosis rules.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 4 O.S. § 30.1 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2019 through February 5, 2019.

PUBLIC HEARING:

A public hearing will be held at 4:00 p.m., February 5, 2019, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the above address during the period from January 2, 2019 through February 5, 2019.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-784; filed 12-7-18]

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

[OAR Docket #18-758]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 40:1-1-2. Organization, powers, and duties [AMENDED]
- 40:1-1-3. General course and method of operation [AMENDED]

40:1-1-4. Policies and procedures for rule-making [AMENDED]

40:1-1-5. Rules of practice for individual proceedings [AMENDED]

SUMMARY:

The proposed rules simplify the administrative code by eliminating language that merely repeats statutory language. The proposed rules clarify the difference between the activities of the Board, sitting as a Board, and the activities of the agency between meetings of the Board. The proposed rules are reorganized to be more clear with regard to the duties and responsibilities of the Director. The proposed rules eliminate potential additional legal burdens beyond the requirements of the Open Meetings Act and the Administrative Procedures Act. The proposed rules eliminate language that purports to limit attendance at or participation in administrative hearings.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2019 through February 4, 2019.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 5, 2019 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2019, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

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

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RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 2, 2019 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #18-758; filed 12-6-18]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 10. PERSONNEL

[OAR Docket #18-759]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Breath-Alcohol Analysts

40:10-3-1 [AMENDED]

40:10-3-2 [REVOKED]

40:10-3-3 [AMENDED]

40:10-3-4 [REVOKED]

40:10-3-5 [AMENDED]

40:10-3-9 [REVOKED]

40:10-3-11 [REVOKED]

Subchapter 5. Breath Sample Collection Personnel

40:10-5-1 [AMENDED]

SUMMARY:

References to breath alcohol specialists are removed from the proposed rules. The proposed rules recognize the ability of federal and tribal law enforcement officers to obtain a breath test operator permit. The proposed rules eliminate superfluous and vague requirements related to the issuing of operator permits. Outdated distinctions between delayed and direct analysis of breath samples are eliminated from the proposed rules.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2019 through February 4, 2019.

PUBLIC HEARING:

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

rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 5, 2019 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2019, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 2, 2019 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #18-759; filed 12-6-18]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 30. ANALYSIS OF ALCOHOL IN BREATH

[OAR Docket #18-760]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

40:30-1-3 [AMENDED]

SUMMARY:

References to breath alcohol specialists are removed from the proposed rules. References to documents outside the rules are eliminated. Outdated language is removed from the approved nine step breath test sequence.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2019 through February 4, 2019.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 5, 2019 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2019, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 2, 2019 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #18-760; filed 12-6-18]

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

[OAR Docket #18-761]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 40:50-1-1.1 [AMENDED]
- 40:50-1-2 [AMENDED]
- 40:50-1-2.4 [AMENDED]
- 40:50-1-3.1 [AMENDED]
- 40:50-1-3.2 [AMENDED]
- 40:50-1-5 [AMENDED]
- 40:50-1-8 [AMENDED]

SUMMARY:

Definitions for the terms "service center manager" and "any operational aspect" are added in the proposed rules. Reporting requirements related to the reporting of cancellation of a manufacturer's product liability insurance are updated. Time frames for compliance testing of devices submitted for certification are clarified. Restrictions on the method to notify the Board of proposed modifications to an approved device are removed from the proposed rules. Requirements related to lockout overrides are clarified. The proposed rules add items to the list of information required to be reported by the manufacturer.

Rules related to maintenance and calibration are updated to require the use of dry gas calibration standards. The *Conforming Products List of Calibrating Units for Breath Alcohol Testers* (77 FR 64588) is adopted by reference. Operating procedures for calibration standards are updated. Outdated language related to empty wet bath alcohol simulator solution containers is eliminated.

The proposed rules eliminate references to the previously revoked inclusion zone in regard to technician licensing. The proposed rules add entering a guilty plea or plea of *nolo contendere* as a possible ground for denying licensure. The proposed rules update agency contact information for interlock technicians.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kevin Behrens, State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2019 through February 4, 2019.

