

Volume 37
Number 11
February 18, 2020
Pages 455 - 540

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Kevin Stitt, Governor
Michael Rogers,
Secretary of State
Peggy Coe, Editor-in-Chief

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

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library at 200 NE 18th Street in the State Capitol Complex, and the following depository libraries:

Ada - East Central University, Linscheid Library

Bartlesville - Bartlesville Public Library

Claremore - Rogers State University, Stratton Taylor Library

Clinton - Clinton Public Library

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

Edmond - University of Central Oklahoma, Chambers Library

Enid - Public Library of Enid and Garfield County

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

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Publications Clearinghouse, Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low Library

Tahlequah - Northeastern State University, John Vaughan Library

Tulsa - Tulsa City/County Library System

Weatherford - Southwestern Oklahoma State University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 36 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103, by email at oar@sos.ok.gov, or by phone at (405) 521-4911. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 40 copies have been prepared and distributed at a cost of \$187.63. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	v
Agency Index (Title numbers assigned)	viii
Notices of Rulemaking Intent	
Attorney General (Title 75)	455, 456
Chiropractic Examiners, Board of (Title 140)	457, 458
Corrections, Department of (Title 170)	458, 459
Cosmetology and Barbering, State Board of (Title 175)	460, 461, 462
Education, State Department of (Title 210)	463, 464, 465
Election Board, State (Title 230)	465, 466, 467, 468, 469, 470, 471
Historical Society, Oklahoma (Title 320)	472
Housing Finance Agency, Oklahoma (Title 330)	473, 474
Insurance Department (Title 365)	475, 476, 477
Labor, Department of (Title 380)	479, 480
Liquefied Petroleum Gas Board, Oklahoma (Title 420)	481
Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)	482, 483, 484
Pharmacy, Oklahoma State Board of (Title 535)	485
Psychologists, State Board of Examiners of (Title 575)	485
Public Safety, Department of (Title 595)	486, 487, 488, 489, 490
Secretary of State (Title 655)	490, 491
Securities, Department of (Title 660)	492, 493, 494, 495
Tourism and Recreation Department, Oklahoma (Title 725)	496
Career and Technology Education, Oklahoma Department of (Title 780)	497, 498
Continued Hearings/Comment Periods	
Health Care Authority, Oklahoma (Title 317)	499
Submissions to Governor and Legislature	
Employment Security Commission, Oklahoma (Title 240)	501
Health Care Authority, Oklahoma (Title 317)	501, 502, 503, 504
Medical Licensure and Supervision, State Board of (Title 435)	504
Emergency Adoptions	
Management and Enterprise Services, Office of (Title 260)	505
Health Care Authority, Oklahoma (Title 317)	508, 510, 514, 521, 523, 526, 528
Tourism and Recreation Department, Oklahoma (Title 725)	529
Executive Orders (Title 1)	539

Agency/Action/Subject Index

ATTORNEY General (Title 75)

Notices of Rulemaking Intent

- Standards and Criteria for Domestic Violence and Sexual Assault Programs (Chapter 15) 455
- Address Confidentiality Program (Chapter 20) 455
- Standards and Criteria for Batterers Intervention Programs (Chapter 25) 456
- Standards and Criteria for Adult Victims of Human Sex Trafficking Programs (Chapter 30) 456

CHIROPRACTIC Examiners, Board of (Title 140)

Notices of Rulemaking Intent

- Administrative Organization and Operations (Chapter 1) 457
- Licensure of Chiropractic Physicians (Chapter 10) 457
- Special Certificates and Miscellaneous Provisions (Chapter 15) 458

CORRECTIONS, Department of (Title 170)

Notices of Rulemaking Intent

- Organization (Chapter 1) 458
- Prisoner Public Works Contracts (Chapter 10) 459
- Private Prison Contractor Compliance Monitoring (Chapter 15) 459

COSMETOLOGY and Barbering, State Board of (Title 175)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 460
- Licensure of Cosmetologists, Barbers, Schools and Related Establishments (Chapter 10) 461, 462
- Massage Therapy (Chapter 20) 462

EDUCATION, State Department of (Title 210)

Notices of Rulemaking Intent

- School Administration and Instructional Services (Chapter 10) 463
- Curriculum and Instruction (Chapter 15) 464
- Grants and Programs-In-Aid (Chapter 40) 465

ELECTION Board, State (Title 230)

Notices of Rulemaking Intent

- The County Election Board (Chapter 10) 465
- Voter Registration (Chapter 15) 466
- Ballot Printing (Chapter 25) 467
- Absentee Voting (Chapter 30) 468
- Election Conduct (Chapter 35) 469
- Types of Elections (Chapter 40) 470
- Contests of Election (Chapter 45) 470
- Automated Systems (Chapter 50) 471
- Election Security (Chapter 51) 471

EMPLOYMENT Security Commission, Oklahoma (Title 240)

Submissions to Governor and Legislature

- General Provisions (Chapter 1) 501
- Unemployment Insurance Program (Chapter 10) 501

MANAGEMENT and Enterprise Services, Office of (Title 260)

Emergency Adoptions

- Employees Group Insurance Division - Health, Dental, Vision and Life Plans (Chapter 50) 505

GOVERNOR

Executive Orders

- Amending EO 2019-22, ordering formation of Criminal Justice Reentry, Supervision, Treatment and Opportunity Reform Task Force (19-22A) 539
- Ordering flags at half-staff to honor the life and service of Jarid Don Taylor (20-1) 540

GOVERNOR – continued

Executive Orders – continued

- Ordering moratorium on non-essential travel to State of California (20-2) 540

HEALTH Care Authority, Oklahoma (Title 317)

Continued Hearings/Comment Periods

- Medical Providers-Fee for Service (Chapter 30) 499
- Medical Assistance for Adults and Children-Eligibility (Chapter 35) 499

Submissions to Governor and Legislature

- Administrative Operations (Chapter 1) 501
- Grievance Procedures and Process (Chapter 2) 501
- Medical Providers-Fee for Service (Chapter 30) 502, 503
- Medical Assistance for Adults and Children-Eligibility (Chapter 35) 503, 504

Emergency Adoptions

- Grievance Procedures and Process (Chapter 2) 508
- Medical Providers-Fee for Service (Chapter 30) 510, 514, 521, 523, 526
- Medical Assistance for Adults and Children-Eligibility (Chapter 35) 528

HISTORICAL Society, Oklahoma (Title 320)

Notices of Rulemaking Intent

- Oklahoma Heritage Preservation Grant Program (Chapter 15) 472

HOUSING Finance Agency, Oklahoma (Title 330)

Notices of Rulemaking Intent

- Single Family Mortgage Loan Program (Chapter 15) 473
- Affordable Housing Tax Credit Program (Chapter 36) 474
- Section 8 Existing Housing Program Rules (Chapter 50) 474

INSURANCE Department (Title 365)

Notices of Rulemaking Intent

- Life, Accident and Health (Chapter 10) 475
- Property and Casualty (Chapter 15) 476
- Other Licensees (Chapter 25) 477

LABOR, Department of (Title 380)

Notices of Rulemaking Intent

- Amusement Ride Safety Rules (Chapter 55) 479
- Elevator Safety Act (Chapter 70) 479
- Alarm and Locksmith Industry Rules (Chapter 75) 480

LIQUEFIED Petroleum Gas Board, Oklahoma (Title 420)

Notices of Rulemaking Intent

- Liquefied Petroleum Gas Administration (Chapter 10) ... 481

MEDICAL Licensure and Supervision, State Board of (Title 435)

Submissions to Governor and Legislature

- Athletic Trainers and Apprentices (Chapter 25) 504

NARCOTICS and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)

Notices of Rulemaking Intent

- Security Requirements (Chapter 20) 482
- Records and Reports of Registrants (Chapter 25) 482
- Labeling Requirements (Chapter 30) 483
- Transfer and Disposal of Controlled Dangerous Drugs (Chapter 35) 483
- Oklahoma Control Reporting Requirements (Chapter 45) 484

PHARMACY, Oklahoma State Board of (Title 535)

Notices of Rulemaking Intent

- Pharmacies (Chapter 15) 485

Agency/Action/Subject Index – continued

**PSYCHOLOGISTS, State Board of Examiners of
(Title 575)**

Notices of Rulemaking Intent

Licensure of Psychologists (Chapter 10) 485

PUBLIC Safety, Department of (Title 595)

Notices of Rulemaking Intent

General Rules of the Department of Public Safety
(Chapter 1) 486

Class D Driver Licenses and Identification Cards and Motor
License Agent Procedures (Chapter 10) 486

Commercial Driver Licenses (Chapter 11) 487

Wreckers and Towing Services (Chapter 25) 488

Size and Weights Permits (Chapter 30) 489

Driver Training and Improvement (Chapter 40) 490

SECRETARY of State (Title 655)

Notices of Rulemaking Intent

Notary Public (Chapter 25) 490

Certification Authorities (Chapter 35) 491

SECURITIES, Department of (Title 660)

Notices of Rulemaking Intent

Organization and Procedures of Department of Securities
(Chapter 2) 492

SECURITIES, Department of – continued

Notices of Rulemaking Intent – continued

Forms (Chapter 6) 493

Oklahoma Uniform Securities Act of 2004
(Chapter 11) 493

Oklahoma Subdivided Land Sales Code (Chapter 20) 494

Oklahoma Business Opportunity Sales Act
(Chapter 25) 495

**TOURISM and Recreation Department, Oklahoma
(Title 725)**

Notices of Rulemaking Intent

Fiscal, Personnel and General Operations (Chapter 15) ... 496

Division of State Parks (Chapter 30) 496

Emergency Adoptions

The Oklahoma Film and Music Office (Chapter 35) 529

**CAREER and Technology Education, Oklahoma
Department of (Title 780)**

Notices of Rulemaking Intent

Administration and Supervision (Chapter 10) 497

Programs and Services (Chapter 20) 498

Rules Affected Index

[(E) = *Emergency action*]

Rule	Register Page	Rule	Register Page
10:15-27-16.	[NEW] (E) 167	310:681-4-1.1.	[NEW] (E) 182
10:15-37-11.	[AMENDED] (E) 167	310:681-4-2.	[NEW] (E) 183
120:10, App. A.	[REVOKED] (E) 270	310:681-4-3.	[NEW] (E) 183
120:10, App. A.	[NEW] (E) 270	310:681-4-4.	[NEW] (E) 185
165:35-45-2.	[AMENDED] (E) 97	310:681-4-5.	[NEW] (E) 185
165:35-45-4.	[AMENDED] (E) 97	310:681-4-6.	[NEW] (E) 187
165:35-45-5.	[AMENDED] (E) 99	310:681-5-1.	[AMENDED] (E) 25
260:50-1-2.	[AMENDED] (E) 505	310:681-5-1.	[AMENDED] (E) 187
310:9-1-2.	[AMENDED] (E) 3	310:681-5-1.1.	[AMENDED] (E) 25
310:9-3-1.	[AMENDED] (E) 4	310:681-5-1.1.	[AMENDED] (E) 187
310:9-3-2.	[AMENDED] (E) 4	310:681-5-2.	[AMENDED] (E) 26
310:9-3-3.	[AMENDED] (E) 5	310:681-5-2.	[AMENDED] (E) 188
310:9-5-2.1.	[AMENDED] (E) 5	310:681-5-3.	[AMENDED] (E) 27
310:9-5-3.	[REVOKED] (E) 6	310:681-5-3.	[AMENDED] (E) 189
310:681-1-1.	[AMENDED] (E) 13	310:681-5-3.1.	[NEW] (E) 28
310:681-1-1.	[AMENDED] (E) 169	310:681-5-3.1.	[NEW] (E) 190
310:681-1-2.	[AMENDED] (E) 14	310:681-5-3.2.	[NEW] (E) 28
310:681-1-2.	[AMENDED] (E) 170	310:681-5-3.2.	[NEW] (E) 190
310:681-1-3.	[AMENDED] (E) 14	310:681-5-4.	[AMENDED] (E) 28
310:681-1-3.	[AMENDED] (E) 170	310:681-5-4.	[AMENDED] (E) 190
310:681-1-4.	[AMENDED] (E) 14	310:681-5-6.	[AMENDED] (E) 29
310:681-1-4.	[AMENDED] (E) 170	310:681-5-6.	[AMENDED] (E) 191
310:681-1-5.	[AMENDED] (E) 18	310:681-5-6.1.	[AMENDED] (E) 31
310:681-1-5.	[AMENDED] (E) 174	310:681-5-6.1.	[AMENDED] (E) 193
310:681-1-6.	[AMENDED] (E) 18	310:681-5-8.	[AMENDED] (E) 31
310:681-1-6.	[AMENDED] (E) 175	310:681-5-8.	[AMENDED] (E) 194
310:681-1-7.	[AMENDED] (E) 18	310:681-5-8.1.	[AMENDED] (E) 32
310:681-1-7.	[AMENDED] (E) 175	310:681-5-8.1.	[AMENDED] (E) 194
310:681-1-9.	[AMENDED] (E) 18	310:681-5-9.	[AMENDED] (E) 34
310:681-1-9.	[AMENDED] (E) 175	310:681-5-9.	[AMENDED] (E) 196
310:681-1-9.1.	[AMENDED] (E) 19	310:681-5-10.	[AMENDED] (E) 34
310:681-1-9.1.	[AMENDED] (E) 175	310:681-5-10.	[AMENDED] (E) 196
310:681-2-1.	[AMENDED] (E) 19	310:681-5-12.	[AMENDED] (E) 34
310:681-2-1.	[AMENDED] (E) 175	310:681-5-12.	[AMENDED] (E) 196
310:681-2-2.	[AMENDED] (E) 20	310:681-5-18.	[AMENDED] (E) 34
310:681-2-2.	[AMENDED] (E) 176	310:681-5-18.	[AMENDED] (E) 196
310:681-2-3.	[AMENDED] (E) 20	310:681-7-1.	[AMENDED] (E) 35
310:681-2-3.	[AMENDED] (E) 177	310:681-7-1.	[AMENDED] (E) 197
310:681-2-3.1.	[AMENDED] (E) 21	310:681-7-2.	[AMENDED] (E) 35
310:681-2-3.1.	[AMENDED] (E) 178	310:681-7-2.	[AMENDED] (E) 198
310:681-2-4.	[AMENDED] (E) 21	310:681-7-3.	[NEW] (E) 35
310:681-2-4.	[AMENDED] (E) 178	310:681-7-3.	[NEW] (E) 198
310:681-2-5.	[AMENDED] (E) 21	310:681-8-1.	[NEW] (E) 36
310:681-2-5.	[AMENDED] (E) 178	310:681-8-1.	[NEW] (E) 198
310:681-2-8.	[NEW] (E) 22	310:681-8-2.	[NEW] (E) 199
310:681-2-8.	[NEW] (E) 179	310:681-8-3.	[NEW] (E) 201
310:681-2-9.	[NEW] (E) 22	310:681-8-4.	[NEW] (E) 203
310:681-2-9.	[NEW] (E) 179	310:681-8-5.	[NEW] (E) 204
310:681-3-1.	[AMENDED] (E) 23	310:681-9-1.	[NEW] (E) 204
310:681-3-1.	[AMENDED] (E) 179	310:681-9-1.1.	[NEW] (E) 205
310:681-3-2.	[AMENDED] (E) 23	310:681-9-2.	[NEW] (E) 205
310:681-3-2.	[AMENDED] (E) 180	310:681-9-3.	[NEW] (E) 205
310:681-3-3.	[NEW] (E) 23	310:681-9-4.	[NEW] (E) 206
310:681-3-3.	[NEW] (E) 180	310:681-9-5.	[NEW] (E) 207
310:681-3-4.	[NEW] (E) 24	310:681-9-6.	[NEW] (E) 207
310:681-3-4.	[NEW] (E) 181	310:681-9-7.	[NEW] (E) 208
310:681-3-5.	[NEW] (E) 24	310:681-9-8.	[NEW] (E) 209
310:681-3-5.	[NEW] (E) 181	310:681-10-1.	[NEW] (E) 209
310:681-3-6.	[NEW] (E) 24	310:681-10-2.	[NEW] (E) 210
310:681-3-6.	[NEW] (E) 181	310:681-10-3.	[NEW] (E) 210
310:681-4-1.	[NEW] (E) 182	310:681-10-4.	[NEW] (E) 210

Rules Affected Index – *continued*

317:1-1-4.	[AMENDED] (E)	100	365:25-29-1.	[AMENDED] (E)	136
317:1-1-6.	[AMENDED] (E)	100	365:25-29-2.	[AMENDED] (E)	136
317:1-1-7.	[AMENDED] (E)	100	365:25-29-3.	[AMENDED] (E)	136
317:2-1-2.	[AMENDED] (E)	508	365:25-29-4.	[AMENDED] (E)	136
317:2-1-6.	[REVOKED] (E)	510	365:25-29-5.	[AMENDED] (E)	136
317:2-1-13.	[AMENDED] (E)	510	365:25-29-6.	[AMENDED] (E)	136
317:2-1-17.	[NEW] (E)	210	365:25-29-7.1.	[NEW] (E)	137
317:2-1-18.	[NEW] (E)	510	365:25-29-9.	[AMENDED] (E)	137
317:30-3-5.	[AMENDED] (E)	511	365:25-29-10.	[AMENDED] (E)	138
317:30-3-27.	[AMENDED] (E)	212	365:25-29-13.	[NEW] (E)	139
317:30-3-65.12.	[NEW] (E)	514	365:25-29-14.	[NEW] (E)	139
317:30-5-22.1.	[AMENDED] (E)	101	365:25-29-15.	[NEW] (E)	139
317:30-5-42.1.	[AMENDED] (E)	522	365:25-29.12.	[NEW] (E)	138
317:30-5-42.11.	[AMENDED] (E)	101	465:10-3-1.	[AMENDED] (E)	140
317:30-5-72.	[AMENDED] (E)	512	465:10-3-3.	[AMENDED] (E)	140
317:30-5-77.1.	[AMENDED] (E)	513	465:10-3-5.	[AMENDED] (E)	140
317:30-5-77.2.	[AMENDED] (E)	524	465:10-3-6.	[NEW] (E)	140
317:30-5-77.3.	[AMENDED] (E)	525	485:10-11-4.	[NEW] (E)	222
317:30-5-77.4.	[NEW] (E)	526	485:10-16-6.	[AMENDED] (E)	224
317:30-5-86.	[AMENDED] (E)	527	590:10-1-21.	[NEW] (E)	141
317:30-5-132.	[AMENDED] (E)	214	590:10-1-22.	[NEW] (E)	141
317:30-5-132.1.	[NEW] (E)	215	590:40-5-1.	[AMENDED] (E)	142
317:30-5-132.2.	[NEW] (E)	215	595:10-1-3.	[AMENDED] (E)	271
317:30-5-136.1.	[AMENDED] (E)	216	595:10-1-10.	[AMENDED] (E)	276
317:30-5-241.6.	[AMENDED] (E)	217	595:10-1-25.	[AMENDED] (E)	277
317:30-5-355.1.	[AMENDED] (E)	517	595:10-1-26.	[AMENDED] (E)	278
317:30-5-357.	[AMENDED] (E)	519	595:10-1-27.	[AMENDED] (E)	279
317:30-5-376.	[AMENDED] (E)	519	595:10-1-35.	[AMENDED] (E)	281
317:30-5-664.1.	[AMENDED] (E)	520	595:10-1-50.	[AMENDED] (E)	281
317:30-5-740.	[AMENDED] (E)	102	595:11-1-12.	[AMENDED] (E)	283
317:30-5-740.1.	[AMENDED] (E)	103	595:11-1-13.	[AMENDED] (E)	283
317:30-5-740.2.	[AMENDED] (E)	105	595:11-1-15.	[AMENDED] (E)	284
317:30-5-741.	[AMENDED] (E)	105	595:11-1-21.	[AMENDED] (E)	287
317:30-5-742.	[AMENDED] (E)	106	595:11-1-31.	[AMENDED] (E)	288
317:30-5-742.1.	[AMENDED] (E)	106	595:11-1-51.	[AMENDED] (E)	289
317:30-5-742.2.	[AMENDED] (E)	106	595:11-3-3.	[AMENDED] (E)	284
317:30-5-743.1.	[AMENDED] (E)	114	595:11-3-6.	[AMENDED] (E)	285
317:30-5-744.	[AMENDED] (E)	114	595:11-3-8.	[AMENDED] (E)	286
317:30-5-745.	[AMENDED] (E)	114	595:11-5-1.	[AMENDED] (E)	290
317:30-5-746.	[AMENDED] (E)	114	595:11-5-2.	[AMENDED] (E)	290
317:30-5-750.	[NEW] (E)	115	595:11-5-3.	[AMENDED] (E)	290
317:30-5-750.1.	[NEW] (E)	115	595:11-5-4.	[AMENDED] (E)	291
317:30-5-750.2.	[NEW] (E)	116	595:11-5-5.	[AMENDED] (E)	292
317:30-5-751.	[NEW] (E)	116	595:11-5-7.	[AMENDED] (E)	293
317:30-5-752.	[NEW] (E)	117	595:11-5-9.	[AMENDED] (E)	294
317:30-5-753.	[NEW] (E)	117	595:11-5-10.	[AMENDED] (E)	294
317:30-5-754.	[NEW] (E)	121	595:11-5-11.	[AMENDED] (E)	295
317:30-5-755.	[NEW] (E)	121	595:11-5-12.	[AMENDED] (E)	295
317:30-5-756.	[NEW] (E)	121	595:11-5-13.	[AMENDED] (E)	296
317:30-5-757.	[NEW] (E)	121	595:11-5-15.	[AMENDED] (E)	297
317:30-5-1076.	[AMENDED] (E)	520	595:11-5-16.	[AMENDED] (E)	299
317:30-5-1080.	[NEW] (E)	522	595:11-5-17.	[AMENDED] (E)	299
317:30-5-1081.	[NEW] (E)	522	595:11-7-2.	[AMENDED] (E)	299
317:30-5-1082.	[NEW] (E)	523	595:11-7-3.	[AMENDED] (E)	299
317:30-5-1083.	[NEW] (E)	523	595:11-7-4.	[AMENDED] (E)	301
317:30-5-1084.	[NEW] (E)	523	595:11-7-9.	[AMENDED] (E)	301
317:30-5-1090.	[AMENDED] (E)	521	595:11-7-10.	[AMENDED] (E)	302
317:30-5-1154.	[AMENDED] (E)	521	595:11-7-15.	[AMENDED] (E)	303
317:35-6-45.	[NEW] (E)	528	595:40-7-1.	[NEW] (E)	304
340:50-5-29.	[AMENDED] (E)	122	595:40-7-2.	[NEW] (E)	304
340:50-5-45.	[AMENDED] (E)	123	595:40-7-3.	[NEW] (E)	304
340:50-5-101.	[AMENDED] (E)	124	595:40-7-4.	[NEW] (E)	305
340:50-7-1.	[AMENDED] (E)	125	595:40-7-5.	[NEW] (E)	305
340:50-7-29.	[AMENDED] (E)	125	595:40-7-6.	[NEW] (E)	305
340:50-7-31.	[AMENDED] (E)	128	610:25-1-3.	[AMENDED] (E)	417
340:50-9-5.	[AMENDED] (E)	131	610:25-1-4.	[AMENDED] (E)	418
340:100-18-1.	[AMENDED] (E)	79	625:25-11-1.	[NEW] (E)	421

655:25-1-1.1. [AMENDED] (E)	420	725:35-1-5. [AMENDED] (E)	536
655:25-1-2. [AMENDED] (E)	420	765:15-1-1. [AMENDED] (E)	143
655:25-1-5. [AMENDED] (E)	420	765:15-1-2. [AMENDED] (E)	143
655:25-1-5.1. [NEW] (E)	420	765:15-1-3. [AMENDED] (E)	143
655:25-1-8. [NEW] (E)	420	765:15-1-5. [AMENDED] (E)	143
655:25-3-1. [AMENDED] (E)	420	765:15-1-6. [AMENDED] (E)	144
655:25-3-2. [AMENDED] (E)	421	765:15-1-7. [AMENDED] (E)	144
655:25-3-3. [AMENDED] (E)	421	765:15-3-1. [AMENDED] (E)	144
655:25-5-2. [AMENDED] (E)	421	765:15-5-1. [AMENDED] (E)	144
655:25-5-3. [AMENDED] (E)	421	765:15-5-2. [AMENDED] (E)	145
655:25-7-1. [NEW] (E)	421	765:36-6-1. [NEW] (E)	145
655:25-7-2. [NEW] (E)	421	765:37-5-6. [NEW] (E)	146
655:25-11-2. [NEW] (E)	421	765:38-1-1. [AMENDED] (E)	147
655:25-11-3. [NEW] (E)	422	765:38-1-2. [AMENDED] (E)	147
655:25-11-4. [NEW] (E)	423	765:38-1-3. [AMENDED] (E)	147
655:25-11-5. [NEW] (E)	423	765:38-1-4. [AMENDED] (E)	147
655:25-11-6. [NEW] (E)	424	765:38-1-5. [AMENDED] (E)	148
655:25-11-7. [NEW] (E)	424	765:38-1-6. [AMENDED] (E)	148
655:25-11-8. [NEW] (E)	424	765:38-3-1. [AMENDED] (E)	148
655:25, App. A. [NEW] (E)	426	765:38-5-1. [AMENDED] (E)	148
655:35-1-1. [NEW] (E)	429	765:38-5-2. [AMENDED] (E)	148
655:35-3-1. [NEW] (E)	429	770:15-7-1. [REVOKED] (E)	83
655:35-3-2. [NEW] (E)	429	770:15-7-2. [REVOKED] (E)	83
715:1-1-5. [AMENDED] (E)	37	770:15-7-3. [REVOKED] (E)	83
715:10-9-3. [AMENDED] (E)	38	770:15-7-4. [REVOKED] (E)	84
715:10-13-15. [AMENDED] (E)	38	800:10-1-5. [AMENDED] (E)	40
715:10-15-3. [AMENDED] (E)	38	800:25-7-140.1. [NEW] (E)	42
715:10-17-5. [AMENDED] (E)	39	800:25-41-1. [NEW] (E)	84
715:10-17-16. [NEW] (E)	39	800:25-41-2. [NEW] (E)	85
725:35-1-1. [AMENDED] (E)	529	800:25-41-3. [NEW] (E)	85
725:35-1-2. [AMENDED] (E)	529	800:30-1-4. [AMENDED] (E)	43
725:35-1-3. [AMENDED] (E)	530	800:30-1-20. [AMENDED] (E)	44
725:35-1-4. [AMENDED] (E)	536		

Agency/Title Index

[Assigned as of 2-18-20]

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

Agency	Title	Agency	Title
COMPSOURCE Oklahoma (Formerly: State INSURANCE Fund)	370	PUBLIC Employees Relations Board	585
Oklahoma State Bureau of INVESTIGATION	375	Oklahoma PUBLIC Employees Retirement System	590
Council on JUDICIAL Complaints	376	Department of PUBLIC Safety	595
Office of JUVENILE Affairs	377	REAL Estate Appraiser Board	600
Department of LABOR	380	Oklahoma REAL Estate Commission	605
Department of the Commissioners of the LAND Office	385	Board of Regents of REDLANDS Community College (<i>exempted</i>	
Council on LAW Enforcement Education and Training	390	11-1-98)	607
Oklahoma LAW Enforcement Retirement System	395	State REGENTS for Higher Education	610
Board on LEGISLATIVE Compensation	400	State Department of REHABILITATION Services	612
Oklahoma Department of LIBRARIES	405	Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615
LIEUTENANT Governor	410	Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620
Oklahoma LINKED Deposit Review Board	415	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
Oklahoma LIQUEFIED Petroleum Gas Board	420	SCENIC Rivers Commission	630
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety		Oklahoma Commission on SCHOOL and County Funds	
Commission	422	Management	635
LITERACY Initiatives Commission	425	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions</i>	
LONG-RANGE Capital Planning Commission	428	<i>concluded 2-92</i>)	640
Oklahoma State Board of Examiners for LONG-TERM Care		The Oklahoma School of SCIENCE and Mathematics	645
Administrators (Formerly: Oklahoma State Board of Examiners		Oklahoma Center for the Advancement of SCIENCE and	
for NURSING Home Administrators) - See Title 490		Technology	650
LOTTERY Commission, Oklahoma	429	SECRETARY of State	655
Board of Trustees for the MCCURTAIN County Higher Education		Department of SECURITIES	660
Program (<i>exempted 11-1-98</i>)	430	Board of Regents of SEMINOLE State College (<i>exempted</i>	
Office of MANAGEMENT and Enterprise Services (Formerly: Office		11-1-98)	665
of State FINANCE) - See Title 260		SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and	
Department of MENTAL Health and Substance Abuse Services	450	Audiology (Formerly: Board of Examiners for SPEECH	
MERIT Protection Commission	455	Pathology and Audiology)	690
MILITARY Planning Commission, Oklahoma Strategic	457	STATE Employee Charitable Contributions, Oversight	
Department of MINES	460	Committee for (Formerly: STATE Agency	
Oklahoma MOTOR Vehicle Commission	465	Review Committee)	695
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	STATE Use Committee (Formerly: Committee on Purchases of Products	
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs		and Services of the Severely HANDICAPPED) - See Title 304	
Control	475	Oklahoma STUDENT Loan Authority	700
Board of Regents of NORTHERN Oklahoma College (<i>exempted</i>		TASK Force 2000	705
11-1-98)	480	Oklahoma TAX Commission	710
Oklahoma Board of NURSING	485	Oklahoma Commission for TEACHER Preparation (<i>merged under</i>	
Oklahoma State Board of Examiners for LONG-TERM Care		<i>Office of Educational Quality and Accountability 7-1-14 - See Title</i>	
Administrators (Formerly: Oklahoma State Board of Examiners		218)	712
for NURSING Home Administrators)	490	TEACHERS' Retirement System	715
Board of Regents of OKLAHOMA City Community College (<i>exempted</i>		State TEXTBOOK Committee	720
11-1-98)	495	TOBACCO Settlement Endowment Trust Fund	723
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TOURISM and Recreation Department	725
Board of Examiners in OPTOMETRY	505	Department of TRANSPORTATION	730
State Board of OSTEOPATHIC Examiners	510	Oklahoma TRANSPORTATION Authority (<i>Name changed to</i>	
PARDON and Parole Board	515	Oklahoma TURNPIKE Authority 11-1-05) - See Title 731	
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (Formerly: Oklahoma	
Oklahoma State PENSION Commission	525	TRANSPORTATION Authority AND Oklahoma TURNPIKE	
State Board of Examiners of PERFUSIONISTS	527	Authority) - See also Title 745	731
Office of PERSONNEL Management (<i>consolidated under Office</i>		State TREASURER	735
of Management and Enterprise Services 8-26-11 - See Title		Board of Regents of TULSA Community College (<i>exempted</i>	
260)	530	11-1-98)	740
Board of Commercial PET Breeders (<i>abolished 7-1-12 - See Title</i>		Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i>	
35)	532	TRANSPORATION Authority 11-1-99 - no rules enacted in this	
Oklahoma State Board of PHARMACY	535	<i>Title - See Title 731</i>)	745
PHYSICIAN Manpower Training Commission	540	Oklahoma UNIFORM Building Code Commission	748
Board of PODIATRIC Medical Examiners	545	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i>	
Oklahoma POLICE Pension and Retirement System	550	11-1-98)	750
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	UNIVERSITY Hospitals Authority	752
POLYGRAPH Examiners Board	560	UNIVERSITY Hospitals Trust	753
Oklahoma Board of PRIVATE Vocational Schools	565	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i>	
State Board for PROPERTY and Casualty Rates		11-1-98)	755
(<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of the UNIVERSITY of Science and Arts	
State Board of Examiners of PSYCHOLOGISTS	575	of Oklahoma (<i>exempted 11-1-98</i>)	760
Department of CENTRAL Services (Formerly: Office of PUBLIC		Oklahoma USED Motor Vehicle and Parts Commission	765
Affairs; <i>consolidated under Office of Management and Enterprise</i>		Oklahoma Department of VETERANS Affairs	770
<i>Services 8-26-11 - See Title 260</i>)	580	Board of VETERINARY Medical Examiners	775
		Statewide VIRTUAL Charter School Board	777

Agency/Title Index – *continued*

Agency	Title	Agency	Title
Oklahoma Department of CAREER and Technology Education (Formerly: Oklahoma Department of VOCATIONAL and Technical Education)	780	Oklahoma WHEAT Commission	795
Oklahoma WATER Resources Board	785	Department of WILDLIFE Conservation	800
Board of Regents of WESTERN Oklahoma State College (<i>exempted</i> <i>11-1-98</i>)	790	WILL Rogers and J.M. Davis Memorials Commission	805
		Oklahoma WORKERS' Compensation Commission	810

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #20-48]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 13. Personnel and Volunteers [AMENDED]

Subchapter 17. Clients Rights [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 19, 2020, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or by emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Friday, March 20, 2020, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 20, 2020, at the Office of the Attorney General at the above listed address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above listed address after publication of this Notice of Rulemaking Intent on February 18, 2020.

CONTACT PERSON:

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

[OAR Docket #20-48; filed 1-23-20]

TITLE 75. ATTORNEY GENERAL CHAPTER 20. ADDRESS CONFIDENTIALITY PROGRAM

[OAR Docket #20-47]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Address Confidentiality Program [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 19, 2020, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Friday, March 20, 2020, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 20, 2020, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above listed address after publication of this Notice of Rulemaking Intent on February 18, 2020.

CONTACT PERSON:

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

[OAR Docket #20-47; filed 1-23-20]

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

[OAR Docket #20-49]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Batterers Intervention [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 19, 2020, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or by emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Friday, March 20, 2020, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 20, 2020, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above listed address after publication of this Notice of Rulemaking Intent on February 18, 2020.

CONTACT PERSON:

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

[OAR Docket #20-49; filed 1-23-20]

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

[OAR Docket #20-50]

RULEMAKING ACTION:

Notice of Rulemaking Intent

PROPOSED RULES:

Subchapter 3. Sexual Assault Programs for Adult Victims/Survivors of Sexual Violence as a Result of Human Sex Trafficking [AMENDED]

Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 11. Personnel and Volunteers [AMENDED]

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

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 19, 2020, by sending them to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, by facsimile at 405-522-4535 or by emailing melissa.blanton@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Friday, March 20, 2020, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 20, 2020, at the Office of the Attorney General at the above listed address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address after publication of this Notice of Rulemaking Intent on February 18, 2020.

