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Notices of Rulemaking Intent

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

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

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

TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 30. OKLAHOMA NURSING STUDENT ASSISTANCE PROGRAM

[OAR Docket #20-287]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
540:30-1-2 [AMENDED]
Subchapter 3. Role of Nursing Scholarship Advisory
Committee
540:30-3-1 [AMENDED]
Subchapter 5. Categories of Scholarships
540:30-5-1 [AMENDED]
540:30-5-2 [AMENDED]
Subchapter 7. Eligibility
540:30-7-1 [AMENDED]
540:30-7-2 [AMENDED]
540:30-7-4 [AMENDED]
Subchapter 9. Application Process
540:30-9-1 [AMENDED]
Subchapter 11. Loan Provisions
540:30-11-1 [AMENDED]
540:30-11-2 [AMENDED]
540:30-11-3 [AMENDED]
540:30-11-5 [AMENDED]
540:30-11-6 [AMENDED]
Subchapter 15. General Administrative Policies
540:30-15-1 [AMENDED]
Subchapter 17. Service Obligation
540:30-17-2 [AMENDED]

SUMMARY:

The Board of Commissioners of the Physician Manpower Training Commission, has adopted the proposed changes for the Oklahoma Nursing Student Assistance Program.

The proposed changes would expand to higher nursing degree programs, expand eligible facilities to fulfill obligations and increase the amount of awards for the Oklahoma Nursing Student Assistance Program to be consistent with other PMTC programs and meet the current nursing needs across all of rural Oklahoma. This change has no fiscal impact to the agency.

The proposed changes are in an effort to align PMTC programs providing consistent practices in providing greater assistance in recruiting nurses across rural Oklahoma.

AUTHORITY:

Physician Manpower Training Commission; 70 O.S., §697.17.

COMMENT PERIOD:

Written comments will be accepted through May 15, 2020, at the Physician Manpower Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Michelle Cecil, or by email to Michelle.Cecil@pmtc.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for person to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. Public hearings will be held as follows:

Monday, May 18, 2020, at 9:00 a.m. in the office of the PMTC, 5th floor, conference room, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603.

<http://pmtc.publishpath.com/default.aspx> and copies of the proposed changes may be obtained from the Physician Manpower Training Commission office located at 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Michelle Cecil, or by email to Michelle.Cecil@pmtc.ok.gov.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The PMTC requests that business entities affected by these proposed rules provide the PMTC, within the comment period a written statement in regard to health workforce, community impact and sponsor contributions, and indirect costs associated with potential recordkeeping and reporting. Business entities may submit this information in writing to Michelle Cecil, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Physician Manpower Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. 1991 Section 303(D), a rule impact statement has been prepared and may be obtained from the Physician Manpower Training Commission at the above address.

CONTACT PERSON:

Michelle Cecil, Nursing Programs Director, (405) 604-0020, Michelle.Cecil@pmtc.ok.gov, Janie Thompson, Interim Executive Director, (405) 604-0020, Janie.Thompson@pmtc.ok.gov or for legal questions: Joe

Notices of Rulemaking Intent

Ashbaker, Assistant Attorney General, (405) 522-2974,
Joe.Ashbaker@oag.ok.gov.

[OAR Docket #20-287; filed 3-20-20]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

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

[OAR Docket #20-304]

RULEMAKING ACTION:

Cancelled public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 13. Dry Needling [NEW]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 457 and 458.

CANCELLED PUBLIC HEARING:

10:00 a.m., March 26, 2020, 421 NW13th Street, Suite 100, Oklahoma City, Oklahoma

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

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced at a later date. For additional information, contact Beth Kidd, Executive Director (405) 522-3400 or beth.kidd@chiro.ok.gov.

[OAR Docket #20-304; filed 3-25-20]

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

[OAR Docket #20-305]

RULEMAKING ACTION:

Cancelled public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 13. Dry Needling [NEW]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 457 and 458.

CANCELLED PUBLIC HEARING:

10:00 a.m., March 26, 2020, 421 NW13th Street, Suite 100, Oklahoma City, Oklahoma

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

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced at a later date. For additional information, contact Beth Kidd, Executive Director (405) 522-3400 or beth.kidd@chiro.ok.gov.

[OAR Docket #20-305; filed 3-25-20]

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

[OAR Docket #20-306]

RULEMAKING ACTION:

Cancelled public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 13. Dry Needling [NEW]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 457 and 458.