PUBLIC HEARING:

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

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rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 5, 2019 at 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2019, to Kevin Behrens, State Director at P.O. Box 36307, Oklahoma City, OK 73136.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 2, 2019 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #18-761; filed 12-6-18]

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

[OAR Docket #18-747]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Licensure of Chiropractic Physicians
[AMENDED]

SUMMARY:

The proposed revisions to chapter 140:10-1-2 amends the definition of "Accredited Chiropractic College" as defined in Title 59 O.S. 161.3. Amendment to the definition of "License Renewal Program" deletes language in paragraph

(A) is sponsored or administered by an association for the purpose of providing licensees an opportunity to satisfy continuing education requirements. This language has been previously amended in statutes and in other sections of OAC, and there is a need to amend this definition to follow current language in the Practice Act. The proposed revisions to chapter 10-3-1 are necessary to implement current language which was amended in Title 59 O.S. 161.7 as approved in SB 1383, as well as deleting the 30 day requirement for an applicant to have documents in to the Board prior to the next scheduled examination. The proposed revisions to 140:10-3-2, 140:10-3-4, 140:10-3-6, 140:10-5-3 are necessary to follow amendments for licensure from statutory amendments to licensure requirements as approved in SB 1383. The proposed amendment to 140:10-5-1 and 140:10-8-1 amend the current fee for active licensure which was amended in statutes as approved in SB 1526.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted January 2, 2019 through February 2, 2019 Oklahoma Board of Chiropractic Examiners. 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Kidd

PUBLIC HEARING:

Public hearing is scheduled on February 14, 2019 at 10:00 a.m., at the 421 N.W. 13th Street, Suite 100, Oklahoma City, Oklahoma 73103 Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Beth Kidd (405) 522-3400

[OAR Docket #18-747; filed 12-4-18]

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

[OAR Docket #18-748]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Special Certificates and Miscellaneous Provisions [AMENDED]

SUMMARY:

The proposed revision to Chapter 140:15-8-1 and 140:15-8-2 would amend the requirements for education for Animal Chiropractic from 150 to 210 hours as is current with approved courses, and amending the current continuing education hours rule that will allow for those courses certified by the American Veterinarian Chiropractic Association to satisfy the required 20 hours every 3 years for animal chiropractic re-certification.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted January 2, 2019 through February 2, 2019 Oklahoma Board of Chiropractic Examiners. 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Kidd

PUBLIC HEARING:

Public hearing is scheduled on February 14, 2019 at 10:00 a.m., at 421 NW 13th Street, Suite 100, Oklahoma City, Oklahoma 73103.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Beth Kidd (405) 522-3400

[OAR Docket #18-748; filed 12-4-18]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 1. COMMISSION POWERS AND JURISDICTION**

[OAR Docket #18-766]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 1. Commission Powers and Jurisdiction [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend

definitions, add definitions, change terms such as from 'medication' to 'substance', and update the home office address.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 8:30 to 9:00 a.m. on proposed rule amendments in Chapter 1, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-766; filed 12-7-18]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 15. LICENSING**

[OAR Docket #18-767]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 15. Licensing [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions, add definitions, and change the number of Jockeys that a Jockey Agent may represent.

Notices of Rulemaking Intent

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 9:00 to 9:30 a.m. on proposed rule amendments in Chapter 15, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-767; filed 12-7-18]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 20. RACING OFFICIALS AND RACING PERSONNEL**

[OAR Docket #18-768]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 20. Racing Officials and Racing Personnel [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to add definitions and describe the duties of the Safety Steward.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 9:30 to 10:00 a.m. on proposed rule amendments in Chapter 20, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-768; filed 12-7-18]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 25. ENTRIES AND DECLARATIONS**

[OAR Docket #18-769]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 25. Entries and Declarations [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions, add definitions, and update the requirement that the original Coggins Test record must be attached to the registration papers for a horse participating in a claiming race.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 10:00 to 10:30 a.m. on proposed rule amendments in Chapter 25, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed rules/ or www.ohrc.org or by contacting Teena Gunter at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: teena.gunter@ag.ok.gov.