CONTACT PERSON:

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

[OAR Docket #20-50; filed 1-23-20]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS**

[OAR Docket #20-38]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

The proposed revisions to chapter 140:1-1-2 amends the definition of "Relocation of Practice" the proposed revision changes 5 years to 3 years as amended in statute by SB 387.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted February 18, 2020 through March 19, 2020 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 March 26, 2020 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 #20-38; filed 1-21-20]

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

[OAR Docket #20-39]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Application, Examination and Licensing [AMENDED]

Subchapter 8. Administrative Fees and Penalties [AMENDED]

SUMMARY:

The proposed revisions to chapter 140:10-1-2 amends the definition of "Relocation of practice", the revision would remove "The applicant is of good moral character" and renumber the paragraphs under the definition this is necessary to be compliant with amendments from SB 387. The proposed revisions to chapter 10-3-1 are necessary to implement language which was amended in Title 59 O.S. 161.7 as amended in SB 387 allowing amendments for "application for an original license by examination", and language amendments for 140:10-3-2, 140:10-3-5 for the Executive Director to issue a temporary license to an applicant if they have successfully completed the application and examination requirements, and to change the relocation requirement from 5 to 3 years. Language is also being added to be compliant with requirements set forth in SB 670 that allows for an expedited license for those applicants who are active duty military personnel and their spouses and to waive the application fee. Proposed new language under 140:10-3-7

Notices of Rulemaking Intent

adds language to incorporate changes to the Practice Act from HB 1373 to provide for language for disqualifying criminal history and opportunity for initial determination, and a fee is provided under OAC 140:10-8-1 as set forth in HB 1373. The proposed revisions to 140:10-3-1, 140:10-3-2, 140:10-3-5, and the addition of a new section of OAC 140:10-3-7 IS necessary to follow amendments for licensure from statutory amendments to licensure requirements as amended in SB 387, SB 670 and HB 1373.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted February 18, 2020 through March 19, 2020 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 March 26, 2020 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 ETITIES:

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 #20-39; filed 1-21-20]

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

[OAR Docket #20-40]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 13. Dry Needling [NEW]

SUMMARY:

The proposed revisions to chapter 15 140:15-1-2 adds a definition for "Dry Needling" Subchapter 13 would provide for new language from 140:15-13-1 through 140:15-13-3 providing for registration and educational requirements for

Dry Needling. This language will allow a chiropractor who has received certification in this specific technique to advertise that he or she is certified or specializes in Dry Needling. Title 59 O.S. 161.6 requires that the Board establish and maintain a procedure or system for the certification or accreditation of chiropractic physicians who are qualified in chiropractic post-doctorate Diplomate and all other chiropractic specialties.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted February 18, 2020 through March 19, 2020 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 March 26, 2020 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 ETITIES:

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 #20-40; filed 1-21-20]

**TITLE 170. DEPARTMENT OF CORRECTIONS
CHAPTER 1. ORGANIZATION**

[OAR Docket #20-115]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Organization

170:1-1-4. Director [REVOKED]

170:1-1-7. Divisions, subdivisions, institutions, units, sections, offices, and positions [AMENDED]

170:1-1-8. Penal institutions [REVOKED]

170:1-1-9. Community corrections centers [REVOKED]

170:1-1-11. Community corrections districts [REVOKED]

170:1-1-14. Public access to public information [REVOKED]

170:1-1-15. Principle office [AMENDED]

SUMMARY:

The proposed revisions seek to clean up the language in the administrative rules that in overly burdensome to the function of the agency as a whole. The organizational chart should not be protected under the umbrella of administrative rules. Similarly, the locations of prisons and community corrections centers are not appropriate for codification within administrative rules. The proposed changes modernize the administrative rules to bring them into alignment with the current organization and function and the practices of the agency for the last decade.

AUTHORITY:

Board of Corrections; 57 O.S. 57-549; 57 O.S. 504(a); 57 O.S. 507(b)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Justin Wolf, Communications Team, 3400 N. Martin Luther King Ave., Oklahoma City, OK, 73111, or emailed to Justin.wolf@doc.ok.gov

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Friday, March 20, 2020 at the Department of Corrections, 3400 N. Martin Luther King, Oklahoma City, OK, 73111. Anyone who wishes to speak must sign in at the door by 3:15 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Corrections, Communications Team, 3400 N. Martin Luther King, Oklahoma City, OK, 73111. The proposed rules are also available on the DOC website at <http://www.doc.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement will be prepared and may be obtained from the Department of Corrections at the above address beginning on February 18, 2020.

CONTACT PERSON:

Justin Wolf, Legislative Liaison, (405) 425-7121, Justin.wolf@doc.ok.gov

[OAR Docket #20-115; filed 1-24-20]

**TITLE 170. DEPARTMENT OF CORRECTIONS
CHAPTER 10. PRISONER PUBLIC WORKS CONTRACTS**

[OAR Docket #20-114]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Application and Approval

170:1-3-3. Approval process [AMENDED]

Subchapter 5. Project Administration

170:1-5-5. Medical and dental care [AMENDED]

SUMMARY:

The proposed revisions seek to clarify language in the administrative rules that is unclear or inefficient. Current language is too vague in subchapter three and too specific in subchapter five. This prevents the Department of Corrections from being able to have confidence that its necessary actions are in compliance with the administrative rules.

AUTHORITY:

Board of Corrections; 57 O.S. 57-549; 57 O.S. 504(a); 57 O.S. 507(b)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Justin Wolf, Communications Team, 3400 N. Martin Luther King Ave., Oklahoma City, OK, 73111, or emailed to Justin.wolf@doc.ok.gov

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Friday, March 20, 2020 at the Department of Corrections, 3400 N. Martin Luther King, Oklahoma City, OK, 73111. Anyone who wishes to speak must sign in at the door by 3:15 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Corrections, Communications Team, 3400 N. Martin Luther King, Oklahoma City, OK, 73111. The proposed rules are also available on the DOC website at <http://www.doc.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement will be prepared and may be obtained from the Department of Corrections at the above address beginning on February 18, 2020.

CONTACT PERSON:

Justin Wolf, Legislative Liaison, (405) 425-7121, Justin.wolf@doc.ok.gov

[OAR Docket #20-114; filed 1-24-20]

**TITLE 170. DEPARTMENT OF CORRECTIONS
CHAPTER 15. PRIVATE PRISON CONTRACTOR COMPLIANCE MONITORING**

[OAR Docket #20-116]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Notices of Rulemaking Intent

170:15-1-2. Scope: Initial point of contact [AMENDED]
Subchapter 13. Private Prison Emergency Plan
170:15-13-3. Departmental emergency response
reimbursement [AMENDED]

SUMMARY:

The proposed revisions seek to clarify language in the administrative rules that is unclear or inefficient. The proposed language will eliminate a far-too-specific reference to an individual office within the Department of Corrections. Without amendment, emergency rules would be necessary every time the office changed locations or functions. The language will clarify that certain expenses are to fall to the private prison contractors and not become their only expense.

AUTHORITY:

Board of Corrections; 57 O.S. 57-549; 57 O.S. 504(a); 57 O.S. 507(b)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Justin Wolf, Communications Team, 3400 N. Martin Luther King Ave., Oklahoma City, OK, 73111, or emailed to Justin.wolf@doc.ok.gov

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Friday, March 20, 2020 at the Department of Corrections, 3400 N. Martin Luther King, Oklahoma City, OK, 73111. Anyone who wishes to speak must sign in at the door by 3:15 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Corrections requests that business entities affected by these proposed rules provide the Department of Corrections, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Justin Wolf, at the above addresses, before the close of the comment period on March 20, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Corrections, Communications Team, 3400 N. Martin Luther King, Oklahoma City, OK, 73111. The proposed rules are also available on the DOC website at <http://www.doc.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement will be prepared and may be obtained from the Department of Corrections at the above address beginning on February 18, 2020.

CONTACT PERSON:

Justin Wolf, Legislative Liaison, (405) 425-7121,
Justin.wolf@doc.ok.gov

[OAR Docket #20-116; filed 1-24-20]

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

[OAR Docket #20-102]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
175:1-1-2. Definitions [AMENDED]
Subchapter 5. Rules of Practice
175:1-5-15. Schedule of fines [AMENDED]

SUMMARY:

The proposed rules clarify that the practice of barbering does not include the application of makeup. The proposed rules also clarify that the fine schedule applies to final orders. The rules add definitions of "clean", "contact time", "disinfect", "non-porous", "porous" and "sterilize" in order to give licensees a clearer understanding of sanitation requirements. The proposed rules further clarify the disciplinary action the board can take after three citations. Currently the only possible disciplinary action listed is license revocation. The amendment clarifies that the board can suspend a license rather than revoke it and take other disciplinary action if appropriate.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted through March 19, 2020, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 20, 2020 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma

City, Oklahoma 73107, before the close of comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 25, 2020. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

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

[OAR Docket #20-102; filed 1-24-20]

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

[OAR Docket #20-101]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

- 175:10-7-3 [AMENDED]
- 175:10-7-4 [AMENDED]
- 175:10-7-5 [AMENDED]
- 175:10-7-6 [AMENDED]
- 175:10-7-12 [AMENDED]
- 175:10-7-14 [AMENDED]
- 175:10-7-18 [AMENDED]
- 175:10-7-25 [AMENDED]
- 175:10-7-28 [AMENDED]
- 175:10-7-29 [AMENDED]
- 175:10-7-30 [AMENDED]
- 175:10-7-31 [REVOKED]
- 175:10-7-33 [NEW]
- 175:10-7-34 [NEW]

SUMMARY:

The proposed rules clarify sanitation standards with regards to the storage or chemicals, waste disposal, the use of disinfectants, the use of towels and linens, the cleaning of

pedicure bowls, and the proper use of hair and skin products. The rules clarify that service animals as defined in the Americans with Disabilities Act are permitted in schools and establishments. The new rules establish sanitation standards for makeup and eyelash extensions and waxing. A superfluous section is revoked. The proposed rules also contain clean-up language.

AUTHORITY:

59 O.S. § 199.11(A); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Written comments will be accepted through March 19, 2020, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 20, 2020 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 25, 2020. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

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

[OAR Docket #20-101; filed 1-24-20]

Notices of Rulemaking Intent

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

[OAR Docket #20-103]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

175:10-1-3. Disqualifying criminal history and opportunity
for initial determination [NEW]

Subchapter 3. Licensure of Schools

Part 1. Initial School Licensing

175:10-3-1 [AMENDED]

Part 7. General Operations and Licensing Requirements

175:10-3-67 [AMENDED]

Subchapter 5. Licensure of Cosmetology and Barber
Establishments

175:10-5-1 [AMENDED]

Subchapter 13. Reciprocal and Crossover Licensing

175:10-13-1 [AMENDED]

175:10-13-2 [AMENDED]

SUMMARY:

The proposed new rules in subchapter 1 are necessary to comply with 2019 Session Law, ch. 363, sec. 1 (HB 1373) as codified at 59 O.S. § 4000.1, and 2019 Session Law, ch. 363, sec. 9 (HB 1373), amending 59 O.S. § 199.11. The rules establish a procedure by which the Board will adopt a list of crimes that could disqualify an applicant from licensure or certification by the Board. The rules also provide a procedure by which a person may seek an initial determination as to whether the person's criminal history would disqualify the person from licensure or certification.

The proposed rules in subchapter 3 state that cosmetology and barbering schools shall be inspected at least once a year in order to qualify for license renewal. The rules also remove the requirement that a school's bond cover substitute teachers. The rules further allow a student to relinquish pending hours and withdraw from a school in order to enroll in a different school.

The proposed rules in subchapter 5 require that the reprint fee be paid within ten days of a request for a reprinted license when the establishment changes address.

The proposed rules in subchapter 13 allow temporary permits to be issued to out-of-state reciprocity applicants. The rules also allow twelve hundred (1200) crossover over hours for licensed barbers seeking licensure as a cosmetologist and cosmetologists seeking licensure as barbers.

AUTHORITY:

59 O.S. § 199.11(A); State Board of Cosmetology and Barbering; 59 O.S. § 4000.1.

COMMENT PERIOD:

Written comments will be accepted through March 19, 2020, and may be submitted to John Funderburk, Oklahoma

State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 20, 2020 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 25, 2020. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

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

[OAR Docket #20-103; filed 1-24-20]

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

[OAR Docket #20-104]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licensure of Massage Therapist Therapists

175:20-5-1. Original Licensure [AMENDED]

175:20-5-2. Licensure by Reciprocity [AMENDED]

175:20-5-3. License renewal [AMENDED]

175:20-5-7. Disqualifying criminal history and opportunity for initial determination [NEW]

SUMMARY:

The rules establish a procedure by which the Board will adopt a list of crimes that could disqualify an applicant from licensure or certification by the Board pursuant as required by 2019 Session Law, ch. 363, sec. 1 (HB 1373) as codified at 59 O.S. § 4000.1, and 2019 Session Law, ch. 363, sec. 73 (HB 1373), amending 59 O.S. § 4200.5. The rules also provide a procedure by which a person may seek an initial determination as to whether the person's criminal history would disqualify the person from licensure or certification in compliance with 59 O.S. §§ 4000.1 and 4200.5. The rules also clarify the criminal history that an applicant must disclose in order to determine eligibility pursuant to 59 O.S. § 4200.5 and § 4200.11(A) and (B).

AUTHORITY:

59 O.S. § 199.11(A); State Board of Cosmetology and Barbering; 59 O.S. § 4000.1.

COMMENT PERIOD:

Written comments will be accepted through March 19, 2020, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 20, 2020 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 25, 2020. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

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

[OAR Docket #20-104; filed 1-24-20]

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

[OAR Docket #20-98]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
210:10-1-16. Oklahoma Academic Scholar Recognition
[AMENDED]

SUMMARY:

New provisions are proposed amending the Oklahoma Academic Scholar Recognition rule, to provide for a "Seal of Biliteracy" to be made available for inclusion on the transcript and diploma of a student who meets appropriate eligibility criteria for competence in English and another language.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 11-103.2

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 18, 2020 until 4:30 p.m. on Friday, March 20, 2020.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 20, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #20-98; filed 1-24-20]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #20-99]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Special Education

210:15-13-9. Guidelines for minimizing seclusion and restraint of students [NEW]

SUMMARY:

This proposed new rule codifies state-level guidance for minimizing the use of seclusion and restraint on students, particularly students with disabilities who are identified as needing special education services under the *Individuals with Disabilities Education Act* (IDEA). The rule will give definitions for terms, including seclusion (the involuntary confinement of a student alone in an area they are physically prevented from leaving) and different types of restraint. Based on current best practices, case law, and federal guidance, guidelines are outlined for reducing the use of such measures on students and for tracking incidents of restraint and seclusion in Oklahoma schools.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 24-100.4; 20 U.S.C. § 1400 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 18, 2020 until 4:30 p.m. on Friday, March 20, 2020.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 20, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #20-99; filed 1-24-20]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID**

[OAR Docket #20-100]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 87. Charter Schools
210:40-87-7. Charter school contracts [AMENDED]

SUMMARY:

New provisions are being added to the rule addressing charter school contracts that outline the contracting requirements for charter schools sponsored by the State Board of Education.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-137

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 18, 2020 until 4:30 p.m. on Friday, March 20, 2020.

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

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

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 20, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of

Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

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

[OAR Docket #20-100; filed 1-24-20]

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

[OAR Docket #20-105]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Election Personnel [AMENDED]
Subchapter 5. Election Training [AMENDED]
Subchapter 7. General Administration of the County Election Board Office [AMENDED]

SUMMARY:

Most of the new and amended rules in Subchapter 3 are the result of new, amended, and repealed laws contained in Senate Bill 444. Major amendments in that bill included eliminating the position of Chief Clerk and making the second person in every County Election Board office the Assistant Secretary. Sections concerning the employment and compensation of a Chief Clerk are revoked and several Sections amended to remove references to a Chief Clerk. New language is included to enable a County Election Board Secretary to employ a person related to the Secretary within the second or third degree by consanguinity or affinity as a Precinct Official on an emergency, temporary basis. Such exemptions to the nepotism laws and rules for election officials require a written request to and a written authorization from the Secretary of the State Election Board.

Rules in Subchapter 5 concern training for County Election Board members, alternate members, Precinct Officials, as well as the Secretary and Assistant Secretary are updated. Other amendments specify that the County Election Board Secretary, Assistant Secretary, and any other employees who conduct training for Precinct Officials must first be certified to conduct such training by the State Election Board Secretary. Other Subchapter 3 amendments also concern Precinct Officials, also necessary due to the contents of SB444.

Rules in Subchapter 7 provide clarification of rules concerning meetings of the County Election Board,

Notices of Rulemaking Intent

compensation of County Election Board members, including the Secretary, and new information in the procedures for moving a polling place within the geographical boundaries of the precinct it serves or locating a polling outside its precinct's boundaries.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020, at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-105; filed 1-24-20]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #20-106]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Application for Voter Registration [AMENDED]

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

Subchapter 11. Voter Registration List Maintenance [AMENDED]

SUMMARY:

Amendments and new rules in Chapter include amendments in several sections that list the eligibility requirements for voter registration. Those requirements were amended in state law by House Bill 2253 and by Senate Bill 496, both of which were effective on November 1, 2019. HB 2253 revised the language that described the period of time that a person convicted of a felony is prohibited from being a registered voter and voting. The revisions do not change the meaning of the existing statute or the length of prohibition, but only restates the prohibition in terms that may make the law easier to understand. SB 496 permits a person who is at least 17½ year old to submit an application for voter registration. While allowing "pre-registration," by a person who is under the age of 18 years, the person may not vote in any election until becoming 18 years old.

In addition to these major changes throughout the Chapter, there are minor updates to rules in Subchapter 5 and concerning a recognized political party that loses recognition under Oklahoma law and becomes a "political organization." Also in Subchapter 5, rules concerning the types of applications for voter registration accepted in Oklahoma to include changes and updates to the methods by which such applications may be submitted and to distinguish between a pre-printed paper voter registration form developed and distributed by the Secretary of the State Election Board, a paper form generated by an online service, and the National Mail Registration Application form. The amendments also include minor changes in both Subchapter 5 and Subchapter 9 concerning the procedures to maintain the voter registration information of persons who are certified members of the Address Confidentiality Program (ACP) administered by the Attorney General to ensure that neither their names nor physical locations (residence addresses) appear in any public-facing information or report.

New language in several Sections in Subchapter 3, 5, and 9 address the next phase of the ongoing online voter registration phase. The Secretary of the State Election Board has authorized development of a voter registration "wizard" feature in the Oklahoma Voter Portal on the State Election Board website that will replace the existing - and more limited - voter registration update feature in the Oklahoma Voter Portal. The new feature will allow an Oklahoma resident to provide the necessary information to create a filled out Oklahoma Voter Registration Application form. The form must be printed by the applicant, signed, and mailed to the State Election Board or the appropriate County Election Board. The application will not be processed or approved until the paper form is received at the County Election Board in the applicant's county of residence.

Other minor changes are made to procedures for processing various types of applications for new or updated registrations.

These changes are needed due both to new or improved technology and other changes in the laws.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-106; filed 1-24-20]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 25. BALLOT PRINTING**

[OAR Docket #20-107]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Responsibilities for Ballot Printing [AMENDED]

Subchapter 5. Determining Ballot Quantities ~~and Methods of Printing Ballots~~ [AMENDED]

Subchapter 11. Absentee Ballots [REVOKED]

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

Subchapter 15. Sample and Educational Ballots [AMENDED]

Subchapter 17. Proofing of Ballots [AMENDED]

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

SUMMARY:

Since November 1, 2013, the Secretary of the State Election Board has had the authority to require ballots to be printed for any or all elections without designation on the face of any ballot that identifies it as an absentee ballot. In effort to save time and money for the state and for counties, school districts, municipalities, and other local entities that may call elections to be conducted by a County Election Board the Secretary has authorized this new ballot printing process for 2020 elections.

This change will allow most County Election Boards to receive a single shipment of ballots for all elections that contains the entire run of ballots for each entity with elections being conducted on the same election date. Even in most statewide elections, most counties will receive all ballots for the state election in a single shipment. A small group of counties may receive two shipments for statewide elections. The first shipment would include ballots to fulfill request for absentee ballots, and the second with the remaining ballots for the election, most of which will be used during in-person early absentee voting and in precinct polling places on election days.

Certain minor changes in the methods used by County Election Board Secretary to track custody of ballots from the time they are received from the printer until the election is concluded are required, and change is never easy in busy and stressful times in the election cycle, but County Election Board Secretaries who have been apprised of these plans are excited by these changes.

Therefore, most amendments and revocations in the proposed rules concern eliminating references to absentee ballots in the ballot printing rules and procedures in Subchapters 3 - 17. Amendments in Subchapter 21, which establishes a process for commercial printers to be certified by the State Election Board to print digital ballots for the current voting system, eliminate the requirement that an on-site review be conducted by a member of the State Election Board's ballot generation staff. After eight years of conducting certifications for various commercial printers in Oklahoma and in other states, the ballot experts on our staff have concluded that the site visits do not provide enough useful information to justify the expenses involved.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on

Notices of Rulemaking Intent

March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-107; filed 1-24-20]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #20-108]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 5. Applications for Absentee Ballots [AMENDED]

Subchapter 9. Processing Applications for Absentee Ballots [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

Subchapter 19. Counting the Ballots [AMENDED]

SUMMARY:

Many of the amendments proposed in Chapter 30 concern renaming the online absentee ballot delivery system created in 2014 for use by uniformed services voters and overseas civilian voters in compliance with requirement in state law -26 O.S. 2019 Supp., §14-139 (B) and (C) - and federal law - 52 USC 20302 (a)(6)-(8) and (e) - to develop and establish a system of

electronic communication for uniformed services and overseas voters from this state to use to apply for voter registration and absentee ballots, to verify the receipt and processing of such applications, and to track their absentee ballots, and also to establish a system on online or e-mail ballot delivery for these voters.

The original system created to comply with these requirements was named OMOBO (Oklahoma Military and Overseas Ballots Online) and launched in April, 2014. It and was used in every election - federal, state, county, school and municipal - conducted by County Election Boards to deliver ballots both to military and civilians from Oklahoma who are living, working, or serving outside the State of Oklahoma and outside the United States. Significant upgrades made to the system in 2019 resulted in "rebranding" it with the acronym MOAB for Military Overseas Absentee Balloting and was launched in time to provide ballots to uniformed services and overseas ballots to voter eligible to receive absentee ballots for a variety of county, school and municipal special elections in November 2019.

In addition to the improvements in the MOAB system, the online voter services available on the State Election Board website were upgraded and merged into a single access point. The new Oklahoma Voter Portal (OVP) went online on November 1, 2019. The online absentee ballot application service was significantly upgraded as part of the OVP and greatly improves the experience of users and also of the County Election Board users who receive and process the electronic application data. Updates in Chapter 30 related to the improved online absentee ballot application service primarily concern the "behind the scenes" improvements for County Election Board users. Among these features, the system will: notify persons who are not registered to vote at the address they enter in the absentee application from continuing with the application, but will direct them to the voter registration update feature of the OVP to submit a change of address; will determine the appropriate county of residence from the residence address entered; and will deliver the absentee application data directly to the appropriate County Election Board and will populate the application entry window in MESA, eliminating the need to manually enter the application data and speeding the process of approving absentee ballot applications; and will allow uniformed services and overseas voter to apply for both voter registration and absentee ballots via the official Federal Post Card Application. The data will be delivered to the appropriate County Election Board through MESA in exactly the same manner as a regular absentee application.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on

March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-108; filed 1-24-20]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT**

[OAR Docket #20-109]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. County Election Board Responsibilities [AMENDED]

Subchapter 5. Instructions for Precinct ~~Election~~ Officials [AMENDED]

SUMMARY:

The amendments and new rules proposed in Chapter 35 are necessary to provide adequate information and instructions to County Election Board Secretaries regarding implementation of changes enacted by Senate Bill 444.

Proposed amendments in Subchapter 1 provide definitions of new election terms and terms from various election statutes that have no specific definitions.

Proposed amendments in Subchapter 3, concern election day supplies and ballots issued to Precinct Officials replacing

all references in the Chapter to a "Precinct Election Board" or a "Precinct Election Official" "Precinct Official" in any rule in Chapter 35 where it may appear. SB 444 made the replaced terms obsolete. Amendment make clarifications in procedures for setting up a polling place before the polls open, a renaming of certain extra persons assigned to a precinct polling place to assist the regular Inspector, Judge and Clerk. These persons are referred to as "auxiliary Precinct Officials" when assigned by the Secretary of the County Election Board for any additional tasks that may be needed during the hours of voting. They are compensated at the same rate as the Judge and Clerk.

Finally, a new rule is proposed to implement HB1259 which allows a voter to take a photograph or digital image of the voter's own marked ballot while in the "election enclosure" and to share or publish that image on social media or in any other manner. While the term "election enclosure" has been used in Statutes and in election administration for many years, it has never been specifically defined, although it is general understood by election officials as describing the area inside a polling place where Precinct Officials, the Precinct Registry, ballots, and the voting device are located and where voter wait in line to identify themselves and also where they wait for access to a voting booth. The new rule states that while a voter may take and share the image, it must be taken in the privacy of the voting booth, it cannot be shown to another person within the election enclosure, and taking a photograph or digital image of another person's voted ballot or of another person voting is not allowed.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-109; filed 1-24-20]

TITLE 230. STATE ELECTION BOARD CHAPTER 40. TYPES OF ELECTIONS

[OAR Docket #20-110]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Special Elections [AMENDED]

SUMMARY:

One Section concerning persons or entities authorized to call special elections to be conducted by a County Election Board has been amended to include certain types of special elections called by County Commissioners for form certain district entities within their county. Such entities include special elections on propositions to form rural road districts, emergency medical service districts, and fire protection districts. These entities provide certain services to persons who reside in the county but outside the boundaries of any incorporated municipality.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-110; filed 1-24-20]

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

[OAR Docket #20-111]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

A proposed amendment in Subchapter 5 concerns persons employed to serve as Counters in a manual recount. The amendment is intended to clarify that new amounts of compensation for Precinct Officials - specifically the Judge and Clerk - and the same requirements concerning representation of various political parties apply to teams of Counters for a recount.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-111; filed 1-24-20]

TITLE 230. STATE ELECTION BOARD CHAPTER 50. AUTOMATED SYSTEMS

[OAR Docket #20-112]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Automated Systems [REVOKED]

SUMMARY:

Chapter 50, at the time the rules of the State Election Board were submitted and accepted in the Oklahoma Administrative Code, this chapter contained rules that applied three different precinct based optical scan voting systems in place in four counties: Canadian, Cleveland, Tulsa and Oklahoma. Cleveland and Canadian used almost identical systems made and supported by the same company; Tulsa County used a similar but older system from the same company. Oklahoma County was using a newer system from the same vendor, which was very similar to the statewide voting device system purchased and implemented by the State Election Board in 1992.

Also, at the time this Chapter was added to the original OAC, all four of these counties and the State Election Board were using different computer systems none of which could connect to any of the others.

Over the years, the Sections, Parts, and Subchapters within Chapter 50 have been revoked to the point that only a few Sections remain in effect. The State of Oklahoma has moved far beyond the days when counties purchased and implemented their own election hardware and materials. The original voting device and election management systems implemented statewide in the early 1990s were decommissioned during 2011 - 2013.

Procedures and information about four separate voting and computer systems are no longer required and such information

concerning the current systems have been integrated in rules throughout Title 230 of the Oklahoma Administrative Code.

This rulemaking action is intended to revoke the few rules in Chapter 50 still in effect and also to revoke the Chapter in full.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-112; filed 1-24-20]

TITLE 230. STATE ELECTION BOARD CHAPTER 51. ELECTION SECURITY

[OAR Docket #20-113]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

Notices of Rulemaking Intent

Subchapter 3. Physical Safety and Security Measures for County Election Board Personnel, Office, and Election Materials and Equipment [NEW]

Subchapter 5. Cybersecurity Measures for County Election Board Computers Used to Access MESA System [NEW]

Subchapter 7. Voting System and Software Security [NEW]

Subchapter 9. Election Audit Requirements [NEW]

SUMMARY:

This proposed new Chapter in Title 230 will include definitions, instructions, and information concerning the principles of and basic guidance for matters of election security in Oklahoma. The new chapter implement the provisions and requirements contained in Senate Bill 261 and provide basic information to County Election Board Secretaries about the effect of the US Department of Homeland Security's designation in January, 2017, of election infrastructure at all levels in the United States as critical infrastructure.

Senate Bill 261 authorizes the Secretary of the State Election Board to take steps necessary to develop and implement processes and procedures to ensure the cybersecurity in all State Election Board-owned and managed election hardware, software, and online services. The bill also requires County Commissioners in every to increase cybersecurity measures for all county-owned computers that are used in County Election Board offices to access the various networks and software systems developed, owned and administered by the State Election Board staff in cooperation with vendors and the Office of Management and Enterprise Services.

The Secretary of the State Election Board will make recommendations for a variety of physical safety and security measures to protect County Election Board offices and employees. The Secretary also will develop a comprehensive system of election audits to encompass every stage of an election from entry of candidate names and other election definition and data entry activities performed both by the County Election Boards and the State Election Board staff, ballot file generation, ballot testing, election database testing, and pre-election results testing, and to verify the accuracy of the ballot counts made by the voting devices used to count absentee ballots and regular ballots cast in polling places on election day.

The purpose of this rulemaking action is to create the new Chapter and to reserve Subchapter names and numbers. The rules themselves will be proposed and adopted at a future date and submitted for review at that time.

AUTHORITY:

Rulemaking authority is granted by Title 26 O.S. Supp. 2019, Section 2-107, to the Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will begin on February 18, 2020, upon publication of this Notice in the Oklahoma Register and will continue through the conclusion of the public hearing on March 20, 2020. Written comments may be submitted in advance of the hearing by mail, e-mail, or by personal delivery.

Mailing Address: State Election Board, P.O. Box 53156, Oklahoma City, OK 73152. Email: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

Physical Address: Room G28, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

PUBLIC HEARING:

A public hearing will be held Friday, March 20, 2020 at 10 a.m. in the State Election Board office located in the State Capitol Building, Room G28. The State Capitol Building is located at 2300 N. Lincoln Blvd, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room G28, State Capitol Building, Oklahoma City, and on the State Election Board website.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 3, 2020.

CONTACT PERSON:

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

ADDITIONAL INFORMATION:

N/A

[OAR Docket #20-113; filed 1-24-20]

TITLE 320. OKLAHOMA HISTORICAL SOCIETY

CHAPTER 15. OKLAHOMA HERITAGE PRESERVATION GRANT PROGRAM

[OAR Docket #20-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

320:15-1-3 [AMENDED]

Subchapter 2. Grant Applications

320:15-2-1 [AMENDED]

320:15-2-2 [AMENDED]

320:15-2-3 [AMENDED]

SUMMARY:

The Oklahoma Heritage Preservation Grant Program provides financial assistance to cities, counties, nonprofit organizations, and tribal governments to operate and improve the effectiveness of museums and historical organizations. The purpose of the Heritage Preservation Grant Program is to encourage the collecting, preserving, and sharing of Oklahoma history. Following the completion of the first cycle of grant applications it was identified that clarification

and modification should be made to definitions, eligibility requirements, eligible projects and expenses, the weighted criteria, and the review process. These changes are intended to help applicant organizations, particularly those from smaller, volunteer run organizations, provide better clarity of the review process and streamline the administrative aspects of the program.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 3:00 p.m. on Thursday, March 19, 2020, at the following address:

Nicole Harvey, Oklahoma Historical Society, Oklahoma History Center, 800 Nazih Zuhdi Drive, Oklahoma City, OK 73105, or nharvey@okhistory.org

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Thursday, March 19, 2020, at the Oklahoma History Center, 800 Nazih Zuhdi Drive, OKC, OK 73105. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Historical Society, 800 Nazih Zuhdi Drive, Oklahoma City, OK 73105

The proposed rules are also available on the Oklahoma Historical Society's website at <http://www.okhistory.org/grants>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Historical Society at the above address beginning March 3, 2020.

CONTACT PERSON:

Nicole Harvey, Grants Administrator, (405) 522-5202, nharvey@okhistory.org.

[OAR Docket #20-90; filed 1-24-20]

**TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY
CHAPTER 15. SINGLE FAMILY MORTGAGE LOAN PROGRAM**

[OAR Docket #20-65]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Single Family Mortgage Loan Program [AMENDED]

SUMMARY:

The amended Single Family Mortgage Program Rules provide for important updates to the single family mortgage loan program administered by OHFA. The proposed amendments provide for updates to definitions, statutory references, and responsible parties for the day-to-day administration of the program. The proposed amendments incorporate updates from the Internal Revenue Code of 1986, as amended and associated regulations (collectively, the "Code") which provides for certain eligibility criteria for the issuance of mortgage revenue bonds, the proceeds of which are used to fund certain mortgage programs of OHFA. In addition, the proposed amendments update the list of eligible underwriters and participating lenders in the mortgage loan program while allowing for continuous mortgage originations which may or may not be associated with a mortgage revenue bond program.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Lee Ann Smith at Oklahoma Housing Finance Agency on or before March 20, 2020. Written comments will be accepted until 4:00 p.m. on March 20, 2020. Written comments should be sent to Oklahoma Housing Finance Agency, 100 NW 63rd St., Suite 200 Oklahoma City, Oklahoma 73116, Attn: Lee Ann Smith.

PUBLIC HEARING:

A public hearing will be held: March 20, 2020 at 10:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73116, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities provide OHFA on or before March 20, 2020, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendments.

COPIES OF PROPOSED RULES:

A copy of the proposed rule changes will be posted to the OHFA website at www.ohfa.org. You may also request an emailed attachment of the proposed Rules. Printed copies of the Rules may be obtained by contacting Lee Ann Smith, at the Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8243. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and may be obtained from OHFA at the above address or on the website at www.ohfa.org, beginning February 18, 2020.

Notices of Rulemaking Intent

CONTACT PERSON:

Lee Ann Smith, (405) 419-8243, leeann.smith@ohfa.org.

[OAR Docket #20-65; filed 1-23-20]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM

[OAR Docket #20-66]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 36. Affordable Housing Tax Credit Program
[AMENDED]

SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan ("QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative guidelines for the allocation of the credits, to change the fee structure of the program, to comply with anticipated U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to the requirements of the Code and Treasury Regulations.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to Darrell Beavers at Oklahoma Housing Finance Agency on or before March 20, 2020. Written comments will be accepted until 4:00 p.m. on March 20, 2020. Written comments should be sent to Oklahoma Housing Finance Agency, 100 NW 63rd St., Suite 200 Oklahoma City, Oklahoma 73116, Attn: Darrell Beavers.

PUBLIC HEARING:

A public hearing will be held: March 20, 2020 at 9:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, March 20, 2020, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

A copy of the proposed rule changes will be posted to the OHFA website at www.ohfa.org. You may also request an emailed attachment of the proposed Rules. Printed copies of the Rules may be obtained by contacting Darrell Beavers, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8261. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before February 18, 2020, at the offices of OHFA or on the website at www.ohfa.org.

CONTACT PERSON:

Darrell Beavers, 1-(405)-419-8261.