[OAR Docket #18-769; filed 12-7-18]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 30. CLAIMING RACES**

[OAR Docket #18-770]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 30. Claiming Races [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions or add definitions.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box

528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 10:30 to 11:00 a.m. on proposed rule amendments in Chapter 30, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-770; filed 12-7-18]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 35. GENERAL CONDUCT**

[OAR Docket #18-771]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 35. General Conduct [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions and add definitions.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 11:30 a.m. to 12:00 Noon on proposed rule amendments in Chapter 35, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-771; filed 12-7-18]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 40. VETERINARIAN PRACTICES AND RESTRICTIONS

[OAR Docket #18-772]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 40. Veterinary Practices and Restrictions [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions, add definitions, update language on medical treatments that may be permitted, and expand the reporting requirements for a contagious or communicable disease.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 1:30 to 2:00 p.m. on proposed rule amendments in Chapter 40, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-772; filed 12-7-18]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 60. RUNNING THE RACE

[OAR Docket #18-773]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 60. Running the Race [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions, add definitions, and list Stewards' responsibilities in case of an incident, malfunction of the starting gate or other unforeseen event that may compromise the fairness of the race or the safety of the race participants.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 2:30 to 3:00 p.m. on proposed rule amendments in Chapter 60, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-773; filed 12-7-18]

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

[OAR Docket #18-774]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 65. Pari-Mutuel Wagering [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to address an incident when a betting interest has been scratched and the actual wagering favorite has already been included in the wager.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 3:00 to 3:30 p.m. on proposed rule amendments in Chapter 65, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-774; filed 12-7-18]

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

[OAR Docket #18-775]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

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

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to update the language on objections, protests, hearings and appeals.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 3:30 to 4:00 p.m. on proposed rule amendments in Chapter 70, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-775; filed 12-7-18]

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

[OAR Docket #18-776]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Chapter 75. Oklahoma-Bred Program [AMENDED]

SUMMARY:

The Ad Hoc Committee on Rules and Medication has proposed amendments to include but not be limited to amend definitions and add definitions.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons may submit written comments to Andrea Bair at andrea.bair@ag.ok.gov, 2800 N. Lincoln Boulevard, P.O. Box 528804, Oklahoma City, OK 73152-8804 during the period beginning January 2, 2019 and ending February 4, 2019.

PUBLIC HEARING:

A public hearing will be held on Monday, February 4, 2019, from 4:00 to 4:30 p.m. on proposed rule amendments in Chapter 75, in the ODAFF Board Room, located at the

Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrea Bair at the address listed above during the period beginning January 2, 2019 and ending February 4, 2019.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained by visiting app.ag.ok.gov/proposed-rules/ or www.ohrc.org or by contacting Andrea Bair at the address listed above.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #18-776; filed 12-7-18]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #18-749]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Oklahoma Public Employees Retirement System more efficient and member service oriented. The topics include amending the number of votes required for an action by the Board.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 20, 2019, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday,

February 21, 2019, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Dessa Baker-Inman, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 11, 2019, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

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

[OAR Docket #18-749; filed 12-4-18]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

[OAR Docket #18-750]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Oklahoma Public Employees Retirement System more efficient and member service oriented. The topics include clarifying the collection of delinquent service for elected officials and the process for purchasing service credit.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 20, 2019, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 21, 2019, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Dessa Baker-Inman, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 11, 2019, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov .

CONTACT PERSON:

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

[OAR Docket #18-750; filed 12-4-18]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 25. DEFERRED COMPENSATION**

[OAR Docket #18-751]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Deferred Compensation [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Compensation Plan more efficient and member service oriented. The topics include amending the time period for elections or deferrals to comply with the Internal Revenue Code and an amendment to allow for electronic signatures and forms.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1701.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 20, 2019, by mail or hand-delivery, to the offices of Oklahoma Public Employees

Notices of Rulemaking Intent

Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 21, 2019, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Dessa Baker-Inman, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 11, 2019, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

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

[OAR Docket #18-751; filed 12-4-18]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN

[OAR Docket #18-752]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Deferred Savings Incentive Plan [AMENDED]
SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Savings Incentive Plan more efficient and member service oriented. The topics include allowing for electronic signatures and forms.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 20, 2019, by mail or hand-delivery, to the offices of Oklahoma Public Employees

Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 21, 2019, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Dessa Baker-Inman, General Counsel, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 11, 2019, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

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

[OAR Docket #18-752; filed 12-4-18]

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

[OAR Docket #18-754]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Components of the Department

612:1-3-2. The Director of Rehabilitation Services [AMENDED]

612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]

612:1-3-8.1. Executive officers [AMENDED]

612:1-3-10. Final signature authority [AMENDED]

Subchapter 17. Availability of Information, Scope and Description of Open Meetings

612:1-17-1. Access to DRS records [AMENDED]

SUMMARY:

Revisions to Chapter 1 consist of adding and updating management job titles. Removal of antiquated language related to accessing DRS records.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.1 et seq.; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted December 3, 2018 through February 6, 2019 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 4, 2019
4:00 P.M. - 5:00 P.M.
Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma
Tuesday, February 5, 2019
1:00 P.M. - 2:00 P.M.
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma
Wednesday, February 6, 2019
1:00 P.M. - 2:00 P.M.
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 700, Room 701
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 4, 2019, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #18-754; filed 12-5-18]

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

[OAR Docket #18-755]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Client Participation in Cost of Services
612:10-3-5. Basic living requirements [AMENDED]
- Subchapter 7. Vocational Rehabilitation and Visual Services
Part 1. Scope of Vocational Rehabilitation and Visual Services
612:10-7-2. Field staff responsibilities [AMENDED]
612:10-7-2.1. Applications for employees or family member(s) of employees [NEW]
612:10-7-2.2. Applications for friends or family member(s) of friends [NEW]
612:10-7-2.3. Services for Employers [NEW]
612:10-7-2.4. Annual Outreach and Review Services [NEW]
- 612:10-7-3. Client responsibilities [AMENDED]
- Part 3. Case Processing Requirements
612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
- Part 5. Case Status and Classification System
612:10-7-56. Employment [AMENDED]
612:10-7-58. Closed Rehabilitated [AMENDED]
- Part 9. Actions Requiring Review and Approval
612:10-7-87. Actions requiring supervisor's approval [AMENDED]
- Part 13. Supportive Services
612:10-7-130. Maintenance [AMENDED]
- Part 15. Training
612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
- Part 25. Transition from School to Work Program
612:10-7-240. Overview of transition from school to work services [NEW]
612:10-7-241. Subminimum Wage for Youth with Disabilities [NEW]
612:10-7-242. Pre-Employment Transition Services [NEW]
612:10-7-244. Overview of transition from school to work services [REVOKED]
- Subchapter 9. Rehabilitation Teaching Services
Part 5. Services
612:10-9-38. Vocational rehabilitation [AMENDED]

SUMMARY:

Revisions to Chapter 10 consist of rules being implemented to be compliant with WIOA. Updated and removed antiquated language. Basic living requirements revised to lower the family income level above which a VR client will be required

Notices of Rulemaking Intent

to participate in the cost of services. 612:10-7-244 Overview of transition from school to work services is being revoked. This rule was moved and renumbered to 612:10-240.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 3, 2018 through February 6, 2019 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 4, 2019

4:00 P.M. - 5:00 P.M.