[OAR Docket #20-66; filed 1-23-20]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 50. SECTION 8 EXISTING HOUSING PROGRAM RULES

[OAR Docket #20-67]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Statement of Policies and Objectives
[AMENDED]

Subchapter 3. Eligibility for Admission [REVOKED]

Subchapter 5. Applying for Admission [REVOKED]

Subchapter 7. Establishing Preferences and Maintaining the Waiting List [REVOKED]

Subchapter 9. Subsidy Standards [REVOKED]

Subchapter 11. Factors Related to Total Tenant Payment Determination [REVOKED]

Subchapter 13. Verification Procedures [REVOKED]

Subchapter 15. Certificate/Voucher Issuance and Briefings [REVOKED]

Subchapter 17. Request for Lease Approval and Contract Execution [REVOKED]

Subchapter 19. Housing Quality Standards and Inspections [REVOKED]

Subchapter 21. Owner Rents, Rent Reasonableness, and Payment Standards [REVOKED]

Subchapter 23. Recertifications [REVOKED]

- Subchapter 25. Moves with Continued Assistance/Portability [REVOKED]
- Subchapter 27. Contract Terminations [REVOKED]
- Subchapter 29. Denial or Termination of Assistance [REVOKED]
- Subchapter 31. Owner Disapproval and Restriction [REVOKED]
- Subchapter 33. Claims, Move-Out and Close-Out Inspections [REVOKED]
- Subchapter 35. Owner or Family Debts to OHFA [REVOKED]
- Subchapter 37. Complaints and Appeals [REVOKED]
- Subchapter 39. Program Integrity [REVOKED]
- Subchapter 41. Special Housing Types [REVOKED]

SUMMARY:

The Board of Trustees of the Oklahoma Housing Finance Agency (OHFA), a public trust in which the State is the beneficiary, is proposing to amend its Chapter 50, Section 8 Existing Housing Program Rules to delete most of its contents, some of which are outdated, in favor of a reliance on OHFA's federally-required Administrative Plan. The rules being deleted were used in administering the U.S. Department of Housing and Urban Development's (HUD) rental assistance programs. HUD's primary rental assistance program is now called the Housing Choice Voucher (HCV) Program. HUD regulations provide legal directives that OHFA must follow in assisting low-income families, the elderly, and persons with disabilities to afford decent, safe, and sanitary housing in the private market. HUD also provides federal funds to administer the HCV program. HUD revises the program regulations and rules from time to time, imposing changing obligations and responsibilities on OHFA. In order to comply with HUD's program regulations, as well as state, and local laws now and in the future, OHFA is proposing to amend the rules to allow OHFA to comply with future required regulatory revisions at all levels through periodic revisions to its federally-required Administrative Plan rather than through continually updating OHFA's own rules by repeated formal rulemaking. The OHFA Trustees and staff will be responsible for keeping the Administrative Plan compliant with changing legal requirements.

AUTHORITY:

Administrative Procedures Act, 75 O.S. §§ 250.3, 303 et seq.; Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Written comments will be accepted through March 20, 2020 at the Oklahoma Housing Finance Agency, 100 NW 63rd Street, Suite 200, Oklahoma City, OK 73116 or comments may be mailed to Attn: Tim Shackelford, Oklahoma Housing Finance Agency, P.O. Box 26720, Oklahoma City, Oklahoma 73126-0720.

PUBLIC HEARING:

A public hearing will be held: March 20, 2020 at 9:30 A.M., at the offices of OHFA, 100 NW 63rd Street, Suite 200, Oklahoma City, OK 73116, in the Will Rogers Conference

Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

A copy of the proposed rule changes will be posted to the OHFA website at www.ohfa.org. You may also request an emailed attachment of the proposed Rules. Printed copies of the Rules may be obtained by contacting Tim Shackelford, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd Street, P. O. Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8239. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before February 18, 2020, at the offices of OHFA or on the website at www.ohfa.org.

CONTACT PERSON:

Tim Shackelford, 1-(405)-419-8239.

[OAR Docket #20-67; filed 1-23-20]

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

[OAR Docket #20-71]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Minimum Standards; Contract Guidelines
- Part 13. Medicare Supplement Insurance Minimum Standards
- 365:10-5-129.1. Guaranteed issue for eligible persons [AMENDED]
- 365:10-5-132. Filing and approval of policies and certificates and premium rates [AMENDED]
- Appendix C. Rescission Reporting Form for Long-Term Care Policies [REVOKED]
- Appendix C. Rescission Reporting Form for Long-Term Care Policies [NEW]
- Appendix F. Credit Insurance [REVOKED]
- Appendix F. Credit Insurance [NEW]
- Appendix H. Inventory Credit Life and Disability Presumptive Rates [REVOKED]
- Appendix H. Inventory Credit Life and Disability Presumptive Rates [NEW]
- Appendix J. Credit Life Insurance Experience Report [REVOKED]
- Appendix J. Credit Life Insurance Experience Report [NEW]

Notices of Rulemaking Intent

Appendix K. Credit Disability Insurance Experience Report [REVOKED]

Appendix K. Credit Disability Insurance Experience Report [NEW]

Appendix M. Credit Disability Insurance Experience Report [REVOKED]

Appendix M. Credit Disability Insurance Experience Report [NEW]

Appendix N. Credit Life Insurance Experience Reconciliation to State Page [REVOKED]

Appendix N. Credit Life Insurance Experience Reconciliation to State Page [NEW]

Appendix O. Credit Disability Insurance Experience Reconciliation to State Page [REVOKED]

Appendix O. Credit Disability Insurance Experience Reconciliation to State Page [NEW]

Appendix QQ. External Review Request Form [REVOKED]

Appendix QQ. External Review Request Form [NEW]

Appendix RR. Application for Registration as an Independent Review Organization [REVOKED]

Appendix RR. Application for Registration as an Independent Review Organization [NEW]

Appendix SS. Independent Review Organization External Review Annual Report Form [REVOKED]

Appendix SS. Independent Review Organization External Review Annual Report Form [NEW]

Appendix TT. Health Carrier External Review Annual Report Form [REVOKED]

Appendix TT. Health Carrier External Review Annual Report Form [NEW]

SUMMARY:

The amendment to 365:10-5-129.1(e)(5) clarifies that Medicare supplement insurance due to disability falls within guaranteed issue. Additionally, Medicare supplement C and F are replaced with D and G plans. The other changes at 365:10-5-129.1(e) are to correct citations.

The amendment to 365:10-5-132 amends the language to subsection 365:10-5-132(g) providing that an issuer shall not present a Medicare supplement policy rate structure for filing or approval based on attained age rating greater than one year after the age 67. After the age of 90, a rate structure with groupings of attained ages greater than one year is allowed.

The amendments to the appendices update the Insurance Department's address, the date, or both.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 3611.1, 4427, 6475.12

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on March 23, 2020. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 25, 2020, at 10:00 a.m. at the Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, Oklahoma 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 23, 2020.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 18, 2020, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

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

[OAR Docket #20-71; filed 1-24-20]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY

[OAR Docket #20-72]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix C. Excess Consent Rate Application [REVOKED]

Appendix C. Excess Consent Rate Application [NEW]

SUMMARY:

The amendment to Appendix C updates the Insurance Department's address.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 23, 2020. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 25, 2020, at 10:00 a.m. at the Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, Oklahoma 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 23, 2020.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 18, 2020, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

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

[OAR Docket #20-72; filed 1-24-20]

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

[OAR Docket #20-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Companies
- Part 17. Corporate Governance [NEW]
- 365:25-7-90. Authority [NEW]
- 365:25-7-91. Purpose [NEW]
- 365:25-7-92. Definitions [NEW]
- 365:25-7-93. Filing procedures [NEW]
- 365:25-7-94. Contents of Corporate Governance Annual Disclosure [NEW]
- 365:25-7-95. Severability clause [NEW]
- Part 19. Annual Financial Reporting [NEW]
- 365:25-7-100. Authority [NEW]
- 365:25-7-101. Purpose and scope [NEW]
- 365:25-7-102. Definitions [NEW]
- 365:25-7-103. General requirements related to filing and extensions for filing of annual audited financial reports and audit committee reports [NEW]

- 365:25-7-104. Contents of annual audited financial report [NEW]
- 365:25-7-105. Designation of independent certified public accountant [NEW]
- 365:25-7-106. Qualifications of independent certified public accountant [NEW]
- 365:25-7-107. Consolidated or combined audits [NEW]
- 365:25-7-108. Scope of audit and report of independent certified public accountant [NEW]
- 365:25-7-109. Notification of adverse financial condition [NEW]
- 365:25-7-110. Communication of internal control related matters noted in audit [NEW]
- 365:25-7-111. Accountant's letter of qualifications [NEW]
- 365:25-7-112. Definition, availability and maintenance of independent certified public accountants work papers [NEW]
- 365:25-7-113. Requirements for audit committees [NEW]
- 365:25-7-114. Internal audit function requirements [NEW]
- 365:25-7-115. Conduct of insurer in connection with the preparation of required reports and documents [NEW]
- 365:25-7-116. Management's report of internal control over financial reporting [NEW]
- 365:25-7-117. Exemptions and effective dates [NEW]
- 365:25-7-118. Canadian and British companies [NEW]
- 365:25-7-119. Severability provision [NEW]
- Subchapter 29. Pharmacy Benefits Managers
- 365:25-29-1. Purpose [AMENDED]
- 365: 25-29-2. Scope [AMENDED]
- 365:25-29-3. Authority [AMENDED]
- 365:25-29-4. Definitions [AMENDED]
- 365:25-29-5. Forms and contents of application for PBM license [AMENDED]
- 365:25-29-6. Surety bond [AMENDED]
- 365:25-29-7.1. Retail pharmacy network access [NEW]
- 365:25-29-9. Contractual requirements - maximum allowable cost [AMENDED]
- 365:25-29-10. Penalty for noncompliance [AMENDED]
- 365:25-29-12. Commissioner's authority - advisory committee [NEW]
- 365:25-29-13. Claims payment [NEW]
- 365:25-29-14. Inquiry/complaint handling process [NEW]
- 365:25-29-15. Examinations of PBMs and health insurers [NEW]
- Appendix B. Form B: Oklahoma Insurance Holding Company System Registration Statement [REVOKED]
- Appendix B. Form B: Oklahoma Insurance Holding Company System Registration Statement [NEW]
- Appendix D. Fidelity Bond [REVOKED]
- Appendix D. Fidelity Bond [NEW]
- Appendix E. Application to Withdraw Funds Deposited for Prepaid Funeral Expenses [REVOKED]
- Appendix E. Application to Withdraw Funds Deposited for Prepaid Funeral Expenses [NEW]
- Appendix F. Buyers Application to Terminate Contract or Withdraw Funds Previously Deposited for Prepaid

Notices of Rulemaking Intent

Funeral Benefits under a Non-specified or Guaranteed Contract [REVOKED]

Appendix F. Buyers Application to Terminate Contract or Withdraw Funds Previously Deposited for Prepaid Funeral Benefits under a Non-specified or Guaranteed Contract [NEW]

Appendix G. Annual Report [REVOKED]

Appendix G. Annual Report [NEW]

Appendix H. Annual Statement of Financial Condition (Reconciliation of Trust Accounts) [REVOKED]

Appendix H. Annual Statement of Financial Condition (Reconciliation of Trust Accounts) [NEW]

Appendix N. Form C: Summary of Registration Statement [REVOKED]

Appendix N. Form C: Summary of Registration Statement [NEW]

Appendix O. Form D: Prior Notice of a Transaction [REVOKED]

Appendix O. Form D: Prior Notice of a Transaction [NEW]

Appendix Q. Form E [REVOKED]

Appendix Q. Form E [NEW]

Appendix R. Conversion from Pre-paid Funeral Trust to Insurance Funded Contracts [REVOKED]

Appendix R. Conversion from Pre-paid Funeral Trust to Insurance Funded Contracts [NEW]

SUMMARY:

365:25-7-90 through 365:25-7-95 is added to support the Corporate Governance Annual Disclosure Act (36 O.S. § 1534-1541) passed by the legislature in 2019. The Corporate Governance Annual Disclosure Act was passed to provide the Commissioner a summary of an insurer or insurance group's corporate governance structure, policies and practices to permit the Commissioner to gain and maintain an understand of the insurer's corporate governance framework, and to provide the requirements for completing the Corporate Governance Annual Disclosure.

365:25-7-100 through 365:25-7-119 is added to support the Oklahoma Annual Financial Report Act (36 O.S. §§ 311A.1-311A.18) which is to improve the surveillance of the Insurance Commissioner over the financial condition of insurers. This act was passed by the legislature in 2019.

365:25-29-1 and 365:25-29-3 are amended to include 36 O.S. §§ 6858-6968 in this subchapter.

365-25-29-2 is amended to provide clarification as to the applicability of the act.

365:25-29-4 is amended to provide a definition for "Preferred participating pharmacy" and "provider".

365-25-29-5 is amended for clarification and a word correction.

365:25-29-7.1 is added to address the standards required by the act for the retail pharmacy network access. Specifically, health insurers are required to audit their contracting PBMs to confirm compliance with the act and provide those audits along with verification of the audit to the Department to confirm compliance. The insurers are required to report situations of inadequate access to the Department. This section addresses

the use of mail-order pharmacies for adequacy standards, clarification of the act applying to specialty drugs, and use of pharmacy, hospital or other providers on mail and ID cards.

365:25-29-9 is amended for formatting purposes and adds instructive language regarding the insurer's responsibility to confirm the PBM contracts are in compliance with the act. It requires insurers to conduct an audit of its contracting PBMs to confirm the requirements of 36 O.S. § 6962 are being met and provide that information to the Department.

365:25-29-10 is amended to include 36 O.S. §§ 6858-6968 and to include penalty language for insurers for failing to comply with the act.

365:25-29-12 is added to clarify the authority of the Commissioner over the advisory committee and the role of the advisory committee. The advisory committee will function in an advisory capacity. The committee members will be privy to confidential material and will therefore need to submit to a background check.

365:25-29-13 is added to clarify that claims payments are the obligation of the insurer that issues the policy.

365:25-29-14 addresses the inquiry or complaint handling process.

365:25-29-15 is added to address examinations of PBMs and insurers by the Department for compliance with the act.

The changes to the appendices B, D, E, F, G, H, N, O, and Q update the dates without any substantive changes. The change to appendix R is to strike the former requirement of 36 O.S. § 6136(C)(2) superseded November 1, 2009.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. § 358;

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 23, 2020. Comments shall be directed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, 400 N.E. 50th, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 25, 2020, at 10:00 a.m. at the Oklahoma Insurance Department, 400 N.E. 50th, Oklahoma City, Oklahoma 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Sara A. Worten Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 23, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be

inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 18, 2020, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

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

[OAR Docket #20-73; filed 1-24-20]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 55. AMUSEMENT RIDE SAFETY
RULES**

[OAR Docket #20-44]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Waiver Self-Inspections
380:55-15-2 [AMENDED]

SUMMARY:

The proposed rule amendments provide that inflatable amusement devices must be inspected by the Oklahoma Department of Labor ("ODOL") annually. The circumstances which created the need for the rules are that the current practice of requiring the annual registration of inflatable devices, but not annual inspection, caused confusion and concern among the public regarding the safety of inflatable devices in operation in the state. ODOL met with members of industry and a consensus was reached that resuming annual ODOL inspections of inflatable devices would be beneficial to the public and the amusement ride industry. The intended effect of the rules is to better ensure public safety and confidence through inflatable device inspections.

AUTHORITY:

Department of Labor; 40 O.S. §§ 460, 463, and 469, Amusement Ride Safety

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2020, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 8:00 a.m., March 25, 2020, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 25, 2020, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 4, 2020 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or Don Schooler, Chief of Staff and General Counsel, (405) 521-6181 or don.schooler@labor.ok.gov.

[OAR Docket #20-44; filed 1-23-20]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 70. ELEVATOR SAFETY ACT**

[OAR Docket #20-45]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
380:70-1-2 [AMENDED]
Subchapter 3. Administration
380:70-3-4 [AMENDED]
380:70-3-9 [AMENDED]
Subchapter 5. Licenses
380:70-5-1 [AMENDED]
380:70-5-2 [AMENDED]

SUMMARY:

The proposed rule amendments adopt the American National Standard for Transport Platforms, ANSI/SIA A92.10-2009, to provide guidance regarding the use of transport platforms in the State of Oklahoma. The proposed rule amendments also define "Transport Platform," allow elevator contractor licenses and elevator mechanic licenses to be issued for work on transport platforms, and provide for the issuance of temporary certificates of operation for the operation of transport platforms. The circumstances which created the need for the amendments are that the use of

Notices of Rulemaking Intent

transport platforms has become more common in Oklahoma and both users and providers of transport platforms sought adoption of the national standard to provide guidance for the use of transport platforms in the state. The intended effect of the amendments is to provide guidance for the use of transport platforms in the state.

AUTHORITY:

Department of Labor; 59 O.S. §§ 3023 and 3024, Elevator Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2020, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 25, 2020, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 25, 2020, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 4, 2020 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or Don Schooler, Chief of Staff and General Counsel, (405) 521-6181 or don.schooler@labor.ok.gov.

[OAR Docket #20-45; filed 1-23-20]

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

[OAR Docket #20-46]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. License Requirements

380:75-3-2 [AMENDED]

380:75-3-3 [AMENDED]

Subchapter 5. Special Provisions

380:75-5-1 [AMENDED]

SUMMARY:

The proposed rule amendments provide that an applicant for a temporary fire sprinkler trainee license may work for a licensed fire sprinkler company on unoccupied commercial new-construction projects while the applicant's application is being processed by the Department of Labor, for up to (30) thirty days, provided the applicant has first undergone a national criminal history records search by a third party and the applicant meets the applicable background requirements. The applicant, prior to licensure, shall not be authorized to perform work or otherwise be present at any job site located at or immediately adjacent to a school, church, long-term care facility, or hospital. The proposed amendments also provide that a licensed fire sprinkler company may display an identifying sign on job sites rather than on company vehicles on job sites. The proposed rule amendments also separate the burglar alarm sales license from the fire alarm sales license, so that a burglar alarm salesperson will no longer need to be licensed as a residential fire alarm salesperson as well. The proposed rule amendments also modify the fire alarm inspection green tag to include information regarding deficiency repairs. The circumstances which created the need for the rule amendments are that industry participants expressed concerns that the fire sprinkler industry licensing and signage requirements were overly burdensome on regulated businesses. The Oklahoma Alarm, Locksmith and Fire Sprinkler Industry Committee recommended this amendment to the Commissioner of Labor. The Oklahoma Burglar and Fire Alarm Association recommended separation of the burglar and fire alarm salesperson licenses in follow-up to salesperson licensing amendments adopted in 2019. Oklahoma fire marshals expressed their desire to see a deficiency repair tag when inspecting facilities containing commercial fire alarm systems. The Oklahoma Alarm, Locksmith and Fire Sprinkler Industry Committee recommended this amendment to the Commissioner of Labor. The intended effect of the proposed rule amendments is to decrease licensing and compliance burdens for industry participants while maintaining public safety and aiding state fire marshals in their duties with respect to documentation of fire alarm deficiency repairs.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2020, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., March 25, 2020, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 25, 2020, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 4, 2020 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or Don Schooler, Chief of Staff and General Counsel, (405) 521-6181 or don.schooler@labor.ok.gov.

[OAR Docket #20-46; filed 1-23-20]

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

[OAR Docket #20-68]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 420:10-1-1. Purpose [AMENDED]
- 420:10-1-5. Permits [AMENDED]
- 420:10-1-8. Processing and handling of applications and examinations [AMENDED]

- 420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]
- 420:10-1-16. Training schools [AMENDED]
- 420:10-1-18. Insurance requirements [AMENDED]
- 420:10-1-20. Suspension or revocation of registration permits and fines; appeals [AMENDED]

SUMMARY:

The proposed revisions to the rules delete reference to LP gas appliances; reduces the renewal fee for Class I permits; amends the requirements for Class III DOT Transporter permit and provides for an endorsement for transport and an endorsement for bulk delivery; amends the requirements for Class IV permit display and training requirements and provides for an endorsement of Un-Odorized LP Gas End User; amends the requirements for Class IV-A permit; amends the language for Class VII permit to limit for odorized LP Gas only; deletes out-dated examination language; adds language requiring the submittal of plans for any facility using un-odorized LP Gas and requiring permit; cleans-up language regarding safety schools; increases insurance requirements for Class IV permits; sets forth administrative hearing procedure and appeal language.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; 52 O.S. § 420.3.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30pm on March 19, 2020, at the following address: Larry Snodgrass, Administrator, 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118, or Larry.Snodgrass@lpgas.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:30am on March 20, 2020, at the LP Gas Administration conference room 3815 N. Santa Fe, Suite 116, Oklahoma City, OK 73118. Anyone who wishes to speak must sign in at the door by 9:30am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The LP Gas Board requests that business entities affected by these proposed rules provide the LP Gas Board, within the comment period, in dollar amounts if possible, the increase in the level of direct service, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Larry Snodgrass, at the above addresses, before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the LP Gas Administration, 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118. The proposed rules are also available on the LP Gas website <http://www.lpgas.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the LP Gas Administration at the above address beginning February 18, 2020.

Notices of Rulemaking Intent

CONTACT PERSON:

Larry Snodgrass, Administrator, (405) 521-2458,
Larry.Snodgrass@lpgas.ok.gov.

[OAR Docket #20-68; filed 1-23-20]

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

[OAR Docket #20-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The proposed rule amendment provides the required physical security controls for Schedule I medical marijuana retail storage areas, growers, processors, packagers, and manufacturers. The amendment clarifies that any entry gate shall have the same security requirement as a door.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so no later than March 20, 2020, at 5:00pm, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held on March 26, 2020, at 9:00am, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 9:15 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing no later than March 20, 2020, at 5:00pm, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at

http://www.ok.gov/obnDD/Rules_and_Regulations/index.html beginning February 18, 2020.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and email address beginning on March 4, 2020.

CONTACT PERSON:

Russell Cochran, General Counsel, (405) 521-2885, or
rcochran@obn.state.ok.us.

[OAR Docket #20-79; filed 1-24-20]

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

[OAR Docket #20-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:25-1-20. Reports for Manufacturers and Distributors
[NEW]

SUMMARY:

The proposed rule amendment specifies the reporting requirements for manufacturers and distributors. It also differentiates the reporting requirements of pharmaceutical manufacturers and distributors from Schedule I medical marijuana manufacturers and distributors.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so no later than March 20, 2020, at 5:00pm at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held on March 26, 2020, at 9:00 am, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 9:15 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing no later than March 20, 2020, at 5:00pm at the Oklahoma

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

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDL website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2020.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and email address beginning on March 4, 2020.

CONTACT PERSON:

Russell Cochran, General Counsel, (405) 521-2885, or rochran@obn.state.ok.us.

[OAR Docket #20-80; filed 1-24-20]

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

[OAR Docket #20-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 475:30-1-2. Persons entitled to issue prescriptions [AMENDED]
- 475:30-1-4. Manner of issuance of prescriptions [AMENDED]
- 475:30-1-6. Requirements of prescriptions for controlled dangerous substances listed in Schedule II [AMENDED]
- 475:30-1-7. Partial filling of Schedule II prescriptions [AMENDED]
- 475:30-1-10. Requirements of prescriptions for controlled dangerous substances listed in Schedules III and IV [AMENDED]
- 475:30-1-14. Dispensing, prescribing, administering, or distributing without prescription [AMENDED]

SUMMARY:

The proposed rule amendments update language to be consistent with state statute on how prescriptions can be transmitted to the pharmacy. They also clarify when a pharmacy is authorized to fill a prescription. The proposed rule amendments also remove an inconsistency on when an identification is required.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so no later than March 20, 2020, at 5:00pm, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held on March 26, 2020, at 9:00am, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 9:15 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing no later than March 20, 2020, at 5:00pm, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDL website at http://www.ok.gov/obndd/Rules_and_Regulations/index.html beginning February 18, 2020.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and email address beginning on March 4, 2020.

CONTACT PERSON:

Russell Cochran, General Counsel, (405) 521-2885, or rochran@obn.state.ok.us.

[OAR Docket #20-81; filed 1-24-20]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 35. TRANSFER AND DISPOSAL OF CONTROLLED DANGEROUS DRUGS**

[OAR Docket #20-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 475:35-1-3. Distribution upon discontinuance or transfer of business [AMENDED]

Notices of Rulemaking Intent

475:35-1-4. Procedure for disposing of controlled dangerous substances [AMENDED]

SUMMARY:

The proposed rule amendments provide that disposal for Schedule I medical marijuana shall be in accordance with the 63 Okla.St. Ann. §429. Transfers of Schedule I medical marijuana will not require the use of forms in accordance with the Code of Federal Regulations, but will require the Schedule I medical marijuana registrants to comply with transfer rules promulgated by the Oklahoma State Department of Health.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so no later than March 20, 2020, at 5:00pm, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held on March 26, 2020, at 9:00am, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 9:15 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing no later than March 20, 2020, at 5:00pm, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnDD/Rules_and_Regulations/index.html beginning February 18, 2020.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control at the above address and email address beginning on March 4, 2020.

CONTACT PERSON:

Russell Cochran, General Counsel, (405) 521-2885, or rcochran@obn.state.ok.us.

[OAR Docket #20-82; filed 1-24-20]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 45. OKLAHOMA CONTROL REPORTING REQUIREMENTS

[OAR Docket #20-83]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

475:45-1-2. Required reporting of certain information [AMENDED]

SUMMARY:

The proposed rule amendment specify what information on the dispensation of Schedule II, III, IV, and V drugs must be submitted to the central repository to be consistent with what is specified in statute.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so no later than March 20, 2020, at 5:00pm, at the following address: Office of the General Counsel, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

PUBLIC HEARING:

A public hearing will be held on March 26, 2020, at 9:00 am, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in by 9:15 am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing no later than March 20, 2020, at 5:00pm, at the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or by email to public.comment@obn.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38th Terrace, Oklahoma City, OK 73105, or on the OBNDD website at http://www.ok.gov/obnDD/Rules_and_Regulations/index.html beginning February 18, 2020.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of

Narcotics and Dangerous Drugs Control at the above address and email address beginning on March 4, 2020.

CONTACT PERSON:

Russell Cochran, General Counsel, (405) 521-2885, or rochran@obn.state.ok.us.

[OAR Docket #20-83; filed 1-24-20]

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

[OAR Docket #20-36]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Automation Rules

535:15-19-4. Pharmacist verification [AMENDED]

SUMMARY:

The revision in 535:15-9-4 inserts "(a)" for first paragraph and adds (b) which describe the pharmacist verification requirements for the final dispensing container filled or packaged by an automated dispensing system under specified conditions.

AUTHORITY:

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

COMMENT PERIOD:

The comment period will run from February 18, 2020 through March 20, 2020, at 4:00 p.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 25, 2020, at 9:00 a.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than March 23, 2020, at 4:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our

website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after February 18, 2020, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

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

[OAR Docket #20-36; filed 1-16-20]

**TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
CHAPTER 10. LICENSURE OF PSYCHOLOGISTS**

[OAR Docket #20-78]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

575:10-1-2. Requirements to become licensed as a psychologist [AMENDED]

575:10-1-3. Private Practice Under Supervision [AMENDED]

SUMMARY:

The Board is proposing rule changes that will clarify the requirements to achieve Health Service Psychologist certification for licensure candidates that are completing a postdoctoral experience in an academic or clinical research setting. The proposed amendments also include updates to the rules concerning examinations. Last, Pursuant to 59 O.S. § 4000.1, proposed new rules regarding a list of disqualifying offenses that could disqualify a person from obtaining a license under the Oklahoma Psychologists Licensing Act.

AUTHORITY:

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to 59 O.S. § 1352.1(8).

COMMENT PERIOD:

Written comments will be accepted February 18, 2020 until March 19, 2020 at: 421 NW 13th Street, Suite 180, Oklahoma City, OK 73103, Attn: Teanne Rose.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Monday, March 23, 2020, at the Colcord Center, 421 NW 13th Street, Suite 100, Oklahoma City, OK 73103.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405)522-1333.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103. Telephone (405)522-1333.

CONTACT PERSON:

Teanne Rose, Executive Officer, (405) 522-1333

[OAR Docket #20-78; filed 1-24-20]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[OAR Docket #20-84]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions, and Open Records
595:1-9-4. Fees [AMENDED]

SUMMARY:

The proposed revisions to Subchapter 9 of Chapter 1 reduce the fees for the production of compact discs, digital video discs, or other similar optical storage discs from \$25.00 to \$5.00.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or Kimberly.Dammen@dps.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on Friday, March 20, 2020 at the Robert R. Lester Training Center, Classroom E, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Anyone who wishes to speak must sign in at the door by 3:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Business entities may submit this information in writing to Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov by 5:00 p.m. on March 19, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at ww.ok.gov/dps and copies may be obtained from the Department of Public Safety's office located at 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kimberly Dammen, 405-425-2241, or Kimberly.dammen@dps.ok.gov, or by mail at Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136.

[OAR Docket #20-84; filed 1-24-20]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[OAR Docket #20-85]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Procedure for Obtaining and Maintaining a Driver License or Identification Card

Part 2. Application for Initial Driver License

595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]

Part 3. Driver License Renewal

595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]

Part 7. Identification Cards

595:10-1-25. Procedure for obtaining an identification card [AMENDED]

595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]

595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]

Part 9. Change of name on a driver license or identification card

595:10-1-35. Procedure to make a change of name on a driver license or an identification card [AMENDED]

Part 13. Motor License Agents

595:10-1-50. Identification required [AMENDED]

SUMMARY:

The proposed rule amendments will modify the required documentation to be used to establish an applicant's identification at the time of application to the Department of Public Safety for an Oklahoma REAL ID Compliance or REAL ID Non-Compliant credential.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or Kimberly.Dammen@dps.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 8:30 a.m. on Friday, March 20, 2020 at the Robert R. Lester Training Center, Classroom E, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Anyone who wishes to speak must sign in at the door by 8:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at ww.ok.gov/dps and copies may be obtained from the Department of Public Safety's office located at 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kimberly Dammen, 405-425-2241, or Kimberly.dammen@dps.ok.gov, or by mail at Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136.

[OAR Docket #20-85; filed 1-24-20]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 11. COMMERCIAL DRIVER LICENSES**

[OAR Docket #20-86]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Commercial Driver Licensing
- Part 2. Application for Initial Driver License

595:11-1-12. Procedures for obtaining an initial commercial driver license [AMENDED]

595:11-1-13. Application by person licensed by another jurisdiction [AMENDED]

595:11-1-15. Applicability, substitutions, limitations, and additions to federal regulations adopted by reference [AMENDED]

Part 3. Commercial Driver License Renewal - In Person

595:11-1-21. Procedure for obtaining a renewal commercial driver license in person [AMENDED]

Part 5. Commercial Driver License Replacement - In Person

595:11-1-31. Procedure for obtaining a replacement driver license in person [AMENDED]

Part 7. Changes to information contained on commercial driver license

595:11-1-51. Procedure to make a change of name on a commercial driver license [AMENDED]

Subchapter 3. Examination

595:11-3-3. Application for examination [AMENDED]

595:11-3-6. Written examination [AMENDED]

595:11-3-8. Skills examination [AMENDED]

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-1. Purpose [AMENDED]

595:11-5-2. Scope and application [AMENDED]

595:11-5-3. Definitions [AMENDED]

595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]

595:11-5-5. Requirements for certification as third-party examiner, display of certificate, certification renewal [AMENDED]

595:11-5-7. Skills examination requirements and standards [AMENDED]

595:11-5-9. Failed examinations and reexamination [AMENDED]

595:11-5-10. Commercial driver license applicant [AMENDED]

595:11-5-11. Records to be maintained by certified schools and third-party examiners [AMENDED]

595:11-5-12. Records to be maintained at the Department [AMENDED]

595:11-5-13. Prescribed forms [AMENDED]

595:11-5-15. Prohibited acts; conduct [AMENDED]

595:11-5-16. Termination of contracts and agreements [AMENDED]

595:11-5-17. Withdrawal or denial of certification [AMENDED]

Subchapter 7. Truck Driver Training

595:11-7-2. Definitions [AMENDED]

595:11-7-3. School licenses and instructor permits [AMENDED]

595:11-7-4. Qualifications for instructors [AMENDED]

595:11-7-9. Prescribed course of study [AMENDED]

Notices of Rulemaking Intent

595:11-7-10. Specification for commercial motor vehicles
[AMENDED]

595:11-7-15. Suspension or revocation of license
[AMENDED]

SUMMARY:

The proposed rule amendments in Subchapter 1, Parts 3, 5, and 7 will modify the required documentation to be used to establish a commercial driver license applicant's identification at the time of application to the Department of Public Safety for an Oklahoma REAL ID Compliance or REAL ID Non-Compliant credential.

The proposed rule amendments in Subchapter 1, Part 1 and Subchapter 3 are needed to meet federal regulations for Entry Level Training for commercial license applicants. Federal regulations now also require additional training for those applicants seeking a Hazardous Materials endorsement.

The proposed rules in Subchapters 5 and 7 provides for Third-Party Examiners to be employed by Public or private truck driving schools. It further provides DPS will adopt curriculum and courses required for training of the third party examiners. Additionally, the Department must conduct an annual nationwide background check for each Third-Party Examiner. This bill also provides the Department the ability to develop processes to inform schools or examiners of application denials and to create an appeal process for said denials.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or Kimberly.Dammen@dps.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Friday, March 20, 2020 at the Robert R. Lester Training Center, Classroom E, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department of Public Safety, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by, but not limited to, recordkeeping, equipment, construction, and labor the business will incur due to compliance with the proposed rules. Business entities may submit this information in writing to Kimberly Dammen, at the above addresses before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at ww.ok.gov/dps and copies may be obtained from the

Department of Public Safety's office located at 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kimberly Dammen, 405-425-2241, or Kimberly.dammen@dps.ok.gov, or by mail at Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136.

[OAR Docket #20-86; filed 1-24-20]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #20-87]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

595:25-1-2. Definitions [AMENDED]

Subchapter 3. Wrecker License

595:25-3-1. General requirements [AMENDED]

595:25-3-4. Trade name [AMENDED]

Subchapter 5. All Wrecker Operators

595:25-5-1. Physical requirements for storage facility
[AMENDED]

595:25-5-9. Inspections [AMENDED]

Subchapter 7. Class AA Operators

595:25-7-2. Release and holding of vehicle [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log -
Additional Requirements

595:25-9-2. Operator requirements [AMENDED]

595:25-9-3. Rotation calls for truck wreckers (Class
AA-TL) [AMENDED]

SUMMARY:

The proposed rule amendments update definitions and the list of individuals who would not be eligible to obtain a wrecker services license from the Department of Public Safety. The rules further remove the authority of DPS to approve any trade name submitted by a wrecker service company. The rules establish what large truck operators should be capable of and what is expected at the scene of a blockage of one or more lanes of traffic.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 952.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or Kimberly.Dammen@dps.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Friday, March 20, 2020 at the Robert R. Lester Training Center, Classroom E, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department of Public Safety, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by, but not limited to, recordkeeping, equipment, construction, and labor the business will incur due to compliance with the proposed rules. Business entities may submit this information in writing to Kimberly Dammen, at the above addresses before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at ww.ok.gov/dps and copies may be obtained from the Department of Public Safety's office located at 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kimberly Dammen, 405-425-2241, or Kimberly.dammen@dps.ok.gov, or by mail at Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136.