Department of Rehabilitation Services

2nd Floor Conference Room

3535 N.W. 58th Street

Oklahoma City, Oklahoma

Tuesday, February 5, 2019

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

Total Source for Hearing-loss and Access

8740 E. 11th St., Conference Room

Tulsa, Oklahoma

Wednesday, February 6, 2019

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

Great Plains Technology Center

4500 W. Lee Blvd., Bldg. 700, Room 701

Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 4, 2019, at

the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #18-755; filed 12-5-18]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

[OAR Docket #18-756]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. General Provisions

612:25-2-5. Definitions [AMENDED]

Subchapter 4. The State Licensing Agency

Part 3. Business Enterprise Program Training

612:25-4-14. Training for new or potential licensed managers [AMENDED]

Part 5. State Licensing Agency Responsibility for Business Enterprise Operations

612:25-4-25. Management of BEP equipment and fixtures [AMENDED]

612:25-4-27. Initial inventory and supplies [AMENDED]

Part 9. Assignment of Licensed Managers

612:25-4-53. Assignment, and transfer [AMENDED]

612:25-4-55. Qualifications [AMENDED]

612:25-4-57. Applicant Selection Committee [AMENDED]

612:25-4-58. Annual and Performance Evaluations [AMENDED]

612:25-4-59. Interview, Selection Process and Scoring [AMENDED]

612:25-4-61. Satellite business enterprise locations [AMENDED]

Subchapter 6. Licensed Managers and Business Enterprise Operation

Part 1. Licensed Managers

612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]

612:25-6-2. Standards for licensed managers [AMENDED]

612:25-6-2.1. Probation [AMENDED]

612:25-6-3. Grounds for suspension or termination of a license [AMENDED]

Part 3. Business Enterprises

612:25-6-15. Setting aside of funds [AMENDED]

612:25-6-16. Criteria to establish a business enterprise [AMENDED]

612:25-6-18. Establishing ~~new~~ licensed managers in business enterprises [AMENDED]

612:25-6-20. Closing a business enterprise [AMENDED]

612:25-6-22. Monthly reports [AMENDED]
Part 5. The Elected Committee of Licensed Managers
612:25-6-33. Organization and operation of the Elected
Committee of Licensed Managers [AMENDED]

SUMMARY:

Due to state and federal audits, minor changes to the Business Enterprise rules must be made as well as updating language.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2, 20 U.S.C. 107 et seq.; 29 U.S.C. 701 through 791; 7 O.S. § 71 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted December 3, 2018 through February 6, 2019 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 4, 2019
4:00 P.M. - 5:00 P.M.
Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma
Tuesday, February 5, 2019
1:00 P.M. - 2:00 P.M.
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma
Wednesday, February 6, 2019
1:00 P.M. - 2:00 P.M.
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 700, Room 701
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 4, 2019, at

the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

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

[OAR Docket #18-756; filed 12-5-18]

**TITLE 690. BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES**

[OAR Docket #18-753]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensure of Speech-Language Pathologists and Audiologists
690:10-3-6. Clinical fellowship requirement [AMENDED]
- Subchapter 5. Licensure of Speech-Language Pathology Clinical Fellows Completing Post-Graduate Clinical Fellowship
690:10-5-4. Application form for clinical fellows [AMENDED]
- Subchapter 7. Licensure of Speech-Language Pathology Assistants and Audiology Assistants
690:10-7-3. Supervision required [AMENDED]
690:10-7-5. Application for speech-language pathology assistant license or Audiology assistant authorization [AMENDED]

SUMMARY:

The proposed amendments to Chapter 10 changes nine (9) months to thirty-six (36) weeks in 10-3-6.

Rules 10-5-4 and 10-7-5 are amended to remove the requirement that applications for clinical fellows and speech-language pathology assistants be notarized.

New language is added to Rule 10-7-3 to authorize the supervisor of a speech-language pathology assistant who practices twenty hours or less to obtain Board approval to calculate the required hours of supervision based on the assistants total number of hours of practice each month rather than weekly.

AUTHORITY:

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 1, 2019. Written comments may be mailed or hand delivered to the attention of Amy Hall, Executive Secretary, Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK 73118; facsimile, at (405) 524-4985; or by email at amy.hall@obespa.ok.gov.

Notices of Rulemaking Intent

PUBLIC HEARING:

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on February 8, 2019 at 1:00pm in Conference Room 105 at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Amy Hall, at the above address, before the close of the comment period on February 1, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Amy Hall, Executive Secretary, at the above address or through the OBESPA website at www.obespa.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Amy Hall, Executive Secretary, (405) 524-4955, amy.hall@obespa.ok.gov.

[OAR Docket #18-753; filed 12-4-18]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 37. MANUFACTURED HOME INSTALLERS

[OAR Docket #18-764]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Operation
765:37-5-1 [AMENDED]
765:37-5-5 [NEW]
Subchapter 6. Definitions
765:37-6-1 [AMENDED]
Subchapter 7. Installation Standards
765:37-7-1 [AMENDED]
765:37-7-3 [AMENDED]
765:37-7-4 [AMENDED]

SUMMARY:

All of the Rule Amendments relate to Manufactured Home Installation standards. The reason the Rules are being amended is to conform with HUD requirements or to update the Rules due to changes in industry standards.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission
47 O.S. Section 582(E)(1)
75 O.S. Section 583 B.3.
75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma 73103, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 12, 2019, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13th, Suite 100, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 12, 2019.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after December 26th, 2018, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 421, NW 13th, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

[OAR Docket #18-764; filed 12-7-18]

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 165. CORPORATION COMMISSION CHAPTER 35. ELECTRIC UTILITY RULES

[OAR Docket #18-762]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 45. Wind Energy

165:35-45-2. Definitions [AMENDED]

165:35-45-4. Notification of intent to build a wind energy facility and other notices [AMENDED]

165:35-45-5. Commission consideration [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

December 5, 2018

[OAR Docket #18-762; filed 12-6-18]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 25. HIGHWAY CONTRACTORS

[OAR Docket #18-763]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Contractor Prequalification and Proposals

730:25-3-1. Prequalification [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

December 6, 2018

[OAR Docket #18-763; filed 12-6-18]

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

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

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

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

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

[OAR Docket #18-744]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-20 [AMENDED]

Part 3. Hospitals

317:30-5-40.1 [AMENDED]

317:30-5-42.10 [AMENDED]

(Reference APA WF # 18-01)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR §440.230

ADOPTION:

October 11, 2018

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

November 26, 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:

The agency requests emergency approval of rule revisions to its laboratory services policy in order to protect the public health, safety or welfare. Revisions will help prevent the reimbursement of medically unnecessary laboratory services, which in turn safeguards the integrity of SoonerCare expenditures and protects SoonerCare members from intrusive and needless tests.

GIST/ANALYSIS:

These emergency revisions are necessary to place appropriate limits on laboratory services based on medical necessity and/or utilization control procedures, in accordance with Federal regulations. Between 2014 and 2017, despite a decrease in member enrollment of 1.8 percent, members receiving unnecessary laboratory tests increased 9.8 percent which amounted to approximately \$502,384 in additional SoonerCare expenditures. The OHCA expects this trend to continue in the absence of enhanced regulatory controls.

CONTACT PERSON:

Carrie Evans, 405-522-7359, Carrie.Evans@okhca.org; Ivoria Holt, 405-522-7773, Ivoria.Holt@okhca.org

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

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 1. PHYSICIANS

317:30-5-20. Laboratory services

This Section covers the guidelines for payment of laboratory services by a provider in his/her office, a certified laboratory and for a pathologist's interpretation of laboratory procedures.

- (1) **Compensable services.** Providers may be reimbursed for compensable clinical diagnostic laboratory services only when they personally perform or supervise the performance of the test. If a provider refers specimen to a certified laboratory or a hospital laboratory serving outpatients, the certified laboratory or the hospital must bill for performing the test.