[OAR Docket #20-87; filed 1-24-20]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 30. SIZE AND WEIGHTS PERMITS**

[OAR Docket #20-88]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Size and Weight Permit Load

595:30-3-2. A permit is a legal document; permit types [AMENDED]

SUMMARY:

The proposed rule amendments provides the Commissioner of Public Safety the authority to issue a special permit for overheight trailers traveling limited distances. This amendment will aid a business that has two separate facilities to transport materials and/or products from one location to the next. These special permits benefit both the state and businesses.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or Kimberly.Dammen@dps.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Friday, March 20, 2020 at the Robert R. Lester Training Center, Classroom E, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Anyone who wishes to speak must sign in at the door by 8:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department of Public Safety, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by, but not limited to, recordkeeping, equipment, construction, and labor the business will incur due to compliance with the proposed rules. Business entities may submit this information in writing to Kimberly Dammen, at the above addresses before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at ww.ok.gov/dps and copies may be obtained from the Department of Public Safety's office located at 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kimberly Dammen, 405-425-2241, or Kimberly.dammen@dps.ok.gov, or by mail at Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136.

[OAR Docket #20-88; filed 1-24-20]

Notices of Rulemaking Intent

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #20-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Driver Education Instruction
- 595:40-1-13. Reports [AMENDED]
- Subchapter 7. Impaired Driver Accountability Program [NEW]
- 595:40-7-1. Purpose [NEW]
- 595:40-7-2. Definitions [NEW]
- 595:40-7-3. Request for participation - Departmental review - IDAP agreement [NEW]
- 595:40-7-4. Program enrollment - calculation of time - IDAP agreement [NEW]
- 595:40-7-5. Ignition interlock device monitoring - interlock violations - program extensions - informal hearings [NEW]
- 595:40-7-6. Graduation from IDAP - requirements - presentation of certificate [NEW]

SUMMARY:

The proposed rule amendments in Subchapter 1 provides a commercial motorcycle school to submit to the Department of Public Safety, a class roster prior to the course commencing and a separate roster upon completion of the course.

The proposed rule amendments in Subchapter 7 provides the purpose, definitions, and all other aspects of the Impaired Driver Accountability Program (IDAP).

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-212.5.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 20, 2020 at the following address: Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or Kimberly.Dammen@dps.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m. on Friday, March 20, 2020 at the Robert R. Lester Training Center, Classroom E, 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Anyone who wishes to speak must sign in at the door by 10:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department of Public Safety, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by, but not limited to, recordkeeping, equipment, construction, and labor the business will incur due to compliance with the proposed rules. Business entities may

submit this information in writing to Kimberly Dammen, at the above addresses before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at ww.ok.gov/dps and copies may be obtained from the Department of Public Safety's office located at 3600 N. Martin Luther King Ave., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of Kimberly Dammen, Office of Legislative Services, Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136, or emailed to Kimberly.Dammen@dps.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kimberly Dammen, 405-425-2241, or Kimberly.dammen@dps.ok.gov, or by mail at Department of Public Safety, P.O. Box 11415, Oklahoma City, OK 73136.

[OAR Docket #20-89; filed 1-24-20]

TITLE 655. SECRETARY OF STATE CHAPTER 25. NOTARY PUBLIC

[OAR Docket #20-69]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 655:25-1-1.1. Availability of forms and instructions [AMENDED]
- 655:25-1-2. Application for commission as a notary public; renewal [AMENDED]
- 655:25-1-5. Bond, oaths, signatures, and seal; failure to file [AMENDED]
- 655:25-1-5.1. Term of notary commission [NEW]
- 655:25-1-8. Electronic notarization and seal [NEW]
- Subchapter 3. Revocation, Resignation, and Death
- 655:25-3-1. Revocation [AMENDED]
- 655:25-3-2. Resignation [AMENDED]
- 655:25-3-3. Death [AMENDED]
- Subchapter 5. Seal
- 655:25-5-2. Official seal [AMENDED]
- 655:25-5-3. Lost ~~journal~~ or stolen seal [AMENDED]
- Subchapter 7. Change of Name or Address [NEW]
- 655:25-7-1. Change of address [NEW]
- 655:25-7-2. Change of name [NEW]
- Subchapter 11. Remote Online Notarization [NEW]
- 655:25-11-1. Purpose [NEW]
- 655:25-11-2. Definitions [NEW]
- 655:25-11-3. Registration to perform remote online notarizations [NEW]

- 655:25-11-4. Electronic signature and electronic seals [NEW]
- 655:25-11-5. Standards for identity verification [NEW]
- 655:25-11-6. Standards for communication technology [NEW]
- 655:25-11-7. Certificate of notarial act for remote online notarizations [NEW]
- 655:25-11-8. Record retention and depositories [NEW]
- Appendix A. Contents and Sufficiency of Certificates of Remote Online Notarial Acts [NEW]

SUMMARY:

Amendments and additions to Chapter 25 of the Secretary of State's administrative rules [OAC 655:25] are proposed to implement the Remote Online Notary Act, as enacted in SB 915 (2019), effective January 1, 2020. SB 915 requires the Secretary of State to promulgate rules to implement and ensure the effective administration of the Remote Online Notary Act.

These proposed rules will also bring rules related to the commissioning of traditional notaries into compliance with SB 915 (2019) and Title 49 of the Oklahoma Statutes.

These permanent rules will supersede the emergency rules that were approved by the Governor on December 18, 2019, and effective January 1, 2020.

AUTHORITY:

Secretary of State; 49 O.S., § 203; SB 915 (2019)

COMMENT PERIOD:

Persons wishing to submit written comments must do so by March 19, 2020. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to chris.coffman@sos.ok.gov (email).

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views at 2:30 p.m. on Friday, March 20, 2020, at the Colcord Center, 421 NW 13th St., Suite 210 in Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the Secretary of State 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 Chris Coffman at the above address during the comment period.

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, chris.coffman@sos.ok.gov (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement has been prepared. The rule impact statement is available on the Secretary of State's website at

<https://www.sos.ok.gov/home/rulesProposed.aspx>, or from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or chris.coffman@sos.ok.gov (email).

CONTACT PERSON:

Chris Coffman, Rules Liaison, 405-521-4911 or chris.coffman@sos.ok.gov.

[OAR Docket #20-69; filed 1-24-20]

**TITLE 655. SECRETARY OF STATE
CHAPTER 35. CERTIFICATION
AUTHORITIES**

[OAR Docket #20-70]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

655:35-1-1. Purpose [NEW]

Subchapter 3. Reciprocity [NEW]

655:35-3-1. Reciprocity [NEW]

655:35-3-2. Lapse of out-of-state license [NEW]

SUMMARY:

These proposed permanent rules establish certification authority reciprocity with states, U.S. territories, and foreign jurisdictions, as authorized by 12A O.S., § 15-121. The proposed rules are needed for the implementation of the Remote Online Notary Act [SB 915 (2019)], which became effective January 1, 2020. Certification authorities issue digital certificates, which are required during the remote online notarization process.

These permanent rules will supersede the emergency rules that were approved by the Governor and effective on December 18, 2019.

AUTHORITY:

Secretary of State; 12A O.S., § 15-121; 49 O.S., § 203

COMMENT PERIOD:

Persons wishing to submit written comments must do so by March 19, 2020. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to chris.coffman@sos.ok.gov (email).

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views at 2:30 p.m. on Friday, March 20, 2020, at the Colcord Center, 421 NW 13th St., Suite 210 in Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the Secretary of State 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

Notices of Rulemaking Intent

to Chris Coffman at the above address during the comment period.

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, chris.coffman@sos.ok.gov (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement has been prepared. The rule impact statement is available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, or from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or chris.coffman@sos.ok.gov (email).

CONTACT PERSON:

Chris Coffman, Rules Liaison, 405-521-4911 or chris.coffman@sos.ok.gov.

[OAR Docket #20-70; filed 1-24-20]

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 2. ORGANIZATION AND PROCEDURES OF DEPARTMENT OF SECURITIES

[OAR Docket #20-93]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 660:2-1-1. Purpose [AMENDED]
 - 660:2-1-3. Definitions [AMENDED]
- Subchapter 5. Authority and Actions of Administrator
 - 660:2-5-1. Official ~~actions~~ actions [AMENDED]
 - 660:2-5-4. Summary orders [REVOKED]
- Subchapter 7. Investigations
 - 660:2-7-3. Investigative processes [AMENDED]
- Subchapter 9. Individual Proceeding Practices and Procedures
 - 660:2-9-1. Hearings in general [AMENDED]
 - 660:2-9-3. Prehearing proceedings and processes [AMENDED]
 - 660:2-9-4. Authority to subpoena witnesses [AMENDED]
 - 660:2-9-5. Representation [AMENDED]
 - 660:2-9-6. Conduct of individual proceeding [AMENDED]
- Subchapter 11. Procedures for Inspecting and/or Copying Public Records
 - 660:2-11-4. Hours of inspection [AMENDED]
 - 660:2-11-5. Procedures for inspection of records [AMENDED]

660:2-11-6. Procedures for copying records [AMENDED]

660:2-11-7. Fees [AMENDED]

SUMMARY:

The proposed rule amendments conform the rules with the Administrative Procedures Act of Oklahoma, clarify and streamline procedures for administrative hearings, adjust the hours for inspection of agency documents, correct statutory cites, and correct grammatical errors.

The Administrator finds that the subject rules and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Uniform Securities Act of 2004, the Oklahoma Business Opportunity Sales Act, and the Oklahoma Subdivided Land Sales Code.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605, 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 19, 2020, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, March 27, 2020, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed rule and amendments upon their business operations. The Department requests that business entities that would be affected by the proposed rule and/or amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule and/or amendments. Business entities may submit this information in writing to Faye Morton, at the above address, before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement will be available as of March 4, 2020, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #20-93; filed 1-24-20]

**TITLE 660. DEPARTMENT OF SECURITIES
CHAPTER 6. FORMS**

[OAR Docket #20-94]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Forms for General Purposes

660:6-3-1. Forms to inspect or copy records [AMENDED]

660:6-3-2. Forms to file a complaint [AMENDED]

Subchapter 5. Forms Used Under the Securities Act

660:6-5-1. Forms for Registration or Exemption of Securities [AMENDED]

660:6-5-2. Forms for Securities Industry
Registration/Licensing Forms [AMENDED]

Subchapter 9. Forms Used Under the Land Sales Act

660:6-9-1. Forms for registration of subdivided land [AMENDED]

SUMMARY:

The proposed rule amendments update references to new, revised, or obsolete forms and correct the locations where the forms can be found.

The Administrator finds that the subject rules and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Uniform Securities Act of 2004, the Oklahoma Business Opportunity Sales Act, the Oklahoma Takeover Disclosure Act of 1985, and the Oklahoma Subdivided Land Sales Code.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§ 1-605, 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 19, 2020, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, March 27, 2020, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed rule and amendments upon their business operations. The Department requests that business entities that would be affected by the proposed rule and/or amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule and/or amendments. Business entities may submit this information in writing to Faye Morton, at the above address, before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement will be available as of March 4, 2020, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #20-94; filed 1-24-20]

**TITLE 660. DEPARTMENT OF SECURITIES
CHAPTER 11. OKLAHOMA UNIFORM
SECURITIES ACT OF 2004**

[OAR Docket #20-95]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

660:11-1-3. Definitions [AMENDED]

Subchapter 5. Broker-Dealers and Agents

Part 1. General Provisions

660:11-5-2. Definitions [AMENDED]

Part 3. Licensing Procedures

660:11-5-14. Agent termination [AMENDED]

660:11-5-21. Supplemental disclosures [AMENDED]

660:11-5-26. Merger and acquisition broker exemption [NEW]

Part 7. Record Keeping and Ethical Standards

660:11-5-42. Standards of ethical practices for broker-dealers and their agents [AMENDED]

Subchapter 7. Investment Advisers and Investment Adviser Representatives

Part 1. General Provisions

Notices of Rulemaking Intent

660:11-7-2. Definitions [AMENDED]
Part 3. Licensing Procedures
660:11-7-11. Initial registration [AMENDED]
660:11-7-14. Investment adviser representative termination [NEW]
660:11-7-20. Supplemental disclosures [AMENDED]
660:11-7-21. Errors and omissions coverage [NEW]
Part 5. Reporting Requirements
660: 11-7-31. Post-registration reporting requirements [AMENDED]
Part 7. Record Keeping and Ethical Standards
660:11-7-41. Record keeping requirements [AMENDED]
660:11-7-42. Standards of ethical practices [AMENDED]
660:11-7-46. Information security and privacy [NEW]
Subchapter 9. Registration of Securities
Part 5. Guidelines and Policies Applicable to Offerings of Registered Securities
660:11-9-31. Prospectus delivery requirement [AMENDED]
660:11-9-33. Special requirements for promotional or ~~developmental~~—development stage companies [AMENDED]
660:11-9-36. Promoters' and organizers' equity contributions [AMENDED]
Subchapter 11. Exemptions from Securities Registration
Part 1. General Provisions
660:11-11-1. Definitions [AMENDED]
Part 5. Exempt Transactions
660:11-11-40. Manual Exemption [AMENDED]
660:11-11-52. Oklahoma Accredited Investor Exemption [AMENDED]
660:11-11-53. Exemption for offers but not sales [AMENDED]
Subchapter 15. Miscellaneous Provisions
660:11-15-2. Protection from financial exploitation [NEW]

SUMMARY:

The proposed rule amendments conform requirements for similar registrant categories, add protection from financial exploitation, conform investment adviser regulations relating to errors and omissions coverage and information security to model rules and to federal law, conform a registration exemption to a model rule and to federal law, correct statutory cites, and clarify changing regulatory procedure.

The Administrator finds that the subject rules and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Uniform Securities Act of 2004.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605 and 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 19, 2020, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, March 27, 2020, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed rule and amendments upon their business operations. The Department requests that business entities that would be affected by the proposed rule and/or amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule and/or amendments. Business entities may submit this information in writing to Faye Morton, at the above address, before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement will be available as of March 4, 2020, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #20-95; filed 1-24-20]

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 20. OKLAHOMA SUBDIVIDED LAND SALES CODE

[OAR Docket #20-96]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
660:20-1-3. Definitions [AMENDED]
Subchapter 3. Registration of Subdivided Land
660:20-3-4. Renewal procedures [AMENDED]

SUMMARY:

The proposed rule amendments provide for the elimination of language relating to fees and costs not authorized by statute

and reference the Oklahoma Subdivided Land Sales Code for certain definitions.

The Administrator finds that the subject rules and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Subdivided Land Sales Code.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§ 652 and 662.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 19, 2020, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, March 27, 2020, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed rule and amendments upon their business operations. The Department requests that business entities that would be affected by the proposed rule and/or amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule and/or amendments. Business entities may submit this information in writing to Faye Morton, at the above address, before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement will be available as of March 4, 2020, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #20-96; filed 1-24-20]

**TITLE 660. DEPARTMENT OF SECURITIES
CHAPTER 25. OKLAHOMA BUSINESS
OPPORTUNITY SALES ACT**

[OAR Docket #20-97]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

660:25-1-3. Definitions [AMENDED]

Subchapter 5. Sales Literature or Advertising

660:25-5-1. Filing of sales literature [AMENDED]

SUMMARY:

The proposed rule amendments correct an error and reference the Oklahoma Business Opportunity Sales Act for certain definitions.

The Administrator finds that the subject rules and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by the Oklahoma Business Opportunity Sales Act.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §816.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 19, 2020, at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, March 27, 2020, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities should evaluate the effect of the proposed rule and amendments upon their business operations. The Department requests that business entities that would be affected by the proposed rule and/or amendments provide the Department, within the comment period, in dollar amounts, if possible, any increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rule and/or amendments. Business entities may submit this information in writing to Faye Morton, at the above address, before the close of the comment period on March 19, 2020.

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of

Notices of Rulemaking Intent

Securities, City Place, 204 North Robinson Avenue, Suite 400, Oklahoma City, OK 73102-7001, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement will be available as of March 4, 2020, at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #20-97; filed 1-24-20]

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

[OAR Docket #20-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 33. Oklahoma Tourism Development Act Tax Credit Program
- 725:15-33-8. Necessity, function, and conformity [AMENDED]
- 725:15-33-9. Definitions [AMENDED]
- 725:15-33-11. Oklahoma Tourism Development Act Tax Credit Program application ~~Application~~ [AMENDED]
- 725:15-33-12. Final Approval [AMENDED]
- 725:15-33-13. Application form [AMENDED]
- 725:15-33-14. Appeals [AMENDED]

SUMMARY:

The purpose of the proposed permanent rules amend the rules which facilitate the Oklahoma Tourism Development Act. The proposed rule amendments provide correct citations to applicable statutes, remove language that may be misleading to the public as to the applications of the types of projects covered by the Act, and reflect changes to the law regarding the addition of Entertainment Districts as a Tourism Attraction Project, Oklahoma Tourism and Recreation Department, Executive Director of the Oklahoma Tourism and Recreation Department, and the expansion of the Act to include Entertainment Districts as a Tourism Attraction Project.

AUTHORITY:

Oklahoma Tourism and Recreation Department; 74 O.S. § 2204, 68 O.S. § 2395.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30pm on March 19, 2020, at the following address: Brett Thomas, Deputy General Counsel, 900 N. Stiles Avenue, Oklahoma City, Oklahoma 73104; or Brett.Thomas@TravelOK.com.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on March 20, 2020, at the Oklahoma Department of Commerce Building, 900 N. Stiles Avenue, Oklahoma City, Oklahoma 73104 in Conference Room 1-3. Anyone who wishes to speak must sign in at the door by 12:45 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through March 19, 2020 at the Oklahoma Tourism and Recreation Department, 900 N. Stiles Avenue, Oklahoma City, Oklahoma 73104, Attn: Brett Thomas, or by email to Brett.Thomas@TravelOK.com.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from online at otr.travelok.com, or hard copies may be requested by mail or in person at Oklahoma Tourism and Recreation Department, 900 N. Stiles, Oklahoma City, Oklahoma 73107, Attn: Brett Thomas, or emailed to Brett.Thomas@TravelOK.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §3030(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Tourism and Recreation Department at the above address beginning March 4, 2020.

CONTACT PERSON:

Brett Thomas, Deputy General Counsel, (405) 522-9575 or Brett.Thomas@TravelOK.com.

[OAR Docket #20-76; filed 1-24-20]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #20-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 22. Concession Leases and Commercial Use
- 725:30-22-1. Purpose and authority [AMENDED]
- 725:30-22-1.1. ~~Examination~~ Definitions [AMENDED]
- 725:30-22-1.2. Examination [NEW]
- 725:30-22-2. Bidding process [AMENDED]
- 725:30-22-3. Evaluation of ~~proposals~~ bids and award of contracts [AMENDED]
- 725:30-22-4. General lease ~~agreement~~ requirements [AMENDED]
- 725:30-22-5. Lease ~~agreement~~ modifications [AMENDED]

- 725:30-22-6. ~~Commercial use, Concessions and permits~~Permits [AMENDED]
- 725:30-22-7. ~~Capital improvements~~ Repairs and improvements in lieu of royalties [AMENDED]
- 725:30-22-8. Grievance process [AMENDED]

SUMMARY:

The proposed revisions to the rules modify and update the rules regarding the manner in which the Department solicits and awards Concession Leases. The proposed revisions also update the rules to reflect statutory changes regarding the powers and duties of the Oklahoma Tourism and Recreation Commission and the Executive Director of the Department.

AUTHORITY:

Oklahoma Tourism and Recreation Department; 74 O.S. § 2204

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30pm on March 19, 2020, at the following address: Brett Thomas, Deputy General Counsel, 900 N. Stiles Avenue, Oklahoma City, OK 73017, or Brett.Thomas@TravelOK.com.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m. on March 20, 2020, at the Oklahoma Department of Commerce, 900 N. Stiles Ave., Oklahoma City, OK 73104. Anyone who wishes to speak must sign in at the door by 2:45 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through March 19, 2020 at the Oklahoma Tourism and Recreation Department, 900 N. Stiles Avenue, Oklahoma City, Oklahoma 73104, Attn: Brett Thomas, or by email to Brett.Thomas@TravelOK.com.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from online at otr.travelok.com, or hard copies may be requested by mail or in person at Oklahoma Tourism and Recreation Department, 900 N. Stiles, Oklahoma City, Oklahoma 73107, Attn: Brett Thomas, or emailed to Brett.Thomas@TravelOK.com.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §3030(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Tourism and Recreation Department at the above address beginning March 4, 2020.

CONTACT PERSON:

Brett Thomas, Deputy General Counsel, (405) 522-9575 or Brett.Thomas@TravelOK.com.

[OAR Docket #20-77; filed 1-24-20]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

[OAR Docket #20-91]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Service Contracts and Equipment Guidelines [AMENDED]

SUMMARY:

This proposed rule amendment clarifies the process for identification of purchased equipment and who the responsible party is for verification of annual inventory requirements. The school superintendent and their inventory control designee(s) would be the responsible parties for verification of inventoried equipment.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-108, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 18, 2020 until 4:00 p.m. March 20, 2020. Written comments in electronic form will be accepted during the open public comment period via email at angela.jones@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 26, 2020, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 18, 2020, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 18, 2020, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue,

Notices of Rulemaking Intent

Stillwater, Oklahoma 74074-4398 or for viewing online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Angela Jones, Executive Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #20-91; filed 1-24-20]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #20-92]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Secondary, Full-Time and Short-Term Adult Careertech Programs [AMENDED]

SUMMARY:

The first proposed change is the minimum grade level that students can enroll in a Business, Marketing and Information Technology Education course from seventh grade to sixth grade. The second proposed change is in the language used for internship courses in comprehensive schools. This change provides consistency with other CareerTech programs. The third proposed change is to clarify the rules for the courses within Science, Technology, Engineering and Math Education programs and what CareerTech student organizations the students may be members in. The fourth proposed amendment removes the requirement for the instructor of a Business, Marketing, and Information Technology Education program to have access to a telephone for private conversations about students regarding coordination activities and career guidance. The fifth rule amendment clarifies the degree requirements to be from an accredited college or university for applicants seeking the Technology Center Standard Certificate.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-108, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 18, 2020 until 4:00 p.m. March 20, 2020. Written comments in electronic form will be accepted during the open public comment period via email at angela.jones@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 26, 2020, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 18, 2020, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 18, 2020, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or for viewing online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Angela Jones, Executive Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #20-92; filed 1-24-20]

Continued Hearings/Comment Periods

If an agency continues a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency may submit a notice of such continuation to the Office of Administrative Rules (OAR). The OAR publishes the continuation notice in the *Register* if such publication can be achieved at least five days prior to the announced date of the continued hearing or closing date of the continued comment period.

For additional information on continued hearings and comment periods, see OAC 655:10-7-28.

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

[OAR Docket #20-74]

RULEMAKING ACTION:

Continued comment period relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 4. Early and Periodic Screening, ~~Diagnosis~~Diagnostic and Treatment (EPSDT) Program/Child-Health Services 317:30-3-65.12 [NEW]
 - Subchapter 5. Individual Providers and Specialties
 - Part 1. Physicians 317:30-5-2 [AMENDED]
 - Part 35. Rural Health Clinics 317:30-5-355.1 [AMENDED]
 - 317:30-5-357 [AMENDED]
 - Part 37. Advanced Practice Registered Nurse 317:30-5-376 [AMENDED]
 - Part 75. Federally Qualified Health Centers 317:30-5-664.1 [AMENDED]
 - Part 108. Nutrition Services 317:30-5-1076 [AMENDED]
 - Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us) 317:30-5-1090 [AMENDED]
 - Part 112. Public Health Clinic Services 317:30-5-1154 [AMENDED]
- (Reference APA WF # 19-03)**

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 361.

CONTINUED COMMENT PERIOD:

Original comment period:

January 16, 2020 to February 18, 2020

Continued to:

February 24, 2020

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to by the conclusion of the comment period on February 24, 2020 at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 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.

[OAR Docket #20-74; filed 1-24-20]

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

[OAR Docket #20-75]

RULEMAKING ACTION:

Continued comment period relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

- Subchapter 5. Eligibility and Countable Income
 - Part 5. Countable Income and Resources 317:35-5-41.1 [AMENDED]
 - 317:35-5-42 [AMENDED]
 - Subchapter 7. Medical Services
 - Part 5. Determination of Eligibility for Medical Services 317:35-7-40 [AMENDED]
- (Reference APA WF # 19-26)**

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 377.

CONTINUED COMMENT PERIOD:

Original comment period:

January 16, 2020 to February 18, 2020

Continued to:

March 2, 2020

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct

Continued Hearings/Comment Periods

services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to by the conclusion of the comment period on March 2, 2020 at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 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.

[OAR Docket #20-75; filed 1-24-20]

Submissions to Governor and Legislature

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

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS

[OAR Docket #20-34]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Records and Inspections
240:1-3-9. Release of confidential information to specific government agencies [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 14, 2020

[OAR Docket #20-34; filed 1-15-20]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #20-35]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
240:10-1-2. Definitions [AMENDED]
240:10-1-7. Independent Contractors/Employees - 20 Factor Test [NEW]
Subchapter 3. Benefits
Part 1. General Provisions
240:10-3-3. Cancellation of a Benefit Claim [NEW]
Part 5. Eligibility
240:10-3-21. Educational institutions-between academic terms [AMENDED]
Subchapter 5. Contributions
Part 19. Maintenance and Production of Work Records
240:10-5-90. Records [AMENDED]
240:10-5-91. Employer's Quarterly Contribution Wage Reports [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 14, 2020

[OAR Docket #20-35; filed 1-15-20]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #20-53]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Organization and Administration
317:1-1-4 [AMENDED]
317:1-1-6 [AMENDED]
317:1-1-7 [AMENDED]

(Reference APA WF # 19-11)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2020

[OAR Docket #20-53; filed 1-23-20]

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

[OAR Docket #20-55]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

317:2-1-2.5 [AMENDED]
(Reference APA WF # 19-22)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2020

[OAR Docket #20-55; filed 1-23-20]

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

[OAR Docket #20-62]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

317:2-1-16 [REVOKED]

Submissions to Governor and Legislature

(Reference APA WF # 19-39A)
**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-62; filed 1-23-20]

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

[OAR Docket #20-51]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 24. Certified Community Behavioral Health Clinics
[NEW]

317:30-5-263 [NEW]

317:30-5-264 [NEW]

317:30-5-265 [NEW]

317:30-5-266 [NEW]

317:30-5-267 [NEW]

317:30-5-268 [NEW]

(Reference APA WF # 19-02)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-51; filed 1-23-20]

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

[OAR Docket #20-54]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-20 [AMENDED]

(Reference APA WF # 19-21)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-54; filed 1-23-20]

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

[OAR Docket #20-56]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 87. Birthing Centers [REVOKED]

317:30-5-890 [REVOKED]

317:30-5-890.1 [REVOKED]

317:30-5-891 [REVOKED]

317:30-5-892 [REVOKED]

317:30-5-893 [REVOKED]

(Reference APA WF # 19-23)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-56; filed 1-23-20]

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

[OAR Docket #20-57]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 97. Targeted Case Management Services for Members
under Age ~~18~~Twenty-One Years of Age at Risk of
Involvement with or in the Temporary Custody or
Supervision of the Oklahoma Office of Juvenile Affairs
(OJA)

317:30-5-970 [AMENDED]

317:30-5-971 [AMENDED]

317:30-5-971.1 [NEW]

317:30-5-972 [AMENDED]

317:30-5-973 [AMENDED]

317:30-5-974 [AMENDED]

(Reference APA WF # 19-30)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-57; filed 1-23-20]

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

[OAR Docket #20-58]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 21. Outpatient Behavioral Health Agency Services
317:30-5-240.3 [AMENDED]
- Part 37. Advanced Practice Registered Nurse
317:30-5-375 [AMENDED]
317:30-5-376 [AMENDED]
- Part 39. Skilled Nursing Services
317:30-5-390 [AMENDED]
317:30-5-391 [AMENDED]
- Part 85. Advantage Program Waiver Services
317:30-5-763 [AMENDED]
- Part 105. Residential Behavioral Management Services in
Group Settings
317:30-5-1043 [AMENDED]
(Reference APA WF # 19-31)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-58; filed 1-23-20]

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

[OAR Docket #20-59]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 110. Indian Health Services, Tribal Programs, and
Urban Indian Clinics (I/T/Us)
317:30-5-1095 [AMENDED]
317:30-5-1099 [AMENDED]
(Reference APA WF # 19-33)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-59; filed 1-23-20]

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

[OAR Docket #20-63]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 9. Long-Term Care Facilities
317:30-5-136 [REVOKED]
(Reference APA WF # 19-39B)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-63; filed 1-23-20]

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

[OAR Docket #20-64]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. General Provider Policies
- Part 1. General Scope and Administration
317:30-3-19.6 [NEW]
(Reference APA WF # 19-40)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 23, 2020

[OAR Docket #20-64; filed 1-23-20]

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

[OAR Docket #20-52]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Eligibility and Countable Income
- Part 3. Non-Medical Eligibility Requirements
317:35-5-26 [AMENDED]
- Part 7. Application and Eligibility Determination
Procedures

Submissions to Governor and Legislature

317:35-5-67 [NEW]
(Reference APA WF # 19-04)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2020

[OAR Docket #20-52; filed 1-23-20]

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

[OAR Docket #20-60]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

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

317:35-5-63 [AMENDED]

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

317:35-18-3 [AMENDED]

(Reference APA WF # 19-36)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2020

[OAR Docket #20-60; filed 1-23-20]

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

[OAR Docket #20-61]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 22. Pregnancy Related Benefits Covered Under Title XXI

317:35-22-2 [AMENDED]
(Reference APA WF # 19-38)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2020

[OAR Docket #20-61; filed 1-23-20]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 25. ATHLETIC TRAINERS AND APPRENTICES

[OAR Docket #20-42]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. General Provisions

435:25-1-2. Definitions [AMENDED]

Subchapter 3. Licensure of Athletic Trainers

435:25-3-1. Licensure by examination [AMENDED]

435:25-3-2. Licensure by endorsement [AMENDED]

Subchapter 5. Regulation of Athletic Trainer Practice

435:25-5-2. Initial licensure; renewal; reinstatement [AMENDED]

435:25-5-4. ~~Prescribing drugs~~ Documentation and use of drugs in practice [AMENDED]

435:25-5-5. Disclosure of examination contents by licensee prohibited [REVOKED]

Subchapter 7. Licensure of Apprentice Athletic Trainers

435:25-7-1. Definitions [REVOKED]

Subchapter 11. Disciplinary Action

435:25-11-2. Investigatory hearings [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 21, 2020

[OAR Docket #20-42; filed 1-22-20]

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

[OAR Docket #20-33]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Purpose and Definitions
260:50-1-2. Definitions [AMENDED]

AUTHORITY:

The Director of the Office of Management and Enterprise Services; 62 O.S. §34.3.1; 62 O.S. §34.6(8)

ADOPTION:

December 5, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 14, 2020

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

These rules are necessary to avoid serious prejudice to the public interest in that it must be promulgated to effectuate the action taken by the Employees Group Insurance Division of the Office of Management and Enterprise Services on December 5, 2019.

GIST/ANALYSIS:

This rule amends language.

CONTACT PERSON:

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

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

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

260:50-1-2. Definitions

The following words and terms as defined by EGID, when used in this chapter, shall have the following meaning, unless the content clearly indicates otherwise:

"Administrative error" occurs when the coverage elections the member makes are not the same as those entered into payroll for deduction from the member's paycheck. This does not include untimely member coverage elections or member misrepresentation. When such an administrative error results in underpaid premiums, full payment to EGID shall be required before coverage elected by the member can be made effective. If overpayment occurs, EGID shall refund overpaid funds to the appropriate party.

"Administrator" means the Administrator of the Employees Group Insurance Division or a designee.

"Allowable fee" means the maximum allowed amount based on the HealthChoice Network Provider Contracts payable to a provider by EGID and the member for covered services.

"Attorney representing EGID" means any attorney designated by the Administrator to appear on behalf of EGID.

"The Board" means the seven [7] Oklahoma Employees Insurance and Benefits Board members designated by statute [74 O.S. §1303(1)].

"Business Associate" shall have the meaning given to "Business Associate" under the Health Insurance Portability and Accountability Act of 1996, Privacy Rule, including, but not limited to, 45 CFR §160.103.

"Carrier" means the State of Oklahoma.

"Comprehensive benefits" means benefits which reimburse the expense of facility room and board, other hospital services, certain out-patient expenses, maternity benefits, surgical expense, including obstetrical care, in-hospital medical care expense, diagnostic radiological and laboratory benefits, providers' services provided by house and office calls, treatments administered in providers' office, prescription drugs, psychiatric services, Christian Science practitioners' services, Christian Science nurses' services, optometric medical services for injury or illness of the eye, home health care, home nursing service, hospice care and such other benefits as may be determined by EGID. Such benefits shall be provided on a co-payment or coinsurance basis, the insured to pay a proportion

Emergency Adoptions

of the cost of such benefits, and may be subject to a deductible that applies to all or part of the benefits as determined by EGID. [74 O.S. §1303 (14)]

"Cosmetic procedure" means a procedure that primarily serves to improve appearance.

"Current employee" means an employee in the service of a participating entity who receives compensation for services actually rendered and is listed on the payrolls and personnel records of said employer, as a current and present employee, including employees who are otherwise eligible who are on approved leave without pay, not to exceed twenty-four [24] months. An education employee absent from employment, not to exceed eight [8] years, because of election or appointment as local, state, or national education association officer who is otherwise eligible prior to taking approved leave without pay will be considered an eligible, current employee. A person elected by popular vote will be considered an eligible employee during his tenure of office. Eligible employees are defined by statute. [74 O.S. §1303 and §1315]

"Custodial care" means treatment or services regardless of who recommends them or where they are provided, that could be given safely and reasonably by a person not medically skilled. These services are designed mainly to help the patient with daily living activities. These activities include but are not limited to: personal care as in walking, getting in and out of bed, bathing, eating by spoon, tube or gastrostomy, exercising, dressing, using toilet, preparing meals or special diets, moving the patient, acting as companion or sitter, and supervising medication which can usually be self-administered.