(A) Reimbursement for lab services is made in accordance with the Clinical Laboratory Improvement Amendment of 1988 (CLIA). These regulations provide that payment may be made only for services furnished by a laboratory that meets CLIA conditions, including those furnished in physicians' offices. Eligible providers must be certified under the CLIA program and have obtained a CLIA ID number from CMS Centers for Medicare and Medicaid Services and have a current contract on file with the OHCA Oklahoma Health Care Authority (OHCA). Providers performing laboratory services must have

Emergency Adoptions

the appropriate CLIA certification specific to the level of testing performed.

(B) Only medically necessary laboratory services are compensable.

(i) Testing must be medically indicated as evidenced by patient-specific indications in the medical record.

(ii) Testing is only compensable if the results will affect patient care and are performed to diagnose conditions and illnesses with specific symptoms.

(iii) Testing is only compensable if the services are performed in furtherance of the diagnosis and/or treatment of conditions that are covered under SoonerCare.

(C) Laboratory testing must be ordered by the physician or non-physician provider, and must be individualized to the patient and the patient's medical history or assessment indicators as evidenced in the medical documentation.

(2) **Non-compensable laboratory services.**

(A) Laboratory testing for routine diagnostic or screening tests performed without apparent relationship to treatment or diagnosis of a specific illness, symptom, complaint or injury is not covered.

(B) Non-specific, blanket panel or standing orders for laboratory testing, custom panels particular to the ordering provider, or lab panels which have no impact on the patient's plan of care are not covered.

(C) Split billing, or dividing the billed services for the same patient for the same date of service by the same renumbering laboratory into two or more claims is not allowed.

(~~A~~D) Separate payment is not made for blood specimens obtained by venipuncture or urine specimens collected by a laboratory. These services are considered part of the laboratory analysis.

(~~B~~E) Claims for inpatient full service laboratory procedures are not covered since this is considered a part of the hospital rate.

(~~C~~F) Billing multiple units of nucleic acid detection for individual infectious organisms when testing for more than one infectious organism in a specimen is not permissible. Instead, OHCA considers it appropriate to bill a single unit of a procedure code indicated for multiple organism testing.

(~~D~~G) Billing multiple Current Procedural Terminology (CPT) codes or units for molecular pathology tests that examine multiple genes or incorporate multiple types of genetic analysis in a single run or report is not permissible. Instead, OHCA considers it appropriate to bill a single CPT code for such test. If an appropriate code does not exist, then one unit for an unlisted molecular pathology procedure may be billed.

(3) **Covered services by a pathologist.**

(A) A pathologist may be paid for the interpretation of inpatient surgical pathology specimen when the appropriate CPT procedure code and modifier is used.

(B) Full service or interpretation of surgical pathology for outpatient surgery performed in an outpatient hospital or ~~Ambulatory Surgery Center~~ambulatory surgery center setting.

(4) **Non-compensable services by a pathologist.** The following are non-compensable pathologist services:

(A) Experimental or investigational procedures.

(B) Interpretation of clinical laboratory procedures.

(5) **Penalties.** The OHCA reserves the right to take such action as it may deem appropriate against any provider as a result of medically unnecessary laboratory testing, including, without limitation, recoupment and possible termination of the provider's underlying provider agreement with OHCA. In addition, appropriate cases may be referred for further investigation and possible action by the Office of the Attorney General's Medicaid Fraud Control Unit.

PART 3. HOSPITALS

317:30-5-40.1. General information

(a) This Chapter applies to coverage in an inpatient and/or outpatient setting. Coverage is the same for adults and children unless otherwise indicated.

(b) **Professional Services.** Payment is made to a participating hospital group or corporation for hospital based physician's services. The hospital must have a Hospital Group Physician's Contract with OHCA for this method of billing.

(c) **Prior Authorization.** OHCA requires prior authorization for certain procedures to validate the medical need for the service.

(d) **Medical necessity.** Medical necessity requirements are listed at OAC 317:30-3-1(f) and 317:30-5-20.