"Dependent" means the primary member's spouse (if not legally separated by court order), including common-law. Dependents also include a member's daughter, son, stepdaughter, stepson, eligible foster child, adopted child, child for whom the member has been granted legal guardianship or child legally placed with the primary member for adoption up to the child's twenty-sixth [26th] birthday. In addition other unmarried children up to age twenty-six [26] may be considered dependents if the child lives with the member and the member is primarily responsible for the child's support. A child may also be covered regardless of age if the child is incapable of self-support because of mental or physical incapacity that existed prior to reaching age twenty-six [26]. Coverage is not automatic and must be approved with a review of medical information. A disabled dependent deemed disabled by Social Security does not automatically mean that this disabled dependent will meet the Plan requirements. [74 O.S. §1303(14)]. See additional eligibility criteria for disabled dependents over the age of twenty-six [26] at 260:50-3-18. Participating employer groups may have a more restrictive definition of Dependent.

"Durable medical equipment" means medically necessary equipment, prescribed by a provider, which serves a therapeutic purpose in the treatment of an illness or an injury. Durable medical equipment is for the exclusive use of the afflicted member and is designed for prolonged use. Specific criteria and limitations apply.

"Emergency" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) so that a prudent layperson, who possesses an average

knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act (42 U.S.C. 1395dd (e)(1)(A)). (In that provision of the Social Security Act, clause (i) refers to placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy; clause (ii) refers to serious impairment to bodily functions; and clause (iii) refers to serious dysfunction of any bodily organ or part.)

"Enrollment period" means the time period in which an individual may make an election of coverage or changes to coverage in effect.

"Excepted Benefits" means the four categories of benefits as established in section 2791 of the PHS Act, section 733 of ERISA and section 9832 of the Internal Revenue Code, as summarized in IRS Bulletin 2015-14 and subsequent regulatory guidance. These Excepted Benefits include but are not limited to vision coverage, dental coverage, long-term care insurance, Medicare supplement coverage, automobile liability insurance, workers compensation, accidental death and dismemberment insurance and specific disease coverage (such as cancer).

"Facility" means any ~~hospital, rehabilitation facility, skilled nursing facility, midwifery center, ambulatory surgical center, home health agency, infusion therapy entity, hospice program, durable medical equipment vendor, radiology facility, dialysis facility, or laboratory~~ organization as defined by EGID which is duly licensed under the laws of the state of operation, and also either Medicare certified as applicable, and/or accredited by a CMS approved Medicare accreditation organization, nationally recognized accreditation organization that is approved by state or federal guidelines, for example, The Joint Commission (formerly JCAHO) or The Commission on Accreditation of Rehabilitation Facilities (CARF)

"Fee schedule" means a listing of one or more allowable fees.

"Former participating employees and dependents" means eligible former employees who have elected benefits within thirty [30] days of termination of service and includes those who have retired, or vested through an eligible State of Oklahoma retirement system, or who have completed the statutory required years of service, or who have other coverage rights through Consolidated Omnibus Budget Reconciliation Act (COBRA) or the Oklahoma Personnel Act. An eligible dependent is covered through the participating former employee or the dependent is eligible as a survivor or has coverage rights through COBRA.

"Health information" means any information, whether oral or recorded in any form or medium: (1) that relates to the past, present or future physical or mental condition of a member; the provision of health care to a member; or the past, present or future payment for the provision of health care to a member; and (2) that identifies the member or with respect to which there is a reasonable basis to believe the information can be used to identify the member.

"Home health care" means a plan of continued care of an insured person who is under the care of a provider who certifies

that without the Home health care, confinement in a hospital or skilled nursing facility would be required. Specific criteria and limitations apply.

"Hospice care" means a concept of supportive care for terminally ill patients. Treatment focuses on the relief of pain and suffering associated with a terminal illness. Specific criteria and limitations apply.

"Inaccurate or erroneous information" means materially erroneous, false, inaccurate, or misleading information that was intentionally submitted in order to obtain a specific coverage.

"Initial enrollment period" means the first thirty [30] days following the employee's entry-on-duty date. A group initial enrollment period is defined as the thirty [30] days following the enrollment date of the participating entity.

"Insurance Coordinator" means Insurance/Benefits Coordinator for Education, Local Government, and State Employees.

"Maintenance care" means there is no measurable progress of goals achieved, no skilled care required, no measurable improvement in daily function or self-care, or no change in basic treatment or outcome.

"Medically necessary" means services or supplies which are provided for the diagnosis and treatment of the medical and/or mental health/substance abuse condition and complies with criteria adopted by EGID. Direct care and treatment are within standards of good medical practice within the community, and are appropriate and necessary for the symptoms, diagnosis or treatment of the condition. The services or supplies must be the most appropriate supply or level of service, which can safely be provided. For hospital stays, this means that inpatient acute care is necessary due to the intensity of services the member is receiving or the severity of the member's condition, and that safe and adequate care cannot be received as an outpatient or in a less intensified medical setting. The services or supplies cannot be primarily for the convenience of the member, caregiver, or provider. The fact that services or supplies are medically necessary does not, in itself, assure that the services or supplies are covered by the Plan.

"Members" means all persons covered by one or more of the group insurance plans offered by EGID including eligible current and qualified former employees of participating entities and their eligible covered dependents.

"Mental health and substance abuse" means conditions including a mental or emotional disorder of any kind, organic or inorganic, and/or alcoholism and drug dependency.

"Network provider" means a practitioner who or facility that is duly licensed under the laws of the state in which the "Network provider" operates, ~~and/or is accredited by a nationally recognized accrediting organization such as The Joint Commission (formerly JCAHO) or The Commission on Accreditation of Rehabilitation Facilities (CARF) approved by state or federal guidelines, and has entered into a contract with EGID to accept scheduled reimbursement for covered health care services and supplies provided to members~~ satisfies credentialing criteria as established by EGID, and has entered into a contract with EGID to accept scheduled reimbursement

for covered health care services and supplies provided to members.

"Non-Network out-of-pocket" means the member's expenses include the total of the member's deductibles and co-insurance costs plus all amounts that continue to be charged by the non-Network provider after the HealthChoice allowable fees have been paid.

"OEIBB" means Oklahoma Employees Insurance and Benefits Board.

"Open enrollment period" means a limited period of time as approved by either EGID or the Legislature in which a specified group of individuals are permitted to enroll.

"Option period" means the time set aside at least annually by EGID in which enrolled plan members may make changes to their enrollments. Eligible but not enrolled employees may also make application for enrollment during this time. Enrollment is subject to approval by EGID.

"Orthodontic limitation" means an individual who enrolls in the Dental Plan will not be eligible for any orthodontic benefits for services occurring within the first twelve [12] months after the effective date of coverage. Continuing orthodontic services for newly hired employees who had previous group dental coverage will be paid by prorating or according to plan benefits.

"Other hospital services and supplies" means services and supplies rendered by the hospital that are required for treatment, but not including room and board nor the professional services of any provider, nor any private duty, special or intensive nursing services, by whatever name called, regardless of whatever such services are rendered under the direction of the hospital or otherwise.

"Participating entity" means any employer or organization whose employees or members are eligible to be participants in any plan authorized by or through the Oklahoma Employees Insurance and Benefits' Act.

"The Plan or Plans" means the self-insured Plans by the State of Oklahoma for the purpose of providing health benefits to eligible members and may include such other benefits as may be determined by EGID. Such benefits shall be provided on a coinsurance basis and the insured pays a proportion of the cost of such benefits.

"Primary insured" means the member who first became eligible for the insurance coverage creating eligibility rights for dependents.

"Prosthetic appliance" means an artificial appliance that replaces body parts that may be missing or defective as a result of surgical intervention, trauma, disease, or developmental anomaly. Said appliance must be medically necessary.

"Provider" means a physician or other practitioner who is duly licensed or certified under the laws of the state in which the Provider practices and is recognized by this Plan, to render health and dental care services and/or supplies.

"Qualifying Event" means an event that changes a member's family or health insurance situation and qualifies the member and/or dependent for a special enrollment period. The most common qualifying life events are the loss of health care coverage, a change in household (such as marriage or birth of a child), or a change of residence or other federally required

Emergency Adoptions

mandates. A complete summary of qualifying events are set out in Title 26, Treasury Regulations, Section 125.

"**Schedule of benefits**" means the EGID plan description of one or more covered services.

"**Skilled care**" means treatment or services provided by licensed medical personnel as prescribed by a provider. Treatment or services that could not be given safely or reasonably by a person who is not medically skilled and would need continuous supervision of the effectiveness of the treatment and progress of the condition. Specific criteria and limitations are applied.

[OAR Docket #20-33; filed 1-15-20]

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

[OAR Docket #20-26]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

317:2-1-2 [AMENDED]

317:2-1-6 [REVOKED]

317:2-1-13 [AMENDED]

317:2-1-18 [NEW]

(Reference APA WF # 19-19A)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Senate Bill (SB) 509

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, 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 new rules and revisions to its current policy, in order to avoid violation of State law. The approval of the Step Therapy Exception Process emergency rule would allow the Oklahoma Health Care Authority (OHCA) to comply with Oklahoma Senate Bill (SB) 509, which directed the OHCA to revise current step therapy protocols for medications approved by the Drug Utilization Review (DUR) Board; provide for exceptions to the step therapy protocol; and establish an appeals process for step therapy exception requests that have been denied.

GIST/ANALYSIS:

These emergency revisions are necessary to comply with SB 509 requirements. The proposed emergency revisions will allow SoonerCare members, in appropriate cases, to be exempted from the step therapy protocol, ensuring more immediate access to medications prescribed by their doctor.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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):

317:2-1-2. Appeals

(a) Request for Appeal ~~appeals~~.

(1) For the purpose of calculating the timeframe for requesting an administrative appeal of an agency action, the date on the written notice shall not be included. The last day of the ~~thirty day (30 day)~~ thirty (30) day timeframe shall be included, unless it is a legal holiday as defined by Title 25 of the Oklahoma Statutes (O.S.) § Section (§) 82.1, or any other day the Oklahoma Health Care Authority (OHCA) is closed or closes early, in which case, the timeframe runs until the close of the next full business day.

(2) An appeals request that an aggrieved member or provider sends via mail is deemed filed on the date that the agency receives it.

(b) ~~Member Process Overview~~ process overview.

(1) The appeals process allows a member to appeal a decision relating to program benefits. Examples are decisions involving medical services, prior authorizations for medical services, or discrimination complaints.

(2) In order to initiate an appeal, the member must file a LD-1 (Member Complaint/Grievance Form) within thirty (30) calendar days of the date the OHCA sends written notice of its action, in accordance with Oklahoma Administrative Code (OAC) 317:2-1-2(a), above, or, in matters in which a formal notice is not sent by the agency, within thirty (30) days of the date on which the member knew or should have known the facts or circumstances serving as the basis for appeal.

(3) If the LD-1 form is not received timely, the ~~Administrative Law Judge~~ administrative law judge (ALJ) will cause to be issued a letter stating the appeal will not be heard. In the case of tax warrant intercept appeals, if the LD-1 form is not received by OHCA within the timeframe pursuant to 68 O.S. § 205.2, OHCA similarly will cause to be issued a letter stating the appeal will not be heard because it is untimely.

(4) If the LD-1 form is not completely filled out or if necessary documentation is not included, then the appeal will not be heard.

(5) OHCA will advise members that if assistance is needed in reading or completing the grievance form, arrangements will be made to provide such assistance.

(6) Upon receipt of the member's appeal, a fair hearing before the ALJ will be scheduled. The member will be notified in writing of the date and time of the hearing. The member must appear at the hearing, either in person or telephonically. Requests for a telephone hearing must be received in writing on OHCA's LD-4 (Request for Telephonic Hearing) form no later than ten (10) calendar days prior to the scheduled hearing date. Telephonic hearing requests will only be granted by the OHCA's ~~Chief Executive Officer~~ chief executive officer (CEO) or his/her designee, at his/her sole discretion, for good cause shown, including, for example, the member's physical condition, travel distances, or other limitations that either preclude

an in-person appearance or would impose a substantial hardship on the member.

(7) The hearing shall be conducted according to OAC 317:2-1-5. The ALJ's decision may be appealed to the CEO of the OHCA, which is a record review at which the parties do not appear (OAC 317:2-1-13).

(8) Member appeals are ordinarily decided within ninety (90) days from the date on which the member's timely request for a fair hearing is received, ~~unless, in accordance with Section 431.244(f) of Title 42 of the Code of Federal Regulations:~~

(A) ~~The Appellant~~ appellant was granted an expedited appeal pursuant to OAC 317:2-1-2.5;

(B) ~~The~~ OHCA cannot reach a decision because the ~~Appellant~~ appellant requests a delay or fails to take a required action, as reflected in the record; ~~or~~

(C) There is an administrative or other emergency beyond OHCA's control, as reflected in the record; ~~or~~

(D) The appellant filed a request for an appeal of a denied step therapy exception request, pursuant to OAC 317:2-1-18.

(9) Tax warrant intercept appeals will be heard directly by the ALJ. A decision is normally rendered by the ALJ within twenty (20) days of the hearing before the ALJ.

(c) **~~Provider Process Overview~~ process overview.**

(1) The proceedings as described in this subsection contain the hearing process for those appeals filed by providers. These appeals encompass all subject matter cases contained in OAC 317:2-1-2(d)(2).

(2) All provider appeals are initially heard by the OHCA ALJ under OAC 317:2-1-2(d)(2).

(A) In order to initiate an appeal, a provider must file the appropriate LD form within thirty (30) calendar days of the date the OHCA sends written notice of its action, in accordance with OAC 317:2-1-2(a), above. LD-2 forms should be used for Program Integrity audit appeals; LD-3 forms are to be used for all other provider appeals.

(B) Except for OHCA Program Integrity audit appeals, if the appropriate LD form is not received timely, the ALJ will cause a letter to be issued stating that the appeal will not be heard.

(C) A decision ordinarily will be issued by the ALJ within forty-five (45) days of the close of all evidence in the appeal.

(D) Unless otherwise limited by OAC 317:2-1-7 or 317:2-1-13, the ALJ's decision is appealable to OHCA's CEO.

(d) **ALJ jurisdiction.** The ALJ has jurisdiction of the following matters:

(1) **~~Member Appeals~~ appeals.**

(A) Discrimination complaints regarding the SoonerCare program;

(B) Appeals which relate to the scope of services, covered services, complaints regarding service or care, enrollment, disenrollment, and reenrollment in the SoonerCare Program;

(C) ~~Fee for Service~~ Fee-for-service appeals regarding the furnishing of services, including prior authorizations;

(D) Appeals which relate to the tax warrant intercept system through the OHCA. Tax warrant intercept appeals will be heard directly by the ALJ. A decision will be rendered by the ALJ within twenty (20) days of the hearing;

(E) Proposed administrative sanction appeals pursuant to OAC 317:35-13-7. Proposed administrative sanction appeals will be heard directly by the ALJ. A decision by the ALJ will ordinarily be rendered within twenty (20) days of the hearing before the ALJ. This is the final and only appeals process for proposed administrative sanctions;

(F) Appeals which relate to eligibility determinations made by OHCA; and

(G) Appeals of insureds participating in Insure Oklahoma which are authorized by OAC 317:45-9-8; and

(H) Appeals which relate to a requested step therapy protocol exception as provided by 63 O.S. § 7310.

(2) **~~Provider Appeals~~ appeals.**

(A) Whether Pre-admission Screening and Resident Review (PASRR) was completed as required by law;

(B) Denial of request to disenroll member from provider's SoonerCare Choice panel;

(C) Appeals by ~~Long Term Care~~ long-term care facilities for administrative penalty determinations as a result of findings made under OAC 317:30-5-131.2(b)(5)(B) and (d)(8);

(D) Appeals of Professional Service Contract awards and other matters related to the Central Purchasing Act pursuant to Title 74 O.S. § 85.1 et seq.;

(E) Drug rebate appeals;

(F) Provider appeals of OHCA Program Integrity audit findings pursuant to OAC 317:2-1-7. This is the final and only appeals process for appeals of OHCA Program Integrity audit findings;

(G) Oklahoma Electronic Health Records Incentive program appeals related only to incentive payments, incentive payment amounts, provider eligibility determinations, and demonstration of adopting, implementing, upgrading, and meaningful use eligibility for incentives;

(H) Supplemental Hospital Offset Payment Program (SHOPP) annual assessment, Supplemental Payment, fees or penalties as specifically provided in OAC 317:2-1-15; and

(I) The Nursing Facility Supplemental Payment Program (NFSPP) and its issues consisting of the amount of each component of the Intergovernmental transfer, the Upper Payment Limit payment, the Upper Payment Limit gap, and the penalties specifically provided in OAC 317:30-5-136. This is the final and only process for appeals regarding NFSPP.

Emergency Adoptions

(J) Appeals from any adjustment made to a long-term care facility's cost report pursuant to OAC 317:30-5-132, including any appeal following a request for reconsideration made pursuant to OAC 317:30-5-132.1.

317:2-1-6. Other grievance procedures and processes [REVOKED]

~~Other grievance procedures and processes include those set out in Oklahoma Administrative Code (OAC) 317:2-1-7 (Program Integrity Audit Appeals); OAC 317:2-1-9 (OHCA's Designated Agent's Appeal Process for QIO Services); OAC 317:2-1-10 (Drug Rebate Appeal Process); OAC 317:2-1-11 (Medicaid Drug Utilization Review Board (DUR) Appeal Process); OAC 317:2-1-12 (For Cause and Immediate Provider Contract Termination Appeals Process); OAC 317:2-1-14 (Contract Award Protest Process); and OAC 317:2-1-15 (Supplemental Hospital Offset Payment Program (SHOPP) Appeals).~~

317:2-1-13. Appeal to the Chief Executive Officer/Chief executive officer

(a) The Oklahoma Health Care Authority offers approximately forty (40) different types of administrative appeals. Some of the appeals are appealable to the ~~Chief Executive Officer~~ Chief executive officer (CEO) and some are not. The following appeals may be heard by the CEO following the decision of an ~~Administrative Law Judge~~ administrative law judge:

- (1) Appeals under Oklahoma Administrative Code (OAC) 317:2-1-2(d)(1)(A) to (d)(1)(~~G~~)(H), with the exception of subsection (d)(1)(E);
 - (2) Appeals under OAC 317:2-1-2(d)(2)(A) to (d)(2)(I), with the exceptions of subsections (d)(2)(F) and (G); and
 - (3) Appeals under 317:2-1-10.
- (b) Appeals to the CEO must be filed with the OHCA within thirty (30) days of the date of the Order, or decision by OHCA.
- (c) No new evidence may be presented to the CEO.
- (d) Appeals to the CEO under (a) of this Section may be filed by the provider, member, or agency. The CEO will ordinarily render decisions within sixty (60) days of the receipt of the appeal.

317:2-1-18. Step therapy protocol exception appeals

This rule describes a member's rights to administratively appeal the denial of a requested exception to a step therapy protocol, in accordance with Title 63 of the Oklahoma Statutes (O.S.) § 7310 and Oklahoma Administrative Code (OAC) 317:30-5-77.4.

- (1) Appeals will be heard by the Oklahoma Health Care Authority (OHCA) administrative law judge (ALJ).
- (2) Appeals must be filed by the member within thirty (30) days of the date of the denial of a requested exception. Appeals must be filed electronically using a form LD-5 and must set forth the basis for the appeal. The form

LD-5 shall be made available on the OHCA's public website. If the LD-5 is not completely filled out or if necessary documentation is not included, the appeal will not be considered.

(3) Appeals shall be heard at a time and place and in a manner as may be decided by the ALJ. Hearings may be conducted telephonically.

(4) The docket clerk will send the member or his/her authorized representative an electronic notice setting forth the location, date, and time of the hearing.

(5) A member can waive the right to an evidentiary hearing and permit the ALJ to consider and rule on the appeal based upon the parties' submissions.

(6) The member shall have the burden of proof by the preponderance of the evidence standard as defined by the Oklahoma Supreme Court.

(7) Absent exigent circumstances, as defined in OAC 317:30-5-77.4(a), the ALJ shall respond to any request for appeal within seventy-two (72) hours of receipt of the request. In the case of exigent circumstances, the ALJ shall respond within twenty-four (24) hours of receipt. Provided, however, that if the timeframe for response ends on a weekend, or on any other day the OHCA is closed or closes early, including, but not limited to, legal holidays as defined by 25 O.S. § 82.1, the timeframe for response shall run until the close of the next full business day. An appeal request that is not responded to within this timeframe shall be deemed granted.

(8) All orders shall be considered non-precedential decisions.

(9) The hearing shall be digitally recorded.

[OAR Docket #20-26; filed 1-13-20]

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

[OAR Docket #20-27]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-5 [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacies
317:30-5-72 [AMENDED]
317:30-5-77.1 [AMENDED]
(Reference APA WF # 19-20)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR § 447.56(a)(1)(x)

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, 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 current pharmacy policy, in order to facilitate access to life-saving medication-assisted treatment (MAT) drugs and to improve member's adherence rates to medications on the maintenance drug list, a list of medications prescribed for chronic, long-term medical conditions. The emergency approval of these rule revisions would allow the Oklahoma Health Care Authority (OHCA) to exempt MAT medications from the prescription limit and copayments requirements, giving members easier access to their life-saving prescriptions. Furthermore, the proposed revisions would allow the OHCA to establish a 90-day supply for medications on the maintenance drug list, which would help lower the cost of care through the decreased number of dispensing fees. Finally, the proposed revisions would align SoonerCare rules regarding cost sharing exemptions for American Indian and Alaska Natives to comply with Oklahoma's Medicaid State Plan and 42 CFR § 447.56(a)(x).

GIST/ANALYSIS:

These emergency revisions protect the public health, safety and welfare by facilitating prompt access to life-saving MAT medication (for members including those with an opioid addiction), improving adherence rates and lowering the cost of care for medications on the maintenance drug list, and aligning SoonerCare rules with federal regulations regarding zero copayments for American Indian and Alaska Native members.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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 3. GENERAL PROVIDER POLICIES

PART 1. GENERAL SCOPE AND ADMINISTRATION

317:30-3-5. Assignment and ~~Cost Sharing~~cost sharing

(a) **Definitions.** The following words and terms, when used in subsection (c) of this Section, shall have the following meaning, unless the context clearly indicates otherwise:

- (1) **"Fee-for-service contract"** means the provider agreement specified in ~~OAC~~Oklahoma Administrative Code (OAC) 317:30-3-2. This contract is the contract between the Oklahoma Health Care Authority (OHCA) and medical providers which provides for a fee with a specified service involved.
- (2) **"Within the scope of services"** means the set of covered services defined at OAC 317:25-7 and the provisions of the SoonerCare Choice contracts in the SoonerCare ~~Program~~program.
- (3) **"Outside of the scope of the services"** means all medical benefits outside the set of services defined at OAC

317:25-7 and the provisions of the SoonerCare Choice contracts in the SoonerCare ~~Program~~program.

(b) **Assignment in fee-for-service.** ~~The OHCA's~~Oklahoma's Medicaid State Plan provides that participation in the medical program is limited to providers who accept, as payment in full, the amounts paid by OHCA plus any deductible, coinsurance, or co-payment required by the State Plan to be paid by the member and make no additional charges to the member or others.

(1) OHCA presumes acceptance of assignment upon receipt of an assigned claim. This assignment, once made, cannot be rescinded, in whole or in part by one party, without the consent of the other party.

(2) Once an assigned claim has been filed, the member must not be billed and the member is not responsible for any balance except the amount indicated by OHCA. The only amount a member may be responsible for is a co-payment, or the member may be responsible for services not covered under the medical programs. In any event, the member should not be billed for charges on an assigned claim until the claim has been adjudicated or other notice of action received by the provider. Any questions regarding amounts paid should be directed to OHCA, Provider Services.

(3) When potential assignment violations are detected, the OHCA will contact the provider to assure that all provisions of the assignment agreement are understood. When there are repeated or uncorrected violations of the assignment agreement, the OHCA is required to suspend further payment to the provider.

(c) **Assignment in SoonerCare.** Any provider who holds a ~~fee-for-service~~fee-for-service contract and also executes a contract with a provider in the SoonerCare Choice program must adhere to the rules of this subsection regarding assignment.

(1) If the service provided to the member is outside of the scope of the services outlined in the SoonerCare ~~Contract~~contract, then the provider may bill or seek collection from the member.

(2) In the event there is a disagreement whether the services are in or out of the scope of the contracts referenced in (1) of this subsection, the ~~Oklahoma Health Care Authority~~OHCA shall be the final authority for this decision.

(3) Violation of this provision shall be grounds for a contract termination in the fee-for-service and SoonerCare programs.

(d) **Cost ~~Sharing-Copayments~~sharing/co-payment.** Section 1902(a)(14) of the Social Security Act permits states to require certain members to share some of the costs of SoonerCare by imposing upon them such payments as enrollment fees, premiums, deductibles, coinsurance, co-payments, or similar cost sharing charges. OHCA requires a co-payment of some SoonerCare members for certain medical services provided through the ~~fee-for-service~~fee-for-service program. A co-payment is a charge which must be paid by the member to the service provider when the service is covered by SoonerCare. Section 1916(e) of the Act requires that a provider participating in the SoonerCare program may not deny care or services to an eligible individual based on such individual's

Emergency Adoptions

inability to pay the co-payment. A person's assertion of their inability to pay the co-payment establishes this inability. This rule does not change the fact that a member is liable for these charges, and it does not preclude the provider from attempting to collect the co-payment.

(1) Co-payment is not required of the following members:

(A) Individuals under age ~~24~~twenty-one (21). Each member's date of birth is available on the REVS system or through a commercial swipe card system.

(B) Members in nursing facilities ~~(NF)~~ and intermediate care facilities for individuals with intellectual disabilities (ICF/IID).

(C) Home and ~~Community-Based Service~~Community-Based Services (HCBS) waiver members except for prescription drugs.

(D) ~~Native Americans providing documentation of ethnicity in accordance with OAC 317:35-5-25 who receive items and services furnished by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services~~American Indian and Alaska Native members, as is established in the federally-approved Oklahoma Medicaid State Plan.

(E) Individuals who are categorically eligible for SoonerCare through the Breast and Cervical Cancer Treatment program.

(F) Individuals receiving hospice care, as defined in section 1905(o) of the Social Security Act.

(2) Co-payment is not required for the following services:

(A) Family planning services. This includes all contraceptives and services rendered.

(B) Emergency services provided in a hospital, clinic, office, or other facility.

(C) Services furnished to pregnant women, if those services relate to the pregnancy or to any other medical condition which may complicate the pregnancy, including prenatal vitamins.

(D) Smoking and ~~Tobacco Cessation~~tobacco cessation counseling and products.

(E) ~~Diabetic supplies~~Blood glucose testing supplies and insulin syringes.

(F) Medication-assisted treatment (MAT) drugs.

(3) Co-payments are required in an amount not to exceed the federal allowable for the following:

(A) Inpatient hospital stays.

(B) Outpatient hospital visits.

(C) Ambulatory surgery visits including free-standing ambulatory surgery centers.

(D) Encounters with the following rendering providers:

(i) Physicians;

(ii) Advanced ~~Practice Nurses~~practice registered nurses;

(iii) Physician ~~Assistants~~assistants;

(iv) Optometrists;

(v) Home ~~Health Agencies~~health agencies;

(vi) Certified ~~Registered Nurse Anesthetists~~registered nurse anesthetists;

(vii) Anesthesiologist ~~Assistants~~assistants;

(viii) Durable ~~Medical Equipment~~medical equipment providers; and

(ix) Outpatient behavioral health providers.

(E) Prescription drugs.

(F) Crossover claims. Dually eligible Medicare/SoonerCare members must make a co-payment in an amount that does not exceed the federal allowable per visit/encounter for all Part B covered services. This does not include dually eligible HCBS waiver members.

(4) Medicaid premiums and cost sharing incurred by all individuals in the Medicaid household may not exceed an aggregate limit of five percent (5%) of the family's income applied on a monthly basis, as specified by the agency.

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 5. PHARMACIES

317:30-5-72. Categories of service eligibility

(a) **Coverage for adults.** Prescription drugs for categorically needy adults are covered as set forth in this subsection.

(1) With the exception of (2) and (3) of this subsection, categorically needy adults are eligible for a maximum of six (6) covered prescriptions per month with a limit of two (2) brand name prescriptions. A prior authorization may be granted for a third brand name if determined to be medically necessary by OHCA and if the member has not already utilized their six (6) covered prescriptions for the month.

(2) Subject to the limitations set forth in ~~OAC~~Oklahoma Administrative Code (OAC) 317:30-5-72.1, 317:30-5-77.2, and 317:30-5-77.3, exceptions to the six (6) medically necessary prescriptions per month limit are:

(A) ~~unlimited~~Unlimited monthly medically necessary prescriptions for categorically related individuals who are residents of nursing facilities ~~(NF)~~ or ~~ICF/IID~~intermediate care facilities for individuals with an intellectual disability (ICF/IID); and

(B) ~~seven~~Seven (7) additional medically necessary prescriptions which are generic products per month to the six (6) covered under the State Plan (~~including three (3) brand name prescriptions~~)including three (3) brand name prescription are allowed for adults receiving services under the 1915(c) ~~HCBS Waivers~~Home and Community-Based Services (HCBS) waivers. Medically necessary prescriptions beyond the three (3) brand name or thirteen (13) total prescriptions will be covered with prior authorization.

(3) ~~Drugs exempt from the prescription limit include: Antineoplastics, anti retroviral agents for persons diagnosed with Acquired Immune Deficiency Syndrome (AIDS) or who have tested positive for the Human Immunodeficiency Virus (HIV), certain prescriptions that require frequent laboratory monitoring, birth control prescriptions, over the counter contraceptives, hemophilia drugs, compensable smoking cessation products, naloxone for use in opioid overdose, certain carrier or diluent solutions used in compounds (i.e. sodium chloride, sterile water, etc.), and drugs used for the treatment of tuberculosis. For purposes of this Section, exclusion from the prescription limit means claims filed for any of these prescriptions will not count toward the prescriptions allowed per month.~~ For purposes of this Section, exempt from the prescription limit means claims filed for any of these prescriptions will not count toward the prescriptions allowed per month. Drugs exempt from the prescription limit include:

- (A) Antineoplastics;
- (B) Anti-retroviral agents for persons diagnosed with Acquired Immune Deficiency Syndrome (AIDS) or who have tested positive for the Human Immunodeficiency Virus (HIV);
- (C) Frequently monitored prescription drugs. A complete list of the selected drugs considered as frequently monitored can be viewed on the agency's website at www.okhca.org.
- (D) Medication-assisted treatment (MAT) drugs for opioid use disorder;
- (E) Contraceptives;
- (F) Hemophilia drugs;
- (G) Compensable smoking cessation products;
- (H) Naloxone for use in opioid overdose;
- (I) Certain carrier or diluent solutions used in compounds (i.e. sodium chloride, sterile water, etc.);
- (J) Drugs used for the treatment of tuberculosis;
- and
- (K) Prenatal vitamins.

(4) When a brand drug is preferred over its generic equivalent due to lower net cost, that drug shall not count toward the brand limit; however, it will count toward the monthly prescription limit.

(b) **Coverage for children.** Prescription drugs for SoonerCare eligible individuals under twenty-one (21) years of age are not limited in number per month, but may be subject to prior authorization, quantity limits or other restrictions.

(c) **Individuals eligible for Part B of Medicare.** Individuals eligible for Part B of Medicare are also eligible for the Medicare Part D prescription drug benefit. Coordination of benefits between Medicare Part B and Medicare Part D is the responsibility of the pharmacy provider. The SoonerCare pharmacy benefit does not include any products which are available through either Part B or Part D of Medicare.

(d) **Individuals eligible for a prescription drug benefit through a Prescription Drug Plan (PDP) or Medicare Advantage - Prescription Drug (MA-PD) plan as described in the Medicare Modernization Act (MMA) of 2003.**

Individuals who qualify for enrollment in a PDP or MA-PD are specifically excluded from coverage under the SoonerCare pharmacy benefit. This exclusion applies to these individuals in any situation which results in a loss of Federal Financial Participation for the SoonerCare program. This exclusion shall not apply to items covered at OAC 317:30-5-72.1(2) unless those items are required to be covered by the prescription drug provider in the MMA or subsequent federal action.

317:30-5-77.1. Dispensing Quantity

(a) Prescription quantities ~~are to~~ shall be limited to a ~~34thirty-four (34)~~ thirty-four (34) day supply, except in the following situations:

- (1) The Drug Utilization Review (DUR) Board has recommended a different day supply or quantity limit based on published medical data, including the manufacturer's package insert, ~~provided the Chief Executive Officer of the OHCA has approved the recommendation;~~
- (2) The product is included on the Maintenance List of medications, which are ~~exempt~~ exempted from this limit, and may be dispensed up to ~~100 units~~ a ninety (90) day supply;
- (3) The manufacturer of the drug recommends a dispensing quantity less than a ~~34thirty-four (34)~~ thirty-four (34) day supply;

(b) Refills are to be provided only if authorized by the prescriber, allowed by law, and should be in accordance with the best current medical and pharmacological practices. A provider may not generate automated refills unless the member has specifically requested such service. Documentation of this request must be available for review by OHCA auditors.

(c) ~~The Drug Utilization Review~~ DUR Board shall develop a Maintenance List of medications which are used in general practice on a continuing basis. These drugs shall be made available through the ~~vendor drug program~~ Vendor Drug Program in quantities up to ~~100 units~~ a ninety (90) day supply when approved by the prescriber. ~~The Drug Utilization Review~~ DUR Board shall review the Maintenance List at least annually. ~~The Maintenance List shall be approved by the Chief Executive Officer of OHCA.~~ When approved by the prescriber, all maintenance medications must be filled at the maximum quantity allowed after a sufficient stabilization period when dispensed to SoonerCare members who do not reside in a ~~long term~~ long-term care facility. For members residing in a ~~long term~~ long-term care facility, chronic medications, including all products on the Maintenance List, must be dispensed in quantities of not less than a ~~28~~ twenty-eight (28) day supply.

(d) For products covered by the Oklahoma Vendor Drug Program, the metric quantity shown on the claim form must be in agreement with the descriptive unit of measure applicable to the specific ~~NDC~~ National Drug Code (NDC). Only numeric characters should be entered. Designations, such as the form of drug, i.e., ~~Tablets, Capsules, Suppositories,~~ tablets, caps, suppositories, etc., must not be used. Products should be billed in a manner consistent with quantity measurements.

[OAR Docket #20-27; filed 1-13-20]

Emergency Adoptions

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

[OAR Docket #20-28]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 3. General Provider Policies
- Part 4. Early and Periodic Screening, ~~Diagnosis~~Diagnostic and Treatment (EPSDT) Program/Child-Health Services
317:30-3-65.12 [NEW]
- Subchapter 5. Individual Providers and Specialties
- Part 35. Rural Health Clinics
317:30-5-355.1 [AMENDED]
317:30-5-357 [AMENDED]
- Part 37. Advanced Practice Registered Nurse
317:30-5-376 [AMENDED]
- Part 75. Federally Qualified Health Centers
317:30-5-664.1 [AMENDED]
- Part 108. Nutrition Services
317:30-5-1076 [AMENDED]
- Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us)
317:30-5-1090 [AMENDED]
- Part 112. Public Health Clinic Services
317:30-5-1154 [AMENDED]
(Reference APA WF # 19-03)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

- Subchapter 3. General Provider Policies
- Part 4. Early and Periodic Screening, ~~Diagnosis~~Diagnostic and Treatment (EPSDT) Program/Child-Health Services
317:30-3-65.12 [NEW]
- Subchapter 5. Individual Providers and Specialties
- Part 35. Rural Health Clinics
317:30-5-355.1 [AMENDED]
317:30-5-357 [AMENDED]
- Part 37. Advanced Practice Nurse
317:30-5-376 [AMENDED]
- Part 75. Federally Qualified Health Centers
317:30-5-664.1 [AMENDED]
- Part 108. Nutrition Services
317:30-5-1076 [AMENDED]
- Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us)
317:30-5-1090 [AMENDED]
- Part 112. Public Health Clinic Services
317:30-5-1154 [AMENDED]

Gubernatorial approval:

July 1, 2019

Register publication:

36 Ok Reg 1099

Docket number:

19-714

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The agency requests emergency approval of rule revisions to its current emergency Applied Behavior Analysis (ABA) policy in order to protect the public health, safety, or welfare. The previously approved emergency rule is being amended to add registered behavior technician (RBT) as a new provider specialty. RBTs work under the authority and supervision of a Board-Certified Behavior Analyst (BCBA), and are responsible for the direct implementation of skill-acquisition and behavior treatment plans designed and prescribed by a BCBA.

GIST/ANALYSIS:

These emergency revisions are necessary in order to facilitate and increase access and ensure the implementation of previously approved critical skill-acquisition and behavior treatment plans for eligible SoonerCare children diagnosed with ASD.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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 3. GENERAL PROVIDER POLICIES

PART 4. EARLY AND PERIODIC SCREENING, ~~DIAGNOSIS~~DIAGNOSTIC AND TREATMENT (EPSDT) PROGRAM/CHILD-HEALTH SERVICES

317:30-3-65.12. Applied behavior analysis (ABA) services

(a) Purpose and general provisions. The purpose of this Section is to establish guidelines for the provision of ABA services under the EPSDT benefit.

(1) ABA focuses on the analysis, design, implementation, and evaluation of instructional and other environmental modifications to produce meaningful changes in human behavior. ABA services include the use of direct observation, measurement, and functional analysis of the relations between the environment and behavior. Common ABA-based techniques include, but are not limited to; discrete trial training; pivotal response training; and verbal behavioral intervention.

(2) ABA may be provided in a variety of settings, including home, community, or a clinical setting. It involves development of an individualized treatment plan that includes transition and aftercare planning, and significant family/caregiver involvement.

(3) At an initial assessment, target symptoms are identified. A treatment plan is developed that identifies core deficits and aberrant behaviors, and includes designated interventions intended to address these deficits and behaviors and achieve individualized goals.

(4) Functional behavioral assessment (FBA) may also be a part of any assessment. An FBA consists of:

(A) Description of the problematic behavior (topography, onset/offset, cycle, intensity, severity);

(B) History of the problematic behavior (long-term and recent);

- (C) Antecedent analysis (setting, people, time of day, events);
- (D) Consequence analysis; and
- (E) Impression and analysis of the function of the problematic behavior.
- (5) ABA services require prior authorization [refer to Oklahoma Administrative Code (OAC) 317:30-3-31]. These services are designed to accomplish medically necessary management of severe and complex clinical conditions that within a finite and reasonable period of time, the caregiver will be able to demonstrate knowledge and ability to independently and safely carry out the established plan of care.
- (b) **Eligible providers.** Eligible ABA provider types include:
- (1) Board certified behavior analyst (BCBA) - A master's or doctoral level independent practitioner who is certified by the national-accrediting Behavior Analyst Certification Board (BACB) and licensed by Oklahoma Department of Human Services' (DHS) Developmental Disabilities Services Division (DDS) to provide behavior analysis services. A BCBA may supervise the work of board certified assistant behavior analysts and registered behavior technicians implementing behavior analytic interventions;
 - (2) Board certified assistant behavior analyst (BCaBA) - A bachelor's level practitioner who is certified by the national-accrediting BACB and certified by DHS DDS to provide behavior analysis services under the supervision of a BCBA;
 - (3) Registered behavior technician (RBT) - A high school level or higher paraprofessional who is certified by the national-accrediting BACB and practices under the close and ongoing supervision of a BCBA. The RBT works under the license number of a BCBA and is primarily responsible for the direct implementation of BCBA designed and prescribed behavior-analytic services; and
 - (4) Human services professional - A practitioner who is licensed by the State of Oklahoma pursuant to (A) - (H), and certified by the national-accrediting BACB, and who is working within the scope of his or her practice, to include:
 - (A) A licensed physical therapist;
 - (B) A licensed occupational therapist;
 - (C) A licensed clinical social worker or social worker candidate under the supervision of a licensed clinical social worker;
 - (D) A licensed psychologist;
 - (E) A licensed speech-language pathologist or licensed audiologist;
 - (F) A licensed professional counselor or professional counselor candidate under the supervision of a licensed professional counselor;
 - (G) A licensed marital and family therapist or marital and family therapist candidate under the supervision of a licensed marital and family therapist; or
 - (H) A licensed behavioral practitioner or behavioral practitioner candidate under the supervision of a licensed behavioral practitioner.
- (c) **Provider criteria.** To direct, supervise, and/or render ABA services, the following conditions shall be met.
- (1) A BCBA shall:
 - (A) Be currently licensed by DHS DDS as a BCBA;
 - (B) Have no sanctions or disciplinary actions by DHS DDS or the BACB;
 - (C) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
 - (D) Be fully contracted with SoonerCare as a provider.
 - (2) A BCaBA shall:
 - (A) Be currently certified by DHS DDS as a BCaBA;
 - (B) Work under the supervision of a SoonerCare-contracted BCBA provider;
 - (C) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
 - (D) Be fully contracted with SoonerCare as a provider.
 - (3) An RBT shall:
 - (A) Be currently certified by the national-accrediting BACB as an RBT;
 - (B) Work under the supervision of a SoonerCare-contracted BCBA provider;
 - (C) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
 - (D) Be fully contracted with SoonerCare as a provider.
 - (4) A human services professional shall:
 - (A) Be currently licensed or certified by the State of Oklahoma, in accordance with Title 59 of the Oklahoma Statutes (O.S.), § 1928;
 - (B) Be currently certified by the national-accrediting BACB;
 - (C) Have no sanctions or disciplinary actions by the applicable state licensing board or the BACB;
 - (D) If working under supervision within the scope of his or her practice, have a documented relationship with a fully-licensed human service professional working in a supervisory capacity;
 - (E) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
 - (F) Be fully contracted with SoonerCare as a provider.
- (d) **Medical necessity criteria for members under twenty-one (21) years of age.** ABA services are considered medically necessary when all of the following conditions are met:

Emergency Adoptions

- (1) The member is under twenty-one (21) years of age with a definitive diagnosis of an Autism Spectrum Disorder (ASD) from the following providers:
 - (A) Pediatric neurologist or neurologist;
 - (B) Developmental pediatrician;
 - (C) Licensed psychologist;
 - (D) Psychiatrist or neuropsychiatrist; or
 - (E) Other licensed physician experienced in the diagnosis and treatment of autism.
- (2) A comprehensive diagnostic evaluation completed by one (1) of the above identified professionals must:
 - (A) Include a complete pertinent medical and social history, including pre-and perinatal, medical, developmental, family, and social elements; and
 - (B) Be based on criteria outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) for ASD and/or may also include scores from the use of formal diagnostic tests such as the Autism Diagnostic Interview-Revised (ADI-R), Autism Diagnostic Observation Schedule-2 (ADOS-2), Childhood Autism Rating Scale (CARS) or other tools with acceptable psychometric properties. Screening scales are not sufficient to make a diagnosis and will not be accepted as the only formal scale.
- (3) There must be a reasonable expectation that the member will benefit from ABA. The member must exhibit:
 - (A) The ability/capacity to learn and develop generalized skills to assist with his or her independence; and
 - (B) The ability to develop generalized skills to assist in addressing maladaptive behaviors associated with ASD.
- (4) The member is medically stable and does not require twenty-four (24) hour medical/nursing monitoring or procedures provided in a hospital or intermediate care facility for individuals with intellectual disabilities (ICF/IID).
- (5) The member exhibits atypical or disruptive behavior within the most recent thirty (30) calendar days that significantly interferes with daily functioning and activities. Such atypical or disruptive behavior may include, but is not limited to:
 - (A) Impulsive aggression toward others;
 - (B) Self-injury behaviors; or
 - (C) Intentional property destruction.
- (6) The focus of treatment is not custodial in nature (which is defined as care provided when the member "has reached maximum level of physical or mental function and such person is not likely to make further significant improvement" or "any type of care where the primary purpose of the type of care provided is to attend to the member's daily living activities which do not entail or require the continuing attention of trained medical or paramedical personnel.")
- (7) It has been determined that there is no less intensive or more appropriate level of services which can be safely and effectively provided.
- (e) **Intervention criteria.** Eligible providers must submit an initial prior authorization request to the Oklahoma Health Care Authority (OHCA) or its designated agent and meet the following SoonerCare intervention criteria for ABA services.
 - (1) The intervention criteria includes a comprehensive behavioral and functional evaluation outlining the behaviors consistent with the diagnosis of ASD and its associated comorbidities. In addition to completing the initial request form, providers will be required to submit a written assessment that will consist of the following:
 - (A) Information about relevant medical status, prior assessment results, response to prior treatment, and other relevant information gathered from review of records and past assessments.
 - (B) Information gathered from interview of family and/or caregivers, rating scales, and social validity measures to assess perceptions of the client's skill deficits and behavioral excesses, and the extent to which these deficits impede the daily life of the member and the family.
 - (C) Direct assessment and observation, including any data related to the identified problem behavior. The analysis of such data serves as the primary basis for identifying pretreatment levels of functioning, developing and adapting treatment protocols, and evaluating response to treatment and progress towards goals.
 - (D) Functional assessment of problem behavior that includes antecedent factors, skill deficits, and consequences contributing to the problem behavior. The treatment plan should address all three (3) areas, including antecedent interventions, teaching replacement skills, and modification of consequences.
 - (2) The ABA treatment will be time limited and must:
 - (A) Be child-centered and based upon individualized goals that are strengths-specific, family focused, and community based;
 - (B) Be culturally competent and the least intrusive as possible;
 - (C) Clearly define in measurable and objective terms the specific target behaviors that are linked to the function of (or reason for) the behavior;
 - (D) Record the frequency, rate, symptom intensity/duration, or other objective measures of baseline levels;
 - (E) Set quantifiable criteria for progress;
 - (F) Establish and record behavioral intervention techniques that are appropriate to target behaviors. The detailed behavior analytic treatment plan utilizes reinforcement and other behavioral principles and excludes the use of methods or techniques that lack consensus about their effectiveness based on evidence in peer-reviewed publications;
 - (G) Specify strategies for generalization of learned skills;
 - (H) Document planning for transition through the continuum of interventions, services, and settings, as well as discharge criteria;

(I) Include parent(s)/legal guardian(s) in behavioral training techniques so that they can practice additional hours of intervention on their own. The treatment plan is expected to achieve the parent(s)/legal guardian(s) ability to successfully reinforce the established plan of care. Frequency of parental involvement will be determined by the treatment provider and listed on the treatment plan;

(J) Document parent(s)/legal guardian(s) participation in the training of behavioral techniques in the member's medical record. Parent(s)/legal guardian(s)' participation is critical to the generalization of treatment goals to the member's environment; and

(K) Ensure that recommended ABA services do not duplicate or replicate services received in a member's primary academic education setting, or provided within an Individualized Education Plan (IEP), Individualized Service Plan (ISP), or any other individual plan of care.

(f) **ABA extension requests.** Extension requests for ABA services must be submitted to the OHCA or its designated agent. Extension requests must contain the appropriate documentation validating the need for continued treatment and establish the following:

- (1) Eligibility criteria in (d) 1-6;
- (2) The frequency of the target behavior has diminished since last review, or if not, there has been modification of the treatment or additional assessments have been conducted;
- (3) If progress has not been measurable after two (2) extension requests, a functional analysis will be completed which records the member's maladaptive serious target behavioral symptom(s), and precipitants, as well as makes a determination of the function a particular maladaptive behavior serves for the member in the environmental context;
- (4) Appropriate consultations from other staff or experts have occurred (psychiatric consults, pediatric evaluation for other conditions) and interventions have been changed, including the number of hours per week of service or setting (higher level of care);
- (5) Parent(s)/legal guardian(s) have received re-training on these changed approaches; and
- (6) The treatment plan documents a gradual tapering of higher intensities of intervention and shifting to supports from other sources (i.e., schools) as progress occurs.

(g) **Reimbursement methodology.** SoonerCare shall provide reimbursement for ABA services in accordance with the Medicaid State Plan.

- (1) Payment shall only be made to SoonerCare-contracted groups or qualified individual providers who are currently licensed and in good standing. Payment is not made to under supervision ABA practitioners/paraprofessionals, including but not limited to, BCaBAs and RBTs.
- (2) Reimbursement for ABA services is only made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by OHCA to be a

reasonable fee, consistent with efficiency, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charges, consistent with the provider's usual and customary charge to the general public for the service, or the maximum allowable per unit of service.

(3) Reimbursement shall only be made for services that have been prior-authorized by OHCA or its designee.

(4) Reimbursement for ABA services shall not be made to or for services rendered by a parent, legal guardian, or other legally responsible person.

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 35. RURAL HEALTH CLINICS

317:30-5-355.1. Definition of services

The ~~RHC~~Rural Health Clinic (RHC) benefit package, as described in Title 42 of the Code of Federal Regulations (CFR), ~~part~~ §440.20, consists of two (2) components: RHC ~~Services and Other Ambulatory Services~~services and other ambulatory services.

(1) **RHC services.** RHC services are covered when furnished to a member at the clinic or other location, including the member's place of residence. These services are described in this Section.

(A) **Core services.** As set out in ~~Federal~~ Regulations at 42 CFR §440.20(b), RHC "core" services include, but are not limited to:

- (i) Physician's services;
- (ii) Services and supplies incident to a physician's services;
- (iii) Services of advanced practice registered nurses ~~(APNs)~~(APRNs), physician assistants (PAs), certified nurse midwives (CNMs), or specialized advanced practice nurse practitioners;
- (iv) Services and supplies incident to the services of ~~APNs~~APRNs and PAs (including services furnished by ~~certified nurse midwives~~CNMs);
- (v) Visiting nurse services to the homebound;
- (vi) Clinical psychologist (CP) and clinical social worker (CSW) services;
- (vii) Services and supplies incident to the services of CPs and CSWs.

(B) **Physicians' services.** In addition to the professional services of a physician, and services provided by an ~~APN~~APRN, PA, and ~~NMWCNM~~ which would be covered as RHC services under Medicare, certain primary preventive services are covered under the SoonerCare RHC benefit. The services must be furnished by or under the direct supervision of ~~an~~ RHC practitioner who is a clinic employee:

- (i) ~~prenatal~~Prenatal and postpartum care;

Emergency Adoptions

- (ii) ~~screening~~ Screening examination under the Early and Periodic Screening, ~~Diagnosis~~ Diagnostic and Treatment (EPSDT) Program for members under ~~21~~ twenty-one (21);
- (iii) ~~family~~ Family planning services;
- (iv) ~~medically~~ Medically necessary screening mammography and follow-up mammograms ~~when medically necessary~~.

(C) **Services and supplies "incident to"**. Services and supplies incident to the service of a physician, ~~physician assistant, advanced practice nurse, clinical psychologist, or clinical social worker~~ PA, APRN, CP, or CSW are covered if the service or supply is:

- (i) ~~a~~ A type commonly furnished in physicians' offices;
- (ii) ~~a~~ A type commonly rendered either without charge or included in the rural health clinic's bill;
- (iii) ~~furnished~~ Furnished as an incidental, although integral, part of a physician's professional services; or
- (iv) Drugs and biologicals which cannot be self-administered or are specifically covered by Medicare law, are included within the scope of RHC services. Drugs and biologicals commonly used in life saving procedures, such as analgesics, anesthetics (local), antibiotics, anticonvulsants, antidotes and emetics, serums and toxoids are not billed separately.

(D) **Visiting nurse services**. Visiting nurse services are covered if:

- (i) ~~the~~ The RHC is located in an area in which the Centers for Medicare and Medicaid Services (CMS) has determined there is a shortage of home health agencies;
- (ii) ~~the~~ The services are rendered to members who are homebound;
- (iii) ~~the~~ The member is furnished nursing care on a part-time or intermittent basis by a registered nurse, licensed practical nurse, or licensed vocational nurse who is employed by or receives compensation for the services from the RHC; and
- (iv) ~~the~~ The services are furnished under a written plan of treatment.

(E) **RHC encounter**. RHC "core" services (including preventive services, i.e., prenatal, EPSDT, or family planning) are part of an all-inclusive visit. A "visit" means a face-to-face encounter between a clinic patient and ~~an~~ RHC health professional (i.e., physicians, physician assistants, advanced practice nurses, certified nurse midwives, clinical psychologists and clinical social workers) (physicians, PAs, APRNs, CNMs, CPs, and CSWs). Encounters with more than one (1) health professional and multiple encounters with the same health professional that takes place on the same day and a single location, constitute a single visit except when the member, after the first encounter, suffers illness or injury requiring

additional diagnosis or treatment. Payment is made for one (1) encounter per member per day. Medical review will be required for additional visits for children. Payment is also limited to four (4) visits per member per month for adults.

(F) **Off-site services**. RHC services provided off-site of the clinic are covered as long as the RHC has a compensation arrangement with the RHC practitioner that SoonerCare reimbursement is made to the RHC and the RHC practitioner receives his or her compensation from the RHC. The ~~rural health clinic~~ RHC must have a written contract with the physician and other RHC "core" practitioners that specifically identify how the ~~rural health clinic~~ RHC services provided off-site are to be billed to SoonerCare. It is expected that services provided in off-site settings are, in most cases, temporary and intermittent, i.e., when the member cannot come to the clinic due to health reasons.

(2) **Other ambulatory services**. ~~A Rural Health Clinic~~ An RHC must provide other items and services which are not "RHC services" as described in ~~(a)~~ (1) of this Section, and are separately billable ~~to the SoonerCare program~~ within the scope of the SoonerCare fee-for-service (FFS) contract. Coverage of services are based upon the scope of coverage under the SoonerCare program.

(A) Other ambulatory services include, but are not limited to:

- (i) ~~dental~~ Dental services for members under ~~age 21~~ the age of twenty-one (21);
- (ii) ~~optometric~~ Optometric services;
- (iii) ~~clinical~~ Clinical lab tests performed in the RHC lab, including the lab tests required for RHC certification;
- (iv) ~~technical~~ Technical component of diagnostic tests such as x-rays and EKGs (interpretation of the test provided by the RHC physician is included in the encounter rate);
- (v) ~~durable~~ Durable medical equipment;
- (vi) ~~emergency ambulance transportation~~ Transportation by ambulance [refer to Oklahoma Administrative Code (OAC) 317:30-5-335];
- (vii) ~~prescribed~~ Prescribed drugs;
- (viii) ~~prosthetic~~ Prosthetic devices (other than dental) which replace all or part of an internal body organ (including colostomy bags) and supplies directly related to colostomy care and the replacement of such devices;
- (ix) ~~specialized~~ Specialized laboratory services furnished away from the clinic;
- (x) ~~inpatient~~ Inpatient services;
- (xi) ~~outpatient~~ Outpatient hospital services; and
- (xii) Applied behavior analysis (ABA) [refer to OAC 317:30-3-65.12];
- (xiii) Diabetes self-management training (DSMT) (refer to OAC 317:30-5-1080 - 1084).

(B) Payment is made directly to the RHC on an encounter basis for on-site dental services by a licensed dentist or optometric services by a licensed optometrist for members under age 21 ~~the age of twenty-one (21)~~. Encounters are billed as one (1) of the following:

(i) **EPSDT dental screening.** An EPSDT dental screening includes oral examination, prophylaxis and fluoride treatment, charting of needed treatment, and, if necessary, x-rays (including two bite wing films). This service must be filed on claim form ADM-36-D for EPSDT reporting purposes.

(ii) **Dental encounter.** A dental encounter consists of all dental treatment other than a dental screening. This service must be billed on the ADM-36-D.

(iii) **Visual analysis.** Visual analysis (initial or yearly) for a child with glasses, or a child who needs glasses, or a medical eye exam. This includes the refraction and medical eye health evaluation. Glasses must be billed separately. Payment is limited to two (2) glasses per year. Any glasses beyond this limit must be prior authorized and determined to be medically necessary.

(C) Services listed in ~~(a)(2)(A), (v)-(viii)~~, of this Section, furnished on-site, require separate provider agreements with the ~~OHCA~~ Oklahoma Health Care Authority (OHCA). Service item ~~(a)(2)(A)(iii)~~ does not require a separate contract when furnished on-site, however, certain conditions of participation apply. (Refer to OAC 317:30-5-361 for conditions.)

(D) Other ambulatory services provided off-site by independent practitioners (through subcontracting agreements or arrangements for services not available at the clinic) must be billed to the SoonerCare program by the provider rendering the service. Independent practitioners must meet provider eligibility criteria and must have a current contract with the OHCA.

317:30-5-357. Coverage for children

Coverage for rural health clinic (RHC) services and other ambulatory services for children include the same services as for adults in addition to the following:

(1) ~~The receipt of an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) examination by a Medicaid eligible individual under age 21 renders that individual child eligible for all necessary follow up care, whether or not the medically necessary services are covered under the Medicaid.~~ Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services are covered for eligible members under twenty-one (21) years of age in accordance with Oklahoma Administrative Code (OAC) 317:30-3-65. An EPSDT exam performed by an RHC must be billed on the appropriate claim form with the appropriate Preventative Medicine preventive medicine procedure code from the Current Procedural Terminology

~~Manual (CPT) manual. If an EPSDT screening is billed, an RHC encounter should not be billed on the same day. Refer to OAC 317:30-3-47 through 317:30-3-54 for coverages under EPSDT.~~ Refer to OAC 317:30-3-65 through 317:30-3-65.12.

(2) Under EPSDT, coverage is allowed for visual screenings and eyeglasses to correct visual defects. Payment is limited to two (2) glasses per year. Any glasses beyond this limit must be prior authorized and determined to be medically necessary.

(3) An EPSDT screening is considered a comprehensive examination. A provider billing the Medicaid program for an EPSDT ~~screening~~ screening may not bill any other visits for that patient on that same day. It is expected that the screening provider will perform necessary treatment as part of the screening charge. Additional services such as tests, immunizations, etc., required at the time of screening may be billed independently from the screening.

(4) The administration fee for immunizations should be billed if provided at the same time as a scheduled EPSDT examination.

(5) Payment may be made directly to the RHC for the professional services of physician assistants performing EPSDT screenings within the certified RHC. The claim form must include the signature of the supervising physician.

PART 37. ADVANCED PRACTICE REGISTERED NURSE

317:30-5-376. Coverage by category

Payment is made to ~~Advanced Practice Nurse~~ advanced practice registered nurses as set forth in this Section.

(1) **Adults.** Payment for adults is made for primary care health services, within the scope of practice of ~~Advanced Practice Nurse~~ advanced practice registered nurse and within the scope of the Oklahoma Health Care Authority (OHCA) medical programs.

(2) **Children.** Payment for children is made for primary care health services, within the scope of practice of ~~Advanced Practice Nurse~~ advanced practice registered nurse, to children and adolescents under 21 ~~members under twenty-one (21) years of age, including EPSDT~~ Early and Periodic Screening, Diagnostic and Treatment (EPSDT) screening services and within the scope of the Oklahoma Health Care Authority medical programs.

(A) Payment is made to eligible providers for ~~Early and Periodic Screening, Diagnostic and Treatment of individuals under age 21~~ EPSDT services to members under twenty-one (21) years of age. Specific guidelines for the EPSDT program including the periodicity schedule are found in ~~OAC Oklahoma Administrative Code (OAC) 317:30-3-65 through 317:30-3-65.11~~ 317:30-3-65.12.

(B) Comprehensive screening examinations are to be performed by a provider qualified under State law to furnish primary health care services.

Emergency Adoptions

- (3) **Individuals eligible for Part B of Medicare.** Payment is made utilizing the Medicaid allowable for comparable services.

PART 75. FEDERALLY QUALIFIED HEALTH CENTERS

317:30-5-664.1. Provision of other health services outside of the Health Center core services

(a) If the Center chooses to provide other ~~Sooner Care~~Oklahoma Medicaid State Plan covered health services which are not included in the Health Center core service definition in ~~OAC~~Oklahoma Administrative Code (OAC) 317:30-5-661.1, the practitioners of those services are subject to the same program coverage limitations, enrollment, and billing procedures described by the OHCA, and these services (e.g., home health services) are not included in the PPS settlement methodology in OAC 317:30-5-664.12.

(b) Other medically necessary health services that will be reimbursed at the fee-for-service (FFS) rate include, but are not limited to:

- (1) ~~dental~~Dental services (refer to OAC 317:30-5-696) except for primary preventive dental services;
- (2) ~~eyeglasses~~ (OAC 317:30-5-430 and OAC 317:30-5-450)Eyeglasses (refer to OAC 317:30-5-431, 317:30-5-432.1 and 317:30-5-451);
- (3) ~~clinical~~Clinical lab tests performed in the Center lab (other than the specific laboratory tests set out for Health Centers' certification and covered as Health Center services);
- (4) ~~technical~~Technical component of diagnostic tests such as x-rays and EKGs (interpretation of the test provided by the Center physician is included as physician professional services);
- (5) ~~durable~~Durable medical equipment (refer to OAC 317:30-5-210);
- (6) ~~emergency ambulance transportation~~Transportation by ambulance (refer to OAC 317:30-5-335);
- (7) ~~prescribed~~Prescribed drugs (refer to OAC 317:30-5-70);
- (8) ~~prosthetic~~Prosthetic devices (other than dental) which replace all or part of an internal body organ (including colostomy bags) and supplies directly related to colostomy care and the replacement of such devices;
- (9) ~~specialized~~Specialized laboratory services furnished away from the clinic;
- (10) Psychosocial ~~Rehabilitation Services~~rehabilitation services [refer to OAC 317:30-5-241.3] (refer to OAC 317:30-5-241.3); ~~and~~
- (11) ~~behavioral~~Behavioral health related case management services (refer to OAC 317:30-5-241.6); ~~and~~
- (12) Applied behavior analysis (ABA) (refer to OAC 317:30-3-65.12).
- (13) Diabetes self-management training (DSMT) (refer to OAC 317:30-5-1080 through 317:30-5-1084).

PART 108. NUTRITION SERVICES

317:30-5-1076. Coverage by category

Payment is made for ~~Nutritional Services~~nutritional services as set forth in this ~~section~~Section.

(1) **Adults.** Payment is made for six (6) hours of medically necessary nutritional counseling per year by a licensed registered dietician. All services must be prescribed by a physician, physician assistant (PA), advanced practice registered nurse (APRN), or certified nurse midwife (CNW), and be ~~face-to-face~~face-to-face encounters between a licensed registered dietitian and the member. Services must be expressly for diagnosing, treating or preventing, or minimizing the effects of illness. Nutritional services for the treatment of obesity is not covered unless there is documentation that the obesity is a contributing factor in another illness.

(2) **Children.** Payment is made for medically necessary nutritional counseling as described above for adults. Nutritional services for the treatment of obesity may be covered for children as part of the ~~EPSDT~~Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit. Additional services which are deemed medically necessary and allowable under federal regulations may be covered by the EPSDT benefit found at OAC 317:30-3-65 ~~and through~~317:30-3-65.14317:30-3-65.12.

(3) ~~Home and Community Based Waiver Services~~community-based services (HCBS) waiver for the Intellectually Disabledintellectually disabled. All providers participating in the ~~Home and Community Based Waiver Services~~HCBS waiver for the intellectually disabled program must have a separate contract with ~~OHCA~~the Oklahoma Health Care Authority (OHCA) to provide ~~Nutrition Services~~nutrition services under this program. All services are specified in the individual's plan of care.

(4) **Individuals eligible for Part B of Medicare.** Payment is made utilizing the Medicaid allowable for comparable services. Services which are not covered under Medicare should be billed directly to OHCA.

(5) **Obstetrical patients.** Payment is made for a maximum of six (6) hours of medically necessary nutritional counseling per year by a licensed registered dietitian for members at risk for or those who have been recently diagnosed with gestational diabetes. The initial consultation may be in a group setting for a maximum of two (2) hours of class time. Thereafter, four (4) hours of nutritional counseling by a licensed registered dietitian may be provided to the individual if deemed medically necessary, which may include a post-partum visit, typically done at ~~six~~ (6) weeks after delivery. All services must be prescribed by a physician, ~~physician assistant, advanced practice nurse or a certified nurse midwife~~PA, APRN, or CNM and be face-to-face between a licensed registered dietitian and the member(s). Services must be solely for the prevention, diagnosis, or treatment of gestational diabetes.

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

317:30-5-1090. Provision of other health services outside of the I/T/U encounter

(a) Medically necessary SoonerCare covered services that are not included in the I/T/U outpatient encounter rate may be billed outside the encounter rate within the scope of the SoonerCare fee-for-service (FFS) contract. The services will be reimbursed at the fee-for-service FFS rate, and will be subject to any limitations, restrictions, or prior authorization requirements. Examples of these services include, but are not limited to:

- (1) ~~durable~~ Durable medical equipment [refer to Oklahoma Administrative Code (OAC) 317:30-5-210];
- (2) ~~glasses~~ Eyeglasses (refer to OAC 317:30-5-431, 317:30-5-432.1 and 317:30-5-451);
- (3) ~~ambulance~~ Transportation by ambulance (refer to OAC 317:30-5-335);
- (4) ~~home~~ Home health [refer to OAC 317:30-5-546] (refer to OAC 317:30-5-546);
- (5) ~~inpatient~~ Inpatient practitioner services (refer to OAC 317:30-5-1100);
- (6) ~~non-emergency~~ Non-emergency transportation [refer to OAC 317:35-3-2] (refer to OAC 317:35-3-2);
- (7) ~~behavioral~~ Behavioral health case management [refer to OAC 317:30-5-241.6] (refer to OAC 317:30-5-241.6);
- (8) ~~psychosocial~~ Psychosocial rehabilitative services [refer to OAC 317:30-5-241.3] (refer to OAC 317:30-5-241.3); and
- (9) ~~psychiatric~~ Psychiatric residential treatment facility services [refer to OAC 317:30-5, Part 6, Inpatient Psychiatric Hospitals]. (refer to OAC 317:30-5-95 through 317:30-5-97);
- (10) Applied behavior analysis (ABA) (refer to OAC 317:30-3-65.12); and
- (11) Diabetes self-management training (DSMT) (refer to OAC 317:30-5-1080 through 317:30-5-1084).

(b) If the I/T/U facility chooses to provide other SoonerCare Oklahoma Medicaid State Plan covered health services which are not included in the I/T/U encounter definition, those service providers must be contracted with OHCA the Oklahoma Health Care Authority (OHCA) and bill for those services under their assigned provider number consistent with program coverage limitations and billing procedures described by the OHCA.

PART 112. PUBLIC HEALTH CLINIC SERVICES

317:30-5-1154. CHD/CCHD County health department (CHD) and city-county health department (CCHD) services/limitations

CHD/CCHD service limitations are:

- (1) Child ~~Guidance~~ guidance services (see OAC 317:30-3-65 through OAC 317:30-3-65.11 for specifics

~~regarding program requirements~~ (refer to Oklahoma Administrative Code (OAC) 317:30-5-1023).

(2) Dental services [~~OAC 317:30-3-65.4(7)~~] (refer to OAC 317:30-3-65.4(7) for specific coverage).

(3) Early ~~and~~ Periodic Screening, ~~Diagnosis,~~ Diagnostic and Treatment (EPSDT) services (~~including blood lead testing and follow-up services~~), including blood lead testing and follow-up services (see refer to OAC 317:30-3-65 through OAC ~~30-3-65.11~~ 317:30-3-65.12 for specific coverage).

(4) Environmental investigations.

(5) Family ~~Planning~~ planning and SoonerPlan ~~Family Planning~~ family planning services (see refer to OAC 317:30-5-12 for specific coverage guidelines).

(6) Immunizations (adult and child).

(7) Blood lead testing (see refer to OAC 317:30-3-65.4 for specific coverage).

(8) Newborn hearing screening.

(9) Newborn metabolic screening.

(10) Maternity services (see refer to OAC 317:30-5-22 for specific coverage).

(11) Public health nursing services.

(12) Tuberculosis case management and directly observed therapy.

(13) Laboratory services.

(14) Targeted case management.

[OAR Docket #20-28; filed 1-13-20]

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

[OAR Docket #20-29]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 3. Hospitals
- 317:30-5-42.1 [AMENDED]
- Part 109. Diabetes Self-Management Training [NEW]
- 317:30-5-1080 [NEW]
- 317:30-5-1081 [NEW]
- 317:30-5-1082 [NEW]
- 317:30-5-1083 [NEW]
- 317:30-5-1084 [NEW]
- (Reference APA WF # 19-06)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

Emergency Adoptions

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The agency requests emergency approval of new rules to its individual and providers policy in order to protect the public health, safety or welfare. The approval of the emergency rule would allow the Oklahoma Health Care Authority (OHCA) to add diabetes self-management training (DSMT) as a new benefit for SoonerCare members diagnosed with diabetes.

GIST/ANALYSIS:

These emergency revisions are necessary to comply with Senate Bill 972, which was signed into law on April 12, 2018. The bill directed the OHCA, beginning on July 1, 2019, to draft a state plan amendment to allow the OHCA to provide DSMT services for SoonerCare members. The emergency rules are necessary to define program coverage and reimbursement, and begin coverage in January 2020.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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 3. HOSPITALS

317:30-5-42.1. Outpatient hospital services

(a) Hospitals providing outpatient hospital services are required to meet the same requirements that apply to ~~OHCA~~the Oklahoma Health Care Authority (OHCA) contracted, non-hospital providers performing the same services. Outpatient services performed outside the hospital facility are not reimbursed as hospital outpatient services.

(b) Covered outpatient hospital services must meet all of the criteria listed in (1) through (4) of this subsection.