317:30-5-42.10. Laboratory

~~Payment is made for all laboratory tests listed in the Clinical Diagnostic Laboratory fee schedule from CMS.~~ To be eligible for payment as a laboratory/pathology service, the service must be:

(1) Ordered and provided by or under the direction of a physician or other licensed practitioner within the scope of practice as defined by state law;

(2) Provided in a hospital or independent laboratory;

(3) Directly related to the diagnosis and treatment of a medical condition; ~~and~~

(4) Authorized under the laboratory's CLIA certification; ~~and~~

(5) Considered medically necessary as defined in OAC 317:30-3-1(f) and 317:30-5-20.

[OAR Docket #18-744; filed 11-30-18]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2018-29.

EXECUTIVE ORDER 2018-29

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct that appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff for a period of 30 days, from the day of death, November 30, 2018, to honor the life and legacy of George Herbert Walker Bush, our nation's beloved and honored 41st president.

George H. W. Bush's time on Earth as a son, husband, father, grandfather, great-grandfather, military combat veteran, former member of Congress, Ambassador to the United Nations, Chief of the United States Liaison Office in China, Director of Central Intelligence, Vice President and President of the United States, was remarkable and his legacy is substantial and enduring. George H. W. Bush's life stood as a testament to faithfulness, selfless service, and patriotism.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 1st day of December, 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton

Acting Assistant Secretary of State

[OAR Docket #18-745; filed 12-1-18]

1:2018-30.

EXECUTIVE ORDER 2018-30

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Severe storms, tornadoes, and straight-line winds beginning November 30, 2018 and continuing have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, and straight-line winds in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Adair, Cherokee, Delaware, Haskell, Johnston, Latimer, Le Flore, Muskogee, Pittsburg, Pushmataha, Sequoyah, and Tulsa

4. The State Emergency Operations Plan was activated on November 30, 2018, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

5. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

Executive Orders

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 3rd day of December 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton

Acting Assistant Secretary of State

[OAR Docket #18-746; filed 12-3-18]

1:2018-31.

EXECUTIVE ORDER 2018-31

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Winter storms, snow, ice, freezing rain and flooding are anticipated to begin December 6, 2018, which may cause damage to public and private properties within the State of Oklahoma; and said damages may cause an undue hardship on the citizens of this State.
2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.
3. As provided by 63 O.S. §§ 683.9, there is hereby declared a disaster emergency based upon conditions anticipated in the immediate future which will be winter storms, snow, ice, freezing rain and flooding in the State of Oklahoma and may threaten the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

4. The State Emergency Operations Plan is activated effective December 6, 2018, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.
5. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

Pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, and pursuant to 49 C.F.R. Part 390.23, I hereby declare that there is a State of Emergency continuing in the State of Oklahoma. Based upon conditions anticipated in the immediate future, it is necessary to assist and expedite all efforts of relief. In

order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for emergency relief;
2. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;
3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and
4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Declaration of this emergency provides relief from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance for the immediate restoration of essential services (such as electrical, sewer, water, and telecommunications) or essential supplies (such as feed, food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, Oklahoma Corporation Commission, Oklahoma Department of Transportation,

Oklahoma Tax Commission, Oklahoma Adjutant General's Office, Office of Management and Enterprise Services, and the Oklahoma Department of Public Safety, who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 6th day of December 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton

Acting Assistant Secretary of State

[OAR Docket #18-757; filed 12-6-18]

1:2018-32.

EXECUTIVE ORDER 2018-32

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.10 of Title 25 of the Oklahoma Statutes, in recognition of Pearl Harbor Remembrance Day, hereby announce the continuation of all American

and Oklahoma flags at half-staff on Friday, December 7, 2018, to honor the many Oklahoma and United States citizens who died on December 7, 1941, as a result of the Japanese attack on Pearl Harbor. This Pearl Harbor Remembrance Day takes on a special meaning as this week our nation said a final farewell to the 41st president, George H.W. Bush, and have remembered anew an entire generation of Americans who answered the call for duty with dignity and fortitude to secure and preserve liberty for all Americans and our allies.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 7th day of December, 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton

Acting Assistant Secretary of State

[OAR Docket #18-765; filed 12-7-18]