- (1) The care is directed by a physician or dentist.
- (2) The care is medically necessary.
- (3) The member is not an inpatient (~~see — OAC 317:30-5-41~~)[refer to Oklahoma Administrative Code (OAC) 317:30-5-41].
- (4) The service is provided in an approved hospital facility.

(c) Covered outpatient hospital services are those services provided for a member who is not a hospital inpatient. A member in a hospital may be either an inpatient or an outpatient, but not both (see OAC 317:30-5-41).

(d) In the event a member is admitted as an inpatient, but is determined to not qualify for an inpatient payment based on OHCA criteria, the hospital may bill on an outpatient claim for the ancillary services provided during that time.

(e) Separate payment is made for prosthetic devices inserted during the course of surgery when the prosthetic devices are not integral to the procedure and are not included in the reimbursement for the procedure itself.

(f) Physical, occupational, and speech therapy services are covered when performed in an outpatient hospital based

setting. Coverage is limited to one evaluation/re-evaluation visit (unit) per discipline per calendar year and ~~15~~fifteen (15) visits (units) per discipline per date of service per calendar year. Claims for these services must include the appropriate revenue code(s).

(g) Diabetes self-management training (DSMT) is provided to members diagnosed with diabetes. DSMT services are comprised of one (1) hour of individual instruction (face-to-face encounters between the certified diabetes educator and the member) and nine (9) hours of group instruction on diabetes self-management. Members shall receive up to ten (10) hours of services during the first twelve (12) month period beginning with the initial training date. After the first twelve (12) month period has ended, members shall only be eligible for two (2) hours of individual instruction on DSMT per calendar year. Refer to OAC 317:30-5-1080 through 1084 for specific provider and program requirements, and reimbursement methodology.

PART 109. DIABETES SELF-MANAGEMENT TRAINING

317:30-5-1080. Definitions

The following words or terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

"AADE" means American Association of Diabetes Educators.

"ADA" means American Diabetes Association.

"CDE" means certified diabetes educator.

"DSMT" means diabetes self-management training.

"OAC" means Oklahoma Administrative Code.

"OHCA" means Oklahoma Health Care Authority.

"Qualified non-physician provider" means a physician assistant or advanced practice registered nurse.

317:30-5-1081. Eligible providers and requirements

(a) Eligible DSMT providers include any of the following professionals:

(1) A registered dietician (RD) who is licensed and in good standing in the state in which s/he practices, and who is:

(A) Certified as a CDE; and

(B) Fully contracted with SoonerCare as a CDE provider.

(2) A registered nurse (RN) who is licensed and in good standing in the state in which s/he practices, and who is:

(A) Certified as a CDE; and

(B) Fully contracted with SoonerCare as a CDE provider.

(3) A pharmacist who is licensed and in good standing in the state in which s/he practices, and who is:

(A) Certified as a CDE; and

(B) Fully contracted with SoonerCare as a CDE provider.

(b) In order to receive Medicaid reimbursement for DSMT services, professional service groups, outpatient hospitals, Indian Health Services, Tribal Programs and Urban Indian Clinics (I/T/Us), Rural Health Clinics (RHCs), and Federally Qualified Health Centers (FQHCs) must have a DSMT program that meets the quality standards of one (1) of the following accreditation organizations:

- (1) The ADA; or
- (2) The AADE.

(c) All DSMT programs must adhere to the national standards for diabetes self-management education.

- (1) Each member of the instructional team must:
 - (A) Be a CDE; or
 - (B) Have documentation of at least fifteen (15) hours of recent diabetes education or diabetes management experience.
- (2) At a minimum, every instructional team must consist of at least one (1) of the CDE professionals listed in subsection a, above.

(d) All members of the instructional team must obtain the nationally recommended annual continuing education hours for diabetes management.

317:30-5-1082. Scope of services

(a) **General provisions.** The OHCA covers medically necessary DSMT services when all the following criteria are met:

- (1) The member has been diagnosed with diabetes by a physician or qualified non-physician provider working within the scope of his/her licensure;
- (2) The services have been ordered by a physician or qualified non-physician provider who is actively managing the member's diabetes;
- (3) The services are provided by a qualified DSMT provider [Refer to OAC 317:30-5-1081(b)(2)]; and
- (4) The program meets the current ADA or ADE training standards.

(b) **Training.** DSMT services shall provide one (1) initial assessment per lifetime. Initial DSMT shall be comprised of up to ten (10) hours [can be performed in any combination of thirty (30) minute increments] of diabetes training within a consecutive twelve (12) month period beginning with the initial training date, including:

- (1) One (1) hour of individual instruction, consisting of face-to-face encounters between the CDE and the member; and
- (2) Nine (9) hours of group instruction.

(c) **Follow-up DSMT.** After the first twelve (12) month period has concluded, members shall only be eligible for two (2) hours of individual or group DSMT instruction per calendar year.

(d) **Referral.** The physician or qualified non-physician provider managing the member's diabetes must submit a DSMT order that includes:

- (1) Diabetes diagnosis;
- (2) Plan of care;
- (3) Number of initial or follow-up hours needed;
- (3) Expected health outcomes; and

(4) Any identified barriers that would require individualized member education.

317:30-5-1083. Coverage by category

The purpose of DSMT services must be to provide the member with the knowledge, skill, and ability necessary for diabetes self-care.

- (1) **Adults.** Payment is made for medically necessary DSMT provided by a registered nurse (RN), registered dietitian (RD), or pharmacist certified as a diabetes educator, as described in OAC 317:30-5-1081. Refer to OAC 317:30-5-1082 for units of DSMT training allowed.
- (2) **Children/adolescents.** Payment is made for medically necessary DSMT for members under twenty-one (21) years of age provided by a RN, RD, or pharmacist certified as a diabetes educator, as described in OAC 317:30-5-1081. DSMT coverage for children is the same as for adults. Additional DSMT services may be covered under EPSDT provisions if determined to be medically necessary.

317:30-5-1084. Reimbursement methodology

SoonerCare shall provide reimbursement for DSMT services as follow:

- (1) Payment shall be made to fully-contracted providers. If the rendering provider operates through an enrolled SoonerCare provider, or is contracted to provide services by an enrolled SoonerCare provider, payment may be made to that enrolled SoonerCare provider.
- (2) Reimbursement for DSMT services is only made on a fee-for-service basis. The maximum allowable fee for a unit of service has been determined by OHCA to be a reasonable fee, consistent with efficiency, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charges, consistent with the provider's usual and customary charge to the general public for the service, or the maximum allowable per unit of service.

[OAR Docket #20-29; filed 1-13-20]

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

[OAR Docket #20-31]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacies
317:30-5-77.2 [AMENDED]
317:30-5-77.3 [AMENDED]
317:30-5-77.4 [NEW]
(Reference APA WF # 19-19B)

Emergency Adoptions

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Senate Bill (SB) 509

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, 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 new rules and revisions to its current policy, in order to avoid violation of State law. The approval of the Step Therapy Exception Process emergency rule would allow the Oklahoma Health Care Authority (OHCA) to comply with Oklahoma Senate Bill (SB) 509, which directed the OHCA to revise current step therapy protocols for medications approved by the Drug Utilization Review (DUR) Board; provide for exceptions to the step therapy protocol; and establish an appeals process for step therapy exception requests that have been denied.

GIST/ANALYSIS:

These emergency revisions are necessary to comply with SB 509 requirements. The proposed emergency revisions will allow SoonerCare members, in appropriate cases, to be exempted from the step therapy protocol, ensuring more immediate access to medications prescribed by their doctor.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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 5. PHARMACIES

317:30-5-77.2. Prior authorization

(a) **Definition.** The term prior authorization in pharmacy means an approval for payment by ~~OHCA~~ the Oklahoma Health Care Authority (OHCA) to the pharmacy before a prescription is dispensed by the pharmacy. An updated list of all products requiring prior authorization is available at the agency's website.

(b) **Process.** Because of the required interaction between a prescribing provider (such as a physician) and a pharmacist to receive a prior authorization, OHCA allows a pharmacist up to thirty (30) calendar days from the point of sale notification to provide the data necessary for OHCA to make a decision regarding prior authorization. Should a pharmacist fill a prescription prior to the actual authorization he/she takes a business risk that payment for filling the prescription will be denied. In the case that information regarding the prior

authorization is not provided within the thirty (30) days, claims will be denied.

(c) **Documentation.** Prior authorization petitions with clinical exceptions must be mailed or faxed to the Medication Authorization Unit of OHCA's contracted prior authorization processor. Other authorization petitions, claims processing questions and questions pertaining to ~~DUR~~ Drug Utilization Review (DUR) alerts must be addressed by contacting the pharmacy help desk. Authorization petitions with complete information are reviewed and a response returned to the dispensing pharmacy within twenty-four (24) hours. Petitions and other claim forms are available on the OHCA public website.

(d) **Emergencies.** In an emergency situation, the OHCA will authorize a seventy-two (72) hour supply of medications to a member. The authorization for a seventy-two (72) hour emergency supply of medications does not count against the SoonerCare limit described in OAC 317:30-5-72(a)(1).

(e) **Utilization and scope.** There are three (3) reasons for the use of prior authorization: utilization controls, scope controls and product based controls. ~~Product based prior authorizations is~~ Product-based prior authorizations, including step therapy protocols as defined by Title 63 of the Oklahoma Statutes (O.S.) § 7310(A)(4), are covered in OAC 317:30-5-77.3. The ~~Drug Utilization Review~~ DUR Board recommends the approved clinical criteria and any restrictions or limitations.

(1) **Utilization controls.** Prior authorizations that fall under this category generally apply to the quantity of medication or duration of therapy approved.

(2) **Scope controls.** Scope controls are used to ensure a drug is used for an approved indication and is clinically appropriate, medically necessary and cost effective.

(A) Medications which have been approved by the FDA for multiple indications may be subject to a scope-based prior authorization when at least one (1) of the approved indications places that drug into a therapeutic category or treatment class for which a prior authorization is required. Prior authorizations for these drugs may be structured as step therapy or a tiered approach as recommended by the ~~Drug Utilization Review~~ DUR Board and approved by the OHCA ~~Board of Directors~~.

(B) Prior authorization may be required to assure compliance with FDA approved and/or medically accepted indications, dosage, duration of therapy, quantity, or other appropriate use criteria including pharmacoeconomic consideration.

(C) Prior authorization may be required for certain non-standard dosage forms of medications when the drug is available in standard dosage forms.

(D) Prior authorization may be required for certain compounded prescriptions if the allowable cost exceeds a predetermined limit as published on the agency's website.

317:30-5-77.3. Product-Based Prior Authorization Product-based prior authorization (PBPA)

The Oklahoma Health Care Authority utilizes a prior authorization system subject to their authority under 42 U.S.C. 1396r-8 and 63 O.S. 5030.3(B). The prior authorization program is not a drug formulary which is separately authorized in 42 U.S.C. 1396r-8. Drugs are placed into two or more tiers based on similarities in clinical efficacy, side effect profile and cost effectiveness after recommendation by the Drug Utilization Review Board and approved by the OHCA Board of Directors. Drugs placed in tier number one generally require no prior authorization. Drugs placed in any tier other than tier number one may require prior authorization.

(1) Three general exceptions exist to the requirement of prior authorization:

- (A) inadequate response to one or more tier one products,
- (B) a clinical exception for a certain product in the particular therapeutic category, or
- (C) the manufacturer or labeler of a product may opt to participate in the state supplemental drug rebate program to move a product from a higher tier to a lower tier which will remove or reduce the prior authorization requirement for that product.

(i) After a drug or drug category has been added to the Prior Authorization program, OHCA or its contractor may establish a cost effective benchmark value for each therapeutic category or individual drug. The benchmark value may be calculated based on an average cost, an average cost per day, a weighted average cost per day or any other generally accepted economic formula. A single formula for all drugs or drug categories is not required. Supplemental rebate offers from manufacturers which are greater than the minimum required supplemental rebate will be accepted and may establish a new benchmark rebate value for the category.

(ii) Manufacturers of products assigned to tiers number two and higher may choose to pay a supplemental rebate to the state in order to remove or reduce a prior authorization requirement on their product or products assigned to the higher tier.

(iii) Supplemental rebate agreements shall be in effect for one year and may be terminated at the option of either party with a 60 day notice. Supplemental rebate agreements are subject to the approval of CMS. Termination of a Supplemental Rebate agreement will result in the specific product reverting to the previously assigned higher tier in the PBPA program.

(iv) The supplemental unit rebate amount for a tier two or higher product will be calculated by subtracting the federal rebate amount per unit from the benchmark rebate amount per unit.

(v) Supplemental rebates will be invoiced concurrent with the federal rebates and are subject to

the same terms with respect to payment due dates, interest, and penalties for non payment as specified at 42 U.S.C. Section 1396r-8. All terms and conditions not specifically listed in federal or state law shall be included in the supplemental rebate agreement as approved by CMS.

(vi) Drugs or drug categories which are not part of the Product Based Prior Authorization program as outlined in 63 O.S. Section 5030.5 may be eligible for supplemental rebate participation. The OHCA Drug Utilization Review Board shall recommend supplemental rebate eligibility for drugs or drug categories after considering clinical efficacy, side effect profile, cost effectiveness and other applicable criteria.

(2) All clinical exceptions are recommended by the Drug Utilization Review Board and demonstrated by documentation sent by the prescribing physician and/or pharmacist.

The Oklahoma Health Care Authority (OHCA) utilizes a PBPA system pursuant to its authority under 42 United States Code (U.S.C.) Section 1396r-8 and Title 63 of the Oklahoma Statutes (O.S.) § 5030.3(A). The PBPA program, which includes step therapy protocols as defined in 63 O.S. § 7310(A)(4), is not a drug formulary, which is separately authorized in 42 U.S.C. § 1396r-8. In the PBPA system, drugs are placed into two (2) or more tiers based on similarities in clinical efficacy, side-effect profile, and cost-effectiveness, after recommendation by the Drug Utilization Review (DUR) Board and approval by the OHCA Board. Drugs placed in tier one (1) generally require no prior authorization; however, drugs placed in any tier may be subject to prior authorization.

(1) Exceptions to the requirement of prior authorization shall be granted based upon a properly-supported justification submitted by the prescribing provider demonstrating one (1) or more of the bases for exception identified in Oklahoma Administrative Code (OAC) 317:30-5-77.4(b)(3).

(2) The manufacturer or labeler of a product may opt to participate in the state supplemental drug rebate program to move a product from a higher tier to a lower tier which will remove or reduce the prior authorization requirement for that product. Supplemental rebate negotiations are done through Sovereign States Drug Consortium (SSDC); a multi-state purchasing pool.

(A) Supplemental rebate agreements shall be in effect for one (1) year and may be terminated at the option of either party with a sixty (60) day notice. Supplemental rebate agreements are subject to the approval of the Centers for Medicare and Medicaid Services (CMS). Termination of a supplemental rebate agreement will result in the specific product reverting to the previously assigned higher tier in the PBPA program.

(B) Drugs or drug categories which are not part of the PBPA program as outlined in 63 O.S. § 5030.5 may be eligible for supplemental rebate participation.

Emergency Adoptions

The OHCA DUR Board may recommend supplemental rebate eligibility for drugs or drug categories after considering clinical efficacy, side effect profile, cost-effectiveness, and other applicable criteria.

317:30-5-77.4. Step therapy exception process

(a) Definitions.

(1) "Exigent circumstances" means circumstances in which a delay in receiving a prescription drug will jeopardize the member's life or health or ability to attain, maintain, or regain maximum function.

(2) "Step therapy" or "step therapy protocol" means a protocol or program that establishes a specific sequence in which prescription drugs for a specified medical condition that are medically appropriate for a particular patient are covered by Medicaid. Step therapy protocols are based upon the recommendation of the Drug Utilization Review (DUR) Board, as approved by the Oklahoma Health Care Authority (OHCA) Board.

(3) A "step therapy exception" means the process by which a step therapy protocol is overridden in favor of immediate coverage of a SoonerCare provider's selected prescription drug.

(b) Process. The step therapy exception process shall be initiated by a SoonerCare provider on behalf of a SoonerCare member. An exception can be requested following a denial of a prior authorization request for the specified prescription drug(s), or can be requested at the outset. In either case, the provider shall:

(1) Submit the exception request using the step therapy exception request form, which is available on the OHCA website and/or provider portal; and

(2) Submit with the step therapy exception request form, documentation or other information adequate to support the medical necessity for overriding the otherwise-applicable step therapy protocol for the particular prescription drug.

(3) A properly-supported step therapy exception request will be granted if it demonstrates that any of the following circumstances exists:

(A) The required prescription drug is contraindicated or will likely cause an adverse reaction or physical or mental harm to the patient;

(B) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug;

(C) The patient has tried the required prescription drug while under the patient's current or a previous health insurance plan and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event;

(D) The required prescription drug is not in the best interest of the patient, based on medical necessity; or

(E) The patient is stable on a prescription drug selected by the patient's healthcare provider for the medical condition under consideration while on the patient's current or a previous health insurance plan.

(4) The OHCA or its contractor or designee may request additional information that is reasonably necessary to determine whether a step therapy exception request should be granted, as provided by Oklahoma law.

(c) Notification.

(1) The OHCA or its contractor or designee shall respond to any step therapy exception request within seventy-two (72) hours of the submission of a completed and properly-supported request. For exigent circumstances, the OHCA shall respond to the exception request within twenty-four (24) hours of receipt. Provided, however, that if the timeframe for response ends on a weekend, or on any other day the OHCA is closed or closes early, including, but not limited to, legal holidays as defined by 25 O.S. § 82.1, the timeframe for response shall run until the close of the next full business day. Any exception request not responded to within this timeframe shall be deemed granted.

(2) The OHCA shall respond to a request for a step therapy exception by:

(A) Notifying the provider that the request is approved;

(B) Notifying the provider that the request is not approved based on medical necessity;

(C) Notifying the provider that the medical necessity of the requested exception cannot be approved or denied as a result of missing or incomplete documentation or information necessary to approve or disapprove the request;

(D) Notifying the provider that the member is no longer eligible for coverage; or

(E) Notifying the provider that the step therapy exemption request cannot be processed because it was not properly submitted using the required form.

(3) The rejection of a step therapy exception request based upon missing or incomplete documentation or other information, or because it was not properly submitted using the required form is not a denial, and shall not be subject to further appeal. It must, instead, be resubmitted as a new request for exception pursuant to this rule before it will be considered for approval.

(d) Appeal. If a step therapy exception request is denied, an appeal may be initiated by the member within thirty (30) days of the denial pursuant to Oklahoma Administrative Code (OAC) 317:2-1-18.

[OAR Docket #20-31; filed 1-13-20]

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

[OAR Docket #20-30]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. Pharmacies
317:30-5-86 [AMENDED]
(Reference APA WF # 19-18)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 USC § 1396a(oo)

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, 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 revisions to its current policy, in order to avoid violation of federal law. The approval of the HR6 Opioid Standards and Drug Utilization Review (DUR) Requirements emergency rule would allow the Oklahoma Health Care Authority (OHCA) to comply with the newly-required DUR activities in Section 1396a(oo) of Title 42 of the United States Code. The newly-required DUR activities include: the implementation of opioid safety edits at the point-of-sale; a claims review automated process that monitors concurrent use of opioid(s) with benzodiazepine(s) and/or anti-psychotic(s); a program to monitor the use of antipsychotic medication by members aged 18 and younger, including foster children, for safety and appropriate utilization; and a process to identify potential fraud or abuse of controlled substances by members, prescribers, and pharmacies.

GIST/ANALYSIS:

These emergency revisions are necessary to comply with federal law requirements and to build on existing State activities to encourage the appropriate use, prescribing, and dispensing of opioid medications.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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 5. PHARMACIES

317:30-5-86. Drug Utilization Review (DUR) Program

~~(a) OHCA is authorized by federal statute to conduct prospective and retrospective review of pharmacy claims to insure that prescriptions are:~~

- ~~(1) appropriate,~~
- ~~(2) medically necessary, and~~
- ~~(3) not likely to result in adverse medical results.~~

~~(b) OHCA is authorized to use this program to educate physicians, other prescribers, pharmacists, and patients and also to conserve program funds and personal expenditures and prevent fraud, abuse and misuse of prescriptions.~~

~~(c) OHCA utilizes a DUR Board managed by an outside contractor to review and analyze clinical and economic data~~

available. The DUR Board reviews and makes recommendations based on predetermined standards submitted to them by the OHCA contractor(s) and, in concert with the retrospective review of claims data, makes recommendations for educational interventions, prospective DUR and the prior authorization process.

(a) The Oklahoma Health Care Authority (OHCA) Drug Utilization Review (DUR) program is authorized by regulations contained in the Omnibus Budget Reconciliation Act of 1990 (OBRA 90) to conduct prospective and retrospective review of pharmacy claims to ensure that prescriptions are:

- (1) Appropriate;
- (2) Medically necessary; and
- (3) Not likely to result in adverse medical results.

(b) The OHCA is authorized to use this program to educate physicians, other prescribers, pharmacists, and patients and also to conserve program funds and personal expenditures and prevent fraud, abuse, and misuse of prescriptions.

(c) The OHCA utilizes a DUR Board managed by an outside contractor to review and analyze clinical and economic data available. The DUR Board reviews and makes recommendations based on predetermined standards submitted to it by the OHCA contractor(s) and, in concert with the retrospective review of claims data, makes recommendations for educational interventions, prospective DUR, and the prior authorization process.

(d) The DUR Board assesses data on drug use in accordance with predetermined standards, including, but not limited to:

- (1) Monitoring for therapeutic appropriateness;
- (2) Overutilization and underutilization;
- (3) Appropriate use of generic products;
- (4) Therapeutic duplication;
- (5) Drug-disease contraindications;
- (6) Drug-drug interaction;
- (7) Incorrect drug dosage or duration of drug treatment;
- and
- (8) Clinical abuse or misuse.

(e) The DUR Board is comprised of ten (10) members that are appointed according to 63 O.S. § 5030.1. DUR Board members with a conflict of interest with respect to OHCA, Medicaid members, and/or pharmaceutical manufacturers must recuse themselves/abstain from voting on any DUR actions related to the conflict of interest.

(f) The DUR program shall adhere to the provisions of Section 1396a(oo) of Title 42 of the United States Code.

(1) The OHCA has implemented the following claims review requirements:

(A) Opioid safety edits at the point-of-sale, including, but not limited to, day supply, early refills, duplicate fills, quantity limitations, and maximum daily morphine milligram equivalent (MME) safety edits. MME safety edits will automatically decline reimbursement of prescription drugs that exceed an established daily MME limit.

(B) Claims review automated process that monitors concurrent use of opioid(s) with benzodiazepine(s) and/or antipsychotic(s).

Emergency Adoptions

(C) The prescriptions in (A) and (B) may be reimbursed upon a showing of medical necessity, as evidenced by a prior authorization approved by OHCA or its designee or contractor.

(2) The OHCA has implemented a program to monitor the appropriate use of antipsychotic prescribing for children/adolescents. The OHCA, or its contractor or designee, regularly reviews a sample of all antipsychotics prescribed to members aged eighteen (18) and younger, including, but not limited to, foster children, that were reimbursed by Medicaid, for safety and appropriate utilization.

(3) The OHCA has implemented a process to identify potential fraud or abuse of controlled substances by members, pharmacies, and prescribing clinicians.

(g) All prescribing clinicians and/or pharmacists shall adhere to appropriate prescribing practices that are consistent with state and federal regulations or may be subject to agency review processes, audits, recoupment, and/or termination of Medicaid contracts [refer to the Oklahoma Administrative Code (OAC), including, but not limited to, 317:30-3-2.1, 317:30-3-19.5, 317:30-3-33, and 317:30-5-70.1].

[OAR Docket #20-30; filed 1-13-20]

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

[OAR Docket #20-32]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 6. SoonerCare for Pregnant Women and Families with Children

Part 5. Determination of Eligibility for SoonerCare Health Benefits for Pregnant Women and Families with Children

317:35-6-45 [NEW]

(Reference APA WF # 19-09)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

ADOPTION:

November 20, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

January 6, 2020

EXPIRATION:

Effective through September 14, 2020, 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 SoonerCare eligibility policy in order to avoid violation of federal law or regulation or other state law.

GIST/ANALYSIS:

These emergency revisions are necessary in order to comply with recent changes to federal law. H.R. 6, SUPPORT for Patients and Communities Act became Public Law No. 115-271 effective October 24, 2018. The law is

also known as the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act. The law amended Section 1902 of the Social Security Act [42 U.S.C. 1396a(a)(84)]. Section 1001 of the law prohibits termination of Medicaid eligibility for two groups of individuals, whenever those individuals become inmates of a public institution: persons under age twenty-one (juveniles); or

former foster care youth (aged out of foster care) under age twenty-six.

Instead of having their eligibility terminated, their eligibility will be suspended for the duration of the incarceration. The suspension will be removed for periods of inpatient services described in the paragraph below. Current OHCA policy, which states that SoonerCare will only pay for services rendered to the individuals specified above while he or she are inmates of a public institution and he or she are admitted inpatient and he or she meets all eligibility requirements, remains in effect with no change. Prior to release from custody, a redetermination of eligibility based on information known to OHCA will be conducted, without requiring a new application. Eligibility will be restored to the date the inmate is released from custody, if the individual meets all other eligibility requirements. The process of restoring SoonerCare eligibility will involve collaboration between the OHCA, Oklahoma Department of Human Services, Oklahoma Office of Juvenile Affairs, and the Oklahoma Department of Corrections.

CONTACT PERSON:

Sandra Puebla, 405-522-7270, Sandra.Puebla@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 6. SOONERCARE FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN

PART 5. DETERMINATION OF ELIGIBILITY FOR SOONERCARE HEALTH BENEFITS FOR PREGNANT WOMEN AND FAMILIES WITH CHILDREN

317:35-6-45. Eligibility for inmates

(a) The Oklahoma Health Care Authority (OHCA) shall receive applications from and make eligibility determinations for individuals residing in correctional institutions, including juvenile facilities. However, the SoonerCare program will only pay for services rendered to individuals residing in a correctional institution as specified in Oklahoma Administrative Code (OAC) 317:35-5-26.

(b) In accordance with federal law, including, but not limited to, 42 United States Code (U.S.C.) § 1396a(a)(84), individuals residing in correctional institutions who are under the age of twenty-one (21) or who meet the former foster care child requirements found at OAC 317:35-5-2, shall have their eligibility suspended for the duration of the incarceration period, except for periods of time that inpatient services are provided as specified in OAC 317:35-5-26.

(c) The effective date of the suspension is the calendar day following the date on which an individual described in (b) of this section becomes incarcerated,

(d) A redetermination of eligibility for an individual described in (b) of this section shall be conducted prior to release to determine if the individual continues to meet the eligibility

requirements for SoonerCare. A new application will not be required to redetermine eligibility.

(e) Suspended eligibility shall be restored to the release date after a redetermination of eligibility, when:

(1) The Oklahoma Department of Human Services (DHS), using the release date supplied by the Oklahoma Office of Juvenile Affairs (OJA) or the Oklahoma Department of Corrections (DOC), removes the suspension;

(2) The individual reports his or her release to the Oklahoma Health Care Authority (OHCA) within ten (10) calendar days of the release date; or

(3) The individual reports his or her release to OHCA more than ten (10) calendar days from the release date, and there is good cause for the delay in reporting.

[OAR Docket #20-32; filed 1-13-20]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 35. THE OKLAHOMA FILM AND MUSIC OFFICE**

[OAR Docket #20-41]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 1. Oklahoma Film Enhancement Rebate Program
- 725:35-1-1. Purpose [AMENDED]
- 725:35-1-2. Definitions [AMENDED]
- 725:35-1-3. Program requirements and qualification [AMENDED]
- 725:35-1-4. ~~Items not Eligible for rebate~~Qualifying Oklahoma expenditures [AMENDED]
- 725:35-1-5. ~~Procedures for Submission and review of rebate claims~~Oklahoma Expatriate Crew Program [AMENDED]

AUTHORITY:

74 O.S. § 2204; Executive Director of the Oklahoma Tourism and Recreation Department

ADOPTION:

December 19, 2019

EFFECTIVE:

Effective immediately upon Governor's approval

APPROVED BY GOVERNOR:

December 20, 2019

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

These emergency changes to the above cited Administrative Rules are necessary to avoid violation of state law and avoid serious prejudice to the public interest by reflecting changes in the statutes regarding High-Impact Productions and other needed changes.

GIST/ANALYSIS:

The purpose of the proposed emergency amendments is to ensure that the amended rules include the expanded provisions of High Impact Productions and related issues to the statutory changes.

CONTACT PERSON:

Brett Thomas (405) 522-9575, Brett.Thomas@TravelOK.com

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE

UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 1. OKLAHOMA FILM ENHANCEMENT REBATE PROGRAM

725:35-1-1. Purpose

~~The purpose of the Oklahoma Film Enhancement Rebate Program (Program) is to create a new an incentive program to attract film and television production to the state build a film industry in the state.~~ In accordance with 68 O.S. § 3624, this Program shall be administered by the Oklahoma Tax Commission and Office of the Oklahoma Film and Music Commission (OFMO), which is created within the Oklahoma Tourism and Recreation Department pursuant to 74 O.S. § 2236.

725:35-1-2. Definitions

- (a) ~~"Application" refers to the Application of Eligibility for Rebate Programs.~~
- (b) ~~"Director" refers to the Director of the Oklahoma Film and Music Office.~~
- (c) ~~"Rebate" is defined as a certain percentage (defined in 68 O.S. § 3624) of production costs incurred in Oklahoma directly attributable to the production of a film in this state if the OFMO determines that the proposed project has a reasonable chance of economic success.~~
- (d) ~~"Principal photography" is defined by the filming of major or significant components of a movie which involve lead actors.~~
- (e) ~~"Production board" is a scheduling device that breaks every scene by location, by day and night, and by interior or exterior.~~
- (f) ~~"Rebate claim" is defined as the documentation of production costs incurred in Oklahoma and submitted in compliance with the requirement of this Program.~~

In addition to terms defined in 68 O.S. § 3623, the following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

"Above the Line Personnel (ATL)" means, as defined in 68 O.S. § 3623, namely individuals hired or credited on screen for the Production as producers (all levels), principal cast (SAG Schedule F/Run of Show or equivalent), screenwriters and the Film director(s).

"Application Estimate" means the estimated QOE submitted to OFMO 60 calendar days before the start of Principal Photography.

"ATL Limitation" means up to twenty-five percent (25%) of total Qualifying Oklahoma Expenditures (QOE, see Section 725:35-1-4).

"Crew" means, as defined in 68 O.S. § 3623, namely persons who work on the Production who are not ATL (also known in the industry as "below-the-line" personnel).

"Documented expenditures" means, as referred to in 68 O.S. § 3624.A., means QOE as described in Section 725:35-1-4 below.

Emergency Adoptions

"Eligibility Application" means the Application of Eligibility for the Program. If the application is approved by OFMO, a Film is "Pre-Qualified."

"Final Application" means the package submitted to OFMO documenting all requirements have been completed and the Production Company is requesting payment of a Rebate Claim.

"Fiscal Earmark Year" means the fiscal year to which payment of potential Rebate Claims is assigned.

"High-Impact Production" means a Production that meets the requirements of 68 O.S. § 3623 and is so designated by the Oklahoma Tourism and Recreation Department (OTRD) Executive Director.

"Loan Out Company" means a legal entity (i.e., corporation, partnership or limited liability company) used by ATL and Crew to contract their services to the Production.

"Loan-Out Limitation" means up to twenty-five percent (25%) of Salary Costs for Oklahoma-Based Crew [as defined in Section 725:35-1-4(a)]. The OTRD Executive Director may, in their discretion, specify a different percentage for High Impact Productions.

"Oklahoma-Based" means a natural person that files (or is legally claimed as a dependent on) an Oklahoma resident tax return, or a business entity registered and in good standing as a Domestic entity with the Oklahoma Secretary of State and that files an Oklahoma income tax return.

"Oklahoma Expatriate" means a person who previously resided for at least one year, but does not currently reside, in the state of Oklahoma.

"Oklahoma Loan Out Company" means a Loan-Out Company with an active registration to do business in the state of Oklahoma as a domestic or foreign entity and that either reports payments received for the Production as Oklahoma earnings for the artist on an IRS Form W-2 or is considered a disregarded entity for federal income tax purposes.

"Oklahoma Resident" means a person who is a resident under the Oklahoma Tax Code at the time of hire.

"Oklahoma Vendor" means a seller, renter or lessor of goods or services who charges Oklahoma sales tax under an Oklahoma Sales Tax Permit on taxable transactions and is either:

- (A) Oklahoma-Based; or
- (B) a foreign business entity with an active registration to do business in Oklahoma and a physical Oklahoma location for transacting business.

"Payroll Burden" means employer-paid taxes (e.g., FICA, Medicare and unemployment insurance) and payroll-associated payments made on a specific employee's behalf by law or collective labor bargaining agreement (e.g., union dues and union fringes). Payroll Burden also includes the employer-paid portion of health insurance for an employee, provided such insurance was paid to an Oklahoma-Based insurance company or obtained through a licensed Oklahoma insurance broker.

"Per Diem" means fixed payments made to Crew and ATL in lieu of reimbursement for lodging/housing, meals and incidentals, up to a maximum of the Per Diem Rate allowed for

the applicable location and date in the U.S. General Services Administration Per Diem Rates.

"Pre-Qualified" means a Film whose Eligibility Application has been approved by OFMO.

"Principal Photography" means the filming of significant components of a Film which involve principal cast or, in the case of Films that do not involve live actors, the beginning of substantive work on the animation or graphics that form the Film's primary visual story.

"Production" means a project to make a Film.

"Production Budget" means the total budgeted cost of the Production.

"Production Company" means as defined in 68 O.S. § 3623, more specifically the legal entity responsible for the Production. Eligibility and Final Applications will be submitted by the Production Company and, unless previously agreed to in writing by OFMO, payment of approved Rebate Claims will be made to the Production Company.

"Proof of Funding" means demonstration in a form acceptable to OFMO that a Production has or will have funding in place to cover the Production's budget. Acceptable forms will be specifically approved by OFMO, but could include a letter of intent from a recognized industry financier, written verification of dedicated deposits in a recognized financial institution or a letter of credit from an acceptable guarantor.

"Rebate" means the percentage defined in 68 O.S. § 3624 of QOE.

"Rebate Claim" means the formal request for OFMO to issue a rebate under the Program. Only one Rebate Claim shall be processed per Production.

"Rebate Schedule" means a schedule of dates, deadlines and submittals the Production must achieve to submit the Final Application and have its Rebate Claim approved.

"Salary Costs" means those salaries and wages designated as Oklahoma earnings on payroll records, along with the associated Payroll Burden, Per Diem and Housing Allowance.

"Scouting Expenses" means costs incurred to identify locations, Crew, facilities, services and equipment to be used in the Production.

"Start of Pre-Production" means the opening of an Oklahoma office for the Production, or incurring (QOE) other than Scouting Expenses, or otherwise commencing business on the Production in Oklahoma other than scouting.

725:35-1-3. Program requirements and qualification

(a) ~~Production companies cannot use this Program in addition to the sales tax rebate provided in Title 68, Section 3624 of the Oklahoma Statutes.~~

(b) ~~Production companies shall provide an affidavit as required by law.~~

(c) ~~The following is a list of qualifying Oklahoma expenditures:~~

- (1) ~~Above and below the line wages or salaries paid to Oklahoma residents~~
- (2) ~~Wages or salaries paid to Oklahoma Expatriates (as described in item (d) below)~~

- (3) Salaries for resident and non resident above the line personnel paid to loan out corporations or limited liability companies registered to do business with the Oklahoma Secretary of State's Office. No more than Twenty five percent (25%) of total rebated amount can be comprised of qualifying above the line salaries
- (4) Underlying rights for screenplay and novels paid to an Oklahoma entity or individuals with an Oklahoma tax liability (also subject to the 25% cap detailed above)
- (5) The cost of construction and operations, wardrobe, accessories and related services procured in Oklahoma or paid to an Oklahoma company
- (6) The cost of photography, sound synchronization, lighting and related services
- (7) Rental of facilities and equipment paid to an Oklahoma company
- (8) Other direct costs of pre production, production and post production of a film to include:
- (A) Location scouting expenditures made in Oklahoma
 - (B) Employer paid payroll taxes for Oklahoma employees, including SUI, FUI, FICA, and Workers Comp
 - (C) Union fringe paid to Oklahoma crew
 - (D) Shipping and postage for packages originating within Oklahoma
 - (E) Hotel costs
 - (F) Completion bonding if utilizing an Oklahoma based company
 - (G) Production insurance if utilizing an Oklahoma based company
 - (H) The purchase of airline tickets for the purposes of location scouting and production of the film if utilizing an Oklahoma based travel agency
 - (I) Per Diem paid to cast and crew for Oklahoma filming dates
 - (J) Third party audits conducted by pre certified Oklahoma accounting firms
- (d) Oklahoma Expatriate Program: Included in the definition of qualifying "crew" are wages and salaries paid to an individual registered as an Oklahoma Expatriate by the Oklahoma Film & Music Office. The Expatriate roster consists of Oklahoma below the line crew not currently residing in Oklahoma, who have pre registered with the Oklahoma Film & Music Office, by first meeting all requirements. That roster will be made available to producers in an effort to supplement Oklahoma's existing crew base.
- (1) If a producer chooses to hire one of the qualifying crew members whose name appears on that roster, wages and salaries paid to that person will qualify as an Expenditure or Production Cost and count towards the minimum requirement of Twenty five Thousand (\$25,000) in Oklahoma expenditures.
 - (2) Before rebate payment can be made, producer must provide proof to the Oklahoma Film & Music Office that the individual has filed (or has agreed in writing to file) an Oklahoma income tax return for the year services were rendered on the production to the Oklahoma Film & Music Office.
 - (3) A further requirement is that in exchange for utilizing a crew member from the Expatriate Roster as a qualifying local expenditure, the production must accept assignment of an intern provided by an Oklahoma institution of higher education or Career Tech for an agreed upon length of time during the course of the production (to be assigned to the expatriate or other appropriate personnel).
 - (e) Third Party Audit Requirement: In order to be eligible to receive rebate monies, the production must retain the services of an independent certified public accountant to serve as a Third Party Auditor. In order for this to be a rebatable expenditure, the production must appoint a Third Party Auditor who is licensed to do business in the state of Oklahoma and who shall not be related to the producer. The Director of the Oklahoma Film & Music Office must be provided with the name, address and telephone number of the independent auditor proposed by the producer in order to make contact with the auditor prior to beginning the audit. The audit shall be performed in accordance with auditing standards generally accepted in the United States of America and the auditor shall have sufficient knowledge of accounting principles and practices generally recognized in the film and television industries. The auditor shall present a final report based upon agreed upon procedures:
 - (1) Only actual paid expenditures clearly and demonstrably in Oklahoma for the qualified production may be recorded and certified as direct production expenses or qualified personnel expenditures.
 - (2) The costs to be recorded are actual costs and shall not include any mark ups or profit additions. These costs must be made in Oklahoma; must be directly attributable to the production or distribution of the qualified production which is the subject of the Oklahoma Film Enhancement Rebate Program; and must be subject to taxation in Oklahoma.
 - (3) The cost report must be in US dollars and the period during which the expenditures were incurred must be disclosed.
 - (4) It is the eligible production company's responsibility to ensure that all of the required information is provided.
 - (5) For payments made to loan out companies or limited liability companies, the auditor must verify that the loan out or LLC is registered with the Oklahoma Secretary of State's Office to do business in the state of Oklahoma.
 - (6) Auditor must ensure that salaries for both resident and non resident above the line personnel paid to loan out corporations or limited liability companies registered to do business in Oklahoma do not comprise more than Twenty five percent (25%) of the total amount being submitted for rebate.
 - (f) End Credit Requirement: The following screen credit and the current Oklahoma Film and Music Office logo or written confirmation thereof must be included in the end credit crawl of all release prints of a completed short or long form film: "Filmed in Oklahoma utilizing the Oklahoma Film Enhancement Rebate Program."

Emergency Adoptions

(g) ~~Rebate Payout Timeline:— For expenditures made in FY10 (July 1, 2009— June 30, 2010) the rebate is payable on or after July 1, 2010 pursuant to the production meeting all requirements of the Oklahoma Film Enhancement Rebate Program. Thereafter, rebates will be paid out immediately after all requirements have been met with no fiscal year delay. Beginning July 1, 2010, and pending receipt of results and supporting documentation of Third Party Audit described in 2D, the Oklahoma Film & Music Office will approve or disapprove of all claims within a period of thirty (30) days. The Oklahoma Tax Commission shall, upon notification of approval from the Oklahoma Film & Music Office, issue payment for all approved claims.~~

(h) ~~When, Where and How to Apply for the Rebate:~~

~~(1) Applications must be submitted at least sixty (60) calendar days but no more than one hundred eighty (180) calendar days prior to the start of production. Applications submitted more than 180 calendar days or less than 60 days prior to the scheduled start of production will not be accepted.~~

~~(2) Applications must be submitted to The Oklahoma Film & Music Office, 120 N. Robinson Avenue, Suite 600, Oklahoma City, OK 73102. Phone: (405) 230-8440 Web-site: www.oklahomafilm.org~~

~~(3) Applicants must complete, sign and submit hard copies of all required forms, which are available from the Oklahoma Film and Music Office at the above address, or on line at www.oklahomafilm.org, and provide the latest version of the shooting script and production budget. Required forms are: Form A— Project Information; Form B— Application of Eligibility; Form C— Filming Permit; Form D— Statement of Budget; Form E— Expatriate Program Registration; Form F— Summary of Local Expenditures; Form G— Certification of Information; Form H— Confirmation of End Credit Inclusion; and Form I— Final Rebate Application.~~

~~(4) Applicants must schedule an interview to discuss their application with the Oklahoma Film & Music Office by calling (405) 230-8440. The meeting must be attended by a producer or a line producer, unit production manager or production accountant or their designee, subject to the approval of the Director of the Oklahoma Film & Music Office.~~

(i) ~~Notice of Pre Approval/Disapproval of Eligibility Application:~~

~~(1) If the Eligibility Application is approved, applicant will receive a letter of eligibility signed by the Director of the Oklahoma Film & Music Office listing the items provided on the application and any supporting documentation currently on file with the office along with the projected amount of rebate pending the production meeting all requirements under the Oklahoma Film Enhancement Rebate Program. At that point, the projected rebate amount, and only that specific amount, will be earmarked for the production, providing applicant meets all benchmarks in the application process.~~

~~(2) Receipt of the eligibility letter does not guarantee receipt of rebate monies. Final eligibility and the amount~~

~~of the rebate will be determined after submission and review of the final application, the results of a Third Party Audit, and all required supporting documentation.~~

~~(3) If the Eligibility Application is not approved, the Oklahoma Film & Music Office shall provide applicant with a notice of disapproval which shall state the reasons therefore.~~

~~(4) As specified in Oklahoma statute, no more than one (1) application per fiscal year per specific production (based on production title, script and budget) will be accepted.~~

(j) ~~Requirements after Principal Photography:~~

~~(1) No more than Ninety (90) calendar days after the payment of all Oklahoma expenditures, the production must submit the following to the Oklahoma Film & Music Office:~~

~~(A) Final Rebate Application (Form I)~~

~~(B) Final budget and signed statement of budget (Form D)~~

~~(C) Amount of wages and qualifying expenditures~~

~~(D) Final payroll report provided directly to the Oklahoma Film & Music Office from production payroll company~~

~~(E) Final cast and crew lists~~

~~(F) Daily production reports for all Oklahoma filming days~~

~~(G) Completed Summary of Local Expenditures (Form F)~~

~~(H) Final accounting ledger (all supporting documentation and receipts must be kept by the production company of record for a period of three (3) years)~~

~~(I) The production company has filed or will file any Oklahoma tax return or tax document which may be required by law~~

~~(J) Final production shooting schedule~~

~~(K) Results of Third Party Audit conducted by an accounting firm that has been mutually agreed upon in advance. Third Party Audit will be at the expense of the production. This is deemed a qualifying expenditure if certified Oklahoma accounting firm is used.~~

~~(L) Certification of Information, signed by producers and notarized before submission, stating among other things, that all information provided to the Oklahoma Film & Music Office for the purposes of qualifying for the Oklahoma Film Enhancement Rebate program are true and correct and that there are no unpaid salaries, invoices, reimbursements for damages or liens against the production entity in the State of Oklahoma. No rebate money will be released until this notarized documentation is on file with the Oklahoma Film & Music Office (Form G)~~

~~(M) End Credit Requirement as described in Item 2E~~

~~(2) Failure to provide the final information according to the time frame provided above may result in a loss of the credit. Within Thirty (30) days of all requirements being met, the Oklahoma Film & Music Office will issue~~

a letter to Oklahoma Tax Commission, requesting rebate payment, copying production company contact.

- (k) Requesting Exemptions to Open Records Act:
- (1) The Oklahoma Film & Music Office is subject to the State of Oklahoma Open Records Act, which governs public access to the records of government agencies. Under Title 74 O.S. § 2231 of Oklahoma State Law, certain information provided to the Oklahoma Film & Music Office as a Division of the Oklahoma Tourism & Recreation Department, by a person or entity seeking economic advice from the Oklahoma Film & Music Office and any information compiled by us in response to submissions, may be kept confidential.
 - (2) In order to protect confidentiality of the above referenced items, rebate applicants must submit a request in writing to the Oklahoma Film & Music Office along with the Eligibility Application requesting that the information be withheld from disclosure on the grounds that it constitutes trade secrets, proprietary information or that the information, if disclosed, would cause substantial injury to the competitive position of the applicant. Applicants must specify the information for which they are seeking protection along with clearly stated reasons for the requested exception.
 - (3) The Oklahoma Film & Music Office reserves the right to determine whether the information submitted by the applicant will be withheld from disclosure. The Oklahoma Film & Music Office will notify the applicant of any requests for disclosure and notify the applicant as to whether the information will be disclosed.
- (l) Required Benchmarks for Rebate Eligibility Process:
- (1) 180 Calendar Days (and no sooner) Prior to Production you may submit an Eligibility Application for the Oklahoma Film Enhancement Rebate Program signed by authorized production personnel along with all other required documentation.
 - (2) 60 Calendar Days (minimum) Prior to Production, a production must show proof that fifty percent (50%) of the production budget is in place in the form of a signed and certified letter of intent from a recognized financier or by written verification of the amount of the production's balance from a recognized financial institution. Letter must include name, address, phone number and contact name and account number for financier/bank for verification purposes. Note: Sixty (60) days prior to production is the last point at which a production may revise their Eligibility Application to increase their projected rebate amount and have monies earmarked in advance, subject to availability of funds.
 - (3) 30 Calendar Days (minimum) Prior to Production (via the same methods described for Fifty percent (50%) verification above), production must show proof of ability to cash flow the production on previously established date of commencement of Production. Also required at Thirty (30) days:
 - (A) Copy of the shooting schedule and inclusion on revisions distribution list (or as soon as available prior to principal photography).

- (B) Latest version of production budget and signed Statement of Budget (Form D)
 - (C) Latest version of the script and inclusion in revisions distribution list
 - (D) Latest version of Crew List tagged as resident and non resident hires
 - (E) Copy of the completion bond (where applicable, see Guidelines, Item 6A, D3)
 - (F) Copy of the Certificate of General Liability, carrying a minimum of One Million Dollars (\$1,000,000) (USD) in coverage
 - (G) Proof of Workers Compensation Policy pursuant to Oklahoma State law
 - (H) Legal Counsel name and contact information for producers and financiers
 - (I) Additional documents as may be requested by the Oklahoma Film & Music Office
- (4) If a production delays the start of Production as provided in the eligibility application process, its rebate eligibility will be pushed the same length of time between its initial start date and its newly revised start date. Any productions behind it in the eligibility cue with start dates within this window of time will move ahead, thereby having first claim to rebate funds. Should a production push the start of production a second time, it will move to the back of the eligibility cue. Should a production push its start of production a third time, its Eligibility Application becomes null and void. A subsequent re application will be delayed until the next fiscal year.
- (5) Eligibility is non transferable. Each Eligibility Application shall be filed under the title of the screenplay submitted to the Oklahoma Film & Music Office. Projects deemed eligible for the rebate under each application shall only be eligible to the extent that project is substantially based on the screenplay previously submitted and on file with the Oklahoma Film & Music Office and supporting budget submitted for said project title.
- (a) Applying for Rebate Eligibility:
- (1) Applications and all necessary forms will be submitted through the OFMO website (okfilmmusic.org) or as otherwise specified by OFMO.
 - (2) Unless otherwise agreed to by OFMO, Eligibility Applications will be submitted at least 60, calendar days prior to the Start of Production. The exact requirements of the Eligibility Application are shown on the OFMO website, but generally include:
 - (A) General information about the Production;
 - (B) Contact information;
 - (C) Preliminary Production milestone dates;
 - (D) A copy of the screenplay;
 - (E) The Production budget top sheet and estimated headcount;
 - (F) Various acknowledgements of Program and OFMO requirements and agreements to abide by them.
 - (3) Applicants may track the status of their Eligibility Application on the OFMO website.

Emergency Adoptions

- (4) Application does not guarantee acceptance. OFMO considers each Eligibility Application individually based upon many factors, including compliance with these Rules, the benefits of the project to Oklahoma (such as jobs, tourism, branding, image and follow-on work), funds available, anticipated future Program needs and other projects applying for a Rebate.
- (5) If the Eligibility Application is approved, the Production will be Pre-Qualified and OFMO will work with the Production to establish a Rebate Schedule.
- (6) At the time of Pre-Qualification, Productions are assigned to a Fiscal Earmark Year based upon the start of Principal Photography.
- (7) Pre-Qualification does not guarantee ultimate approval of a Rebate Claim. The Production must meet the requirements of the Rebate Schedule and their Final Application must be approved in order for the Rebate Claim to be approved.
- (8) If the Eligibility Application is denied, OFMO will provide the applicant with the reason(s) it was denied.
- (9) Only one Eligibility Application per fiscal year per Production will be accepted.
- (b) Application Estimate: If the Eligibility Application is approved, Application Estimate will be multiplied by the appropriate rebate percentage to determine the estimated amount to be paid in the Rebate Claim (the "Potential Rebate Claim").
- (c) If the Final Application and actual Rebate Claim are approved:
- (1) If the actual QOE are less than or equal to the Application Estimate, the Rebate Claim will be paid in full.
- (2) If the actual QOE are more than the Application Estimate, the Potential Rebate Claim amount will be paid within the normal payment timeframe and the remainder will be considered an additional claim and may, depending upon OFMO's discretion and budget, be paid at a later date outside the normal timeframe.
- (d) Rebate Schedule: After Pre-Qualification, OFMO and the Production will establish a schedule of dates based upon the following benchmarks:
- (1) 60 calendar days prior to Principal Photography - submit Application Estimate and Proof of Funding for at least fifty percent (50%) of the Production Budget.
- (2) Prior to paying salaries or wages to a Production employee in Oklahoma - submit a certificate of workers' compensation insurance with limits pursuant to Oklahoma law.
- (3) 30 calendar days prior to Principal Photography - submit the following:
- (A) Proof of Funding for the Production Budget;
- (B) Updated shooting schedule;
- (C) Updated screenplay;
- (D) Copy of the Completion Bond, if applicable;
- (E) Additional documents as may be reasonably requested by OFMO.
- (4) 10 calendar days prior to Principal Photography
- (A) Submit a certificate of general liability insurance with a minimum limit of \$1,000,000 in coverage
- (or a binder for such with a start date no later than the estimated Start of Pre-Production);
- (B) Submit a certificate of automobile liability insurance with a minimums of \$250,000/500,000/250,000 coverage (or a binder for such with a start date no later than the estimated Start of Pre-Production) or certification that no employee of the Production will drive an automobile as part of the Production;
- (C) Work with OFMO to draft and distribute a press release about the Production to relevant media.
- (5) During Principal Photography - submit the following (preferably in advance, if practical):
- (A) Updates to the shooting schedule;
- (B) Updates to the screenplay.
- (6) Within 90 calendar days of completion of the Production (or payment date of last QOE, if later):
- (A) Upload through the OFMO website the list of Oklahoma Crew, Oklahoma Expatriates and Vendors used on the Production;
- (B) Submit the Final Application.
- (e) Completion Bond: Unless a Production is backed by a major studio or other financing source acceptable to OFMO, the Production will post a Completion Bond from a guarantor acceptable to OFMO guaranteeing the completion of the Production and payment of all Oklahoma liabilities. In lieu of a Completion Bond, a Production may produce evidence acceptable to OFMO that all Crew, vendors and taxes have been paid and there are no outstanding or potential liens in Oklahoma against the Production Company.
- (f) Incremental Music Rebate: To qualify for the additional rebate for Oklahoma music described in 68 O.S. § 3624.B, QOE described in Section 725:35-1-4(g)(9) must be \$20,000 or more.
- (g) End of Production Requirements:
- (1) Unless otherwise approved by OFMO, the end credit crawl of all release prints of a completed short or long-form film shall include "Filmed in Oklahoma utilizing the Oklahoma Film Enhancement Rebate Program" and a logo provided by OFMO.
- (2) The Production Company shall provide to OFMO
- (A) A film poster, final release copy of the Film on DVD and digital link to a copy of the Film if available.
- (B) Production stills, behind-the-scenes footage or other images OFMO can use to promote the Program.
- (h) CPA's Report: Final Rebate Applications will be accompanied by a CPA's Report ("Report"), prepared at the expense of the Applicant, attesting that the amounts in the application are QOE that comply with the requirements of these Rules.
- (1) Reports will be prepared by a Certified Public Accountant currently licensed by the State of Oklahoma and who is independent under AICPA's Independence Rule.
- (2) CPAs will carry professional liability insurance, in a form and from a carrier acceptable to OFMO, for at least \$500,000.
- (3) The CPA's examination will be conducted according to the AICPA's Attestation Standards.

- (4) Reports will use a materiality threshold set by OFMO and published on its website.
- (5) CPAs will work with the Production Company to resolve exceptions or discrepancies prior to submitting the Final Application, such that the Report attests to the validity and accuracy of the amounts on the Application without exception.
- (6) The Report will attest:
- (A) Actual Production expenditures were at least \$50,000 and QOE at least \$25,000, or if a High-Impact Production, actual expenditures were at least \$50,000,000 and QOE at least \$16,666,667.
- (B) All amounts on the Application are properly calculated and materially accurate.
- (C) All Oklahoma payroll tax returns due from the Production Company (or its payroll processor) have been filed.
- (D) All Oklahoma income tax returns for the Production Company due as of the Review date have been filed.
- (7) The CPA will retain all workpapers for the Report for seven years, during which they may be subject to audit by the OFMO or its agents, upon a request by OFMO.
- (i) Final Application:
- (1) Upon completion of the Production and requirements herein, the Production Company will submit a Final Application.
- (2) Submitting a Final Application does not guarantee approval. OFMO will approve or disapprove of all claims within 60 calendar days of receipt of a properly completed Final Application.
- (3) If a Final Application or Rebate Claim is denied, Production Companies may attempt to correct any discrepancies or problems and resubmit within thirty (30) days of denial.
- (4) Once a Final Application is approved by OFMO,
- (A) Amendments are not allowed;
- (B) The Production Company will work with OFMO to establish a vendor ID with the State.
- (5) The Oklahoma Tax Commission shall, upon notification of approval from the OFMO, issue payment for all approved claims, subject to any Fiscal Year Maximum imposed by statute and any other agreements that the Production and OFMO have agreed to in writing in the case that the Production is a High-Impact Production.
- (j) Fiscal Year Maximum: The Program has a rolling cap, which adds a new amount to the fund available to pay Rebate Claims each fiscal year. In order to ensure funds are available to pay all Pre-Qualified Productions, OFMO assigns each Pre-Qualification to a Fiscal Earmark Year, which may be one or more calendar years in the future. If the total amount available to pay claims in any one fiscal year is restricted by statute, claim approval priority will be determined using the Fiscal Earmark Year and some Productions might have to wait until the first day of a future Fiscal Earmark Year in order to receive payment. This statutory maximum would not affect the amount of the claim or its ultimate payment, but could affect the timing of when it is paid.
- (k) Delays, Transferability and Expiration:
- (1) A Pre-Qualified Production may delay the start of Principal Photography two times as described below. If the start is delayed a third time, or a Production does not start by the date specified in their latest update to the Production Schedule submitted to OFMO, Pre-Qualification is revoked, the Eligibility Application is denied and the Production cannot apply again until the following fiscal year.
- (A) The first time a Pre-Qualified Production delays the start of Principal Photography, it moves to the end of the queue for the Fiscal Earmark Year of the new start date. Subsequent Pre-Qualifications with the same Fiscal Earmark Year are placed after it in the queue.
- (B) The second time a Pre-Qualified Production delays the start of Principal Photography, it is placed last in the queue for the Fiscal Earmark Year of the new start date. Subsequent Pre-Qualifications with the same Fiscal Earmark Year are placed ahead of it in the queue.
- (2) Pre-Qualification is specific to the Production and Production Company, and is non-transferable. Productions, screenplays and budgets may evolve but must remain substantially similar to those submitted in the Eligibility Application.
- (3) Unless otherwise approved by OFMO, Pre-Qualification expires:
- (A) Two years after the approval date of the Eligibility Application, if Principal Photography has not started, OR
- (B) Two years from the start of Principal Photography.
- (l) Open Records Act Exemptions:
- (1) OFMO is subject to the State of Oklahoma Open Records Act, which governs public access to the records of government agencies. Under 74 O.S. § 2231, certain information provided to OFMO by a person or entity seeking economic advice from OFMO and any information compiled by OFMO in response to submissions, may be kept confidential.
- (2) In order to protect confidentiality of such items, applicants must submit a written request to OFMO at the time of the Eligibility Application to withhold its information from disclosure on the grounds that it constitutes trade secrets, proprietary information or that the information, if disclosed, would cause substantial injury to the competitive position of the applicant. Applicants must specify the information for which they are seeking protection along with clearly stated reasons for the requested exception.
- (3) OFMO reserves the right to determine whether the information submitted by the applicant will be withheld from disclosure. OFMO will notify the applicant of any requests for disclosure and notify the applicant as to whether the information will be disclosed.
- (m) High Impact Production Requirements: Due to the size of potential rebates and considerable number of variables in High Impact Productions, the Executive Director is authorized

Emergency Adoptions

to negotiate and finalize High Impact Production Requirements as part of the High Impact Production Eligibility Application process. High Impact Production Requirements can be tailored to the type and scope of the Production, and may carry additional incentives, provided these requirements and incentives do not contradict statutory provisions of the Program. Applicants would be required to meet the High Impact Production Requirements in order for the Final Application to be approved.

725:35-1-4. Items not eligible for rebate-Qualifying Oklahoma expenditures

- (a) Dollars spent out of state renting or buying goods and services and bringing them into Oklahoma to work;
- (b) Raw stock purchased outside of Oklahoma;
- (c) Salaries and computer/kit/box rentals made to non-Oklahoma residents;
- (d) Shipping and postage costs;
- (e) Airfares, unless they are purchased through an Oklahoma-based travel agent;
- (f) Insurance, unless it is purchased through an Oklahoma-based insurance agent;
- (a) Salary Costs for Oklahoma-Based Crew;
- (b) Salary Costs for Oklahoma Expatriate Crew (as described in Section 725:35-1-5);
- (c) Payments to Oklahoma Loan-Out Companies for Oklahoma-Based Crew;
- (d) Payments to Oklahoma Loan-Out Companies for Crew that is not Oklahoma-Based, subject to the Loan-Out Limitation;
- (e) Subject to the Twenty-Five Percent Limitation, the sum of
 - (1) payments to Oklahoma-Based ATL;
 - (2) payments to Oklahoma Loan-Out Companies for ATL; and
 - (3) payments to an Oklahoma-Based entity for using the Film's underlying creative work (e.g., screenplay or novel).
- (f) Permits and fees paid to an Oklahoma state, county, or municipal governmental or quasi-governmental entity;
- (g) Payments to an Oklahoma Vendor for the following:
 - (1) Studio, stage or set construction and dismantling;
 - (2) Production scheduling, management, administration and operations;
 - (3) Casting and security services;
 - (4) Wardrobe and make-up materials, consumables and services;
 - (5) Set props and accessories (individual props costing in excess of fifty thousand dollars (\$50,000) require prior approval by OFMO to be included as a QOE);
 - (6) Cameras, film, microphones, tape, digital storage media and other materials and equipment used to record sound and images;
 - (7) Photography, visual image editing, animation, computer graphics and effects, and related visual services;
 - (8) Sound (other than music) recording, editing, synchronization and related services;

- (9) Licensing or use rights for music, or recording of songs or musical score, used in the Film;
- (10) Lighting and electrical materials, equipment and services;
- (11) Location, building, facility, equipment, prop and wardrobe rental;
- (12) Stunts, special effects, pyrotechnics, firefighting, safety, handling/wrangling, security and other specialty services;
- (13) Lodging and accommodations (whether paid for directly by the production or provided as an allowance in the amount of actual costs of housing) for ATL and Crew;
- (14) Food, restaurants and catering;
- (15) Transportation of ATL, Crew, equipment and supplies;
- (16) Travel costs to and from Oklahoma paid to or through a travel agent;
- (17) Completion bonds and insurance (either guarantor or broker must be an Oklahoma Vendor);
- (18) Shipping and postage for packages originating or terminating within Oklahoma;
- (19) Fees, interest and financing charges paid to Oklahoma-Based financial institutions;
- (20) Other materials, supplies and contracted services approved in advance by OFMO;
- (21) Third-Party Reviews;
- (h) Payments to an Oklahoma Vendor for the following valid Scouting Expenses of the Production:
 - (1) Location scouting, planning and packaging services;
 - (2) Travel costs to and from Oklahoma paid to a travel agent;
 - (3) Lodging and accommodations within Oklahoma;
 - (4) Transportation within Oklahoma;
 - (5) Meals within Oklahoma.
- (i) Payments made in accordance with the High Impact Production Requirements.
- (j) Reimbursements made to individuals for goods and services that would have been QOE if paid directly by the Production, provided the individual provides a receipt for such goods and services.

725:35-1-5. Procedures for submission and review of rebate claims-Oklahoma expatriate crew program

- (a) To qualify for the rebate program, the production company must provide the following to the OFMO prior to the beginning of principal photography:
 - (1) Application of eligibility for rebate programs;
 - (2) Copy of the proposed budget;
 - (3) Copy of the script and the inclusion of the OFMO on the project's revisions distribution list;
 - (4) Copy of the production board or equivalent documentation;
- (b) After a production company meets all requirements, the Director will issue a formal letter of acknowledgement of qualification.

(c) At the completion of principal photography, the production company must provide the following information before the claim can be reviewed by the Film Rebate Committee:

- (1) Submit verifiable documentation to the OFMO of the amount of wages paid for employment in Oklahoma to residents of Oklahoma directly related to the production;
- (2) File an Oklahoma income tax return;
- (3) Complete the OFMO expenditure form;
- (4) Provide the following screen credit, "Filmed in Oklahoma under the Auspices of the Oklahoma Film Enhancement Rebate Program"; and
- (5) To provide evidence of a recognizable domestic or foreign distribution agreement within one (1) year from the end of principal photography.

(d) Review and approval of rebate claims:

- (1) The Film Rebate Committee will be comprised of volunteers with expertise in the film industry, accounting or other related areas, enlisted by the Director. This committee shall review applications for rebates and make recommendations to the Director.
- (2) The Director shall approve or disapprove each completed rebate claim within sixty (60) days of submission of the rebate claim. The Oklahoma Tax Commission shall issue payment for all approved rebate claims, providing funds are available.
- (3) Rebate claims shall be paid in the order in which the rebate claims are approved by the Director.
- (4) If an approved rebate claim is not paid in whole or in part, the unpaid rebate claim or unpaid portion may be

paid in the following fiscal year as allowed in 68 O.S. § 3624.D (F), providing funds are available.

- (5) Only one rebate claim shall be processed per film. Once the production company has been paid for that rebate claim, no amendments for that rebate claim are allowable.
- (6) Rebate claims that are disapproved by the Director may be corrected and resubmitted to the Director for reconsideration within ten (10) business days after the date of disapproval. Only one resubmission per rebate claim is allowed.

(a) OFMO will maintain a roster of Oklahoma Expatriate Crew and make such roster available to a Production Company upon request.

(b) The Expatriate roster will consist of Oklahoma Expatriates who:

- (1) Have registered as an Oklahoma Expatriate with OFMO;
- (2) Have completed a Declaration of Expatriate Status satisfactory to OFMO;
- (3) At the request of OFMO, agree to be accompanied by an intern provided by an Oklahoma educational institution for a period of time acceptable to OFMO during the Production.

[OAR Docket #20-41; filed 1-22-20]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2019-22A.

AMENDED EXECUTIVE ORDER 2019-22

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby order the extension of the Criminal Justice Reentry, Supervision, Treatment and Opportunity Reform Task Force until December 31, 2020.

The Task Force shall study, evaluate, and make recommendations regarding policies, programs and proposed legislation that will:

1. Protect lives and property;
2. Respect and support victims of crime;
3. Deter criminal activity;
4. Enhance and establish diversion programs, including alternative sentencing, supervision, and treatment options for defendants who commit drug related crimes;
5. Reduce recidivism through expanded and enhanced post incarceration supervision and opportunities that foster successful reentry into society;
6. Reduce Oklahoma's incarceration rate and associated costs consistent with these goals; and
7. Improve any other aspects of Oklahoma's criminal justice system.

The Task Force shall submit to the Governor, the President Pro Tempore of the Oklahoma Senate, the Speaker of the Oklahoma House of Representatives, the Minority Leader of the Oklahoma Senate, and the Minority Leader of the Oklahoma House of Representatives a report on or before December 1, 2020, detailing its findings and recommendations.

The Task Force shall be composed of seventeen (17) members determined as follows:

1. The Secretary of Public Safety or designee;
2. The Oklahoma Attorney General or designee;
3. The Speaker of the Oklahoma House of Representatives or designee;
4. The President Pro Tempore of the Oklahoma Senate or designee;

5. The Director of the Oklahoma Department of Corrections or designee;
6. The Commissioner for the Oklahoma Department of Mental Health and Substance Abuse Services or designee;
7. Two (2) District Attorneys selected by the Secretary of Public Safety;
8. A crime victims advocate selected by the Secretary of Public Safety;
9. The Administrative Director of the Administrative Office of the Courts or designee;
10. The Executive Director of the Oklahoma Office of Juvenile Affairs or designee;
11. The Director of the Oklahoma Department of Human Services or designee;
12. A County Sheriff selected by the Secretary of Public Safety;
13. Two (2) licensed attorneys with criminal defense experience selected by the Secretary of Public Safety;
14. Someone with demonstrated knowledge of successful diversion programs selected by the Secretary of Public Safety; and
15. Someone with experience working with the Oklahoma Pardon and Parole Board selected by the Secretary of Public Safety.

The Secretary of Public Safety or designee shall serve as the Chair of the Task Force and shall have the authority to create committees and name committee chairs to facilitate the work of the Task Force and shall have the authority to appoint Task Force members and non-members to serve on committees. The Task Force shall meet as often as deemed necessary by the Chair allowing for timely completion of its work. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Task Force. Members, including those appointed to committees who are not members of the Task Force, shall serve without compensation.

The Office of Management and Enterprise Services shall provide staff and administrative support for the Task Force. All Executive departments, officers, agencies, and employees of the State shall cooperate with the Task Force, including providing any information, data, records, and reports as may be requested.

This Executive Order shall be distributed to each member of the Task Force specifically identified herein and to each person appointed to a Task Force committee and to the Minority

Executive Orders

Leader of the Oklahoma Senate and the Minority Leader of the Oklahoma House of Representatives.

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 31st Day of January, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-128; filed 1-31-20]

1:2020-1.

EXECUTIVE ORDER 2020-1

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m., on Saturday, January 18, 2020, to honor the life and service of Jarid Don Taylor, who died Tuesday, January 14, 2020, while working in the line of duty for the Bryan County Sheriff's Office.

Mr. Taylor's exemplary service to the Bryan County Sheriff's Department and our state will not be forgotten. Mr. Taylor leaves behind a loving fiancé, Miranda Linn, of Liberty, Oklahoma, and two daughters, Emma and Raylan Taylor, and a host of family members and friends. Mr. Taylor was a long-time member of Kemp Baptist Church, where his funeral services will be held on Saturday.

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, on this 16th day of January, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-37; filed 1-16-20]

1:2020-2.

EXECUTIVE ORDER 2020-2

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby order:

1. Effective immediately, except as set forth in paragraph 2 below, a moratorium is hereby placed on all non-essential travel to the State of California for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Essential travel is expressly limited to travel that is: necessary to maintain professional accreditation that is only available in California, and not otherwise available within Oklahoma or another state; critical to the performance of core agency functions; or required by the federal government or necessary to secure or maintain federal funding.

2. The Order in paragraph 1 above shall not apply to (i) travel by employees and officers of agencies within the Department of Commerce where such travel is undertaken for business development or business recruiting, (ii) travel by athletic teams and support personnel representing a college or university within the State's higher education system for the purpose of engaging in scheduled competition, or (iii) travel by middle school, high school, or college groups, such as bands, athletic teams, or other teams, and accompanying teachers or support personnel, to participate in programs, events, or competitions taking place in California.

Copies of this Executive Order shall be distributed to all Cabinet Secretaries and to the Chief Administrative Officers of all State agencies for immediate implementation.

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 23rd day of January, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-43; filed 1-23-20]