CANCELLED PUBLIC HEARING:

10:00 a.m., March 26, 2020, 421 NW13th Street, Suite 100, Oklahoma City, Oklahoma

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

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced at a later date. For additional information, contact Beth Kidd, Executive Director (405) 522-3400 or beth.kidd@chiro.ok.gov.

[OAR Docket #20-306; filed 3-25-20]

Cancelled Hearings/Comment Periods

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

[OAR Docket #20-307]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Environmental Permit Process
Part 1. The Process
252:4-7-13 [AMENDED]
Part 3. Air Quality Division Tiers and Time Lines
252:4-7-32 [AMENDED]
252:4-7-33 [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 569.

CANCELLED COMMENT PERIOD:

April 1, 2020, through May 4, 2020

CANCELLED PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, May 13, 2020, at TulsaTech, 10800 North 140th East Avenue, Owasso, OK 74055

ADDITIONAL INFORMATION:

This meeting will be rescheduled for June 17, 2020, in Oklahoma City. For additional information, the contact person is Melanie Foster, Environmental Programs Manager, at (405) 702-4100.

[OAR Docket #20-307; filed 3-25-20]

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

[OAR Docket #20-308]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources
Part 5. Permits for Part 70 Sources
252:100-8-4 [AMENDED]
252:100-8-7.2 [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 569.

CANCELLED COMMENT PERIOD:

April 1, 2020, through May 4, 2020

CANCELLED PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, May 13, 2020, at TulsaTech, 10800 North 140th East Avenue, Owasso, OK 74055

ADDITIONAL INFORMATION:

This meeting will be rescheduled for June 17, 2020, in Oklahoma City. For additional information, the contact person is Melanie Foster, Environmental Programs Manager, at (405) 702-4100.

[OAR Docket #20-308; filed 3-25-20]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 110. LEAD-BASED PAINT MANAGEMENT

[OAR Docket #20-309]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Definitions
252:110-3-1 [AMENDED]
Subchapter 5. Incorporation by Reference
252:110-5-1 [AMENDED]
Subchapter 9. Additional Accreditation Requirements
252:110-9-1.2 [NEW]
Subchapter 11. Additional LBP Certification Requirements
252:110-11-7.1 [NEW]
Subchapter 13. Additional Work Practice Standards
252:110-13-7 [NEW]
Subchapter 15. Additional Renovation, Repair, and Painting (RRP) Requirements
252:110-15-3.1 [NEW]
252:110-15-4 [AMENDED]
252:110-15-5 [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 Ok Reg 569.

CANCELLED COMMENT PERIOD:

April 1, 2020, through May 4, 2020

CANCELLED PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, May 13, 2020, at TulsaTech, 10800 North 140th East Avenue, Owasso, OK 74055

ADDITIONAL INFORMATION:

This meeting will be rescheduled for June 17, 2020, in Oklahoma City. For additional information, the contact person is Melanie Foster, Environmental Programs Manager, at (405) 702-4100.

[OAR Docket #20-309; filed 3-25-20]

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

[OAR Docket #20-269]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a
PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 19. Automation Rules

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

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was
published at 37 Ok Reg. 485.

CANCELLED COMMENT PERIOD:

February 18, 2020 to March 20, 2020.

CANCELLED PUBLIC HEARING:

9:00 a.m., March 25, 2020, 2920 N Lincoln Boulevard Suite
A, Oklahoma City, OK 73105-4212.

ADDITIONAL INFORMATION:

With the COVID-19 pandemic the Board will not
reschedule the rule hearing. Since it is not possible for the
rule change to become effective this year the Board is expected
to cancel this rule change at their next meeting and re-consider
the change during next rulemaking process.

[OAR Docket #20-269; filed 3-19-20]

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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 15. OAC GRANT PROGRAM

[OAR Docket #20-241]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

25:15-1-2 [AMENDED]

25:15-1-3 [AMENDED]

25:15-1-4 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2020

[OAR Docket #20-241; filed 3-13-20]

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 40. WIND ENERGY REGULATIONS

[OAR Docket #20-242]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [NEW]

25:40-1-1 [NEW]

25:40-1-2 [NEW]

Subchapter 3. Submittal Requirements for Federal
Aviation Administration and Department of Defense
Documentation [NEW]

25:40-3-1 [NEW]

25:40-3-2 [NEW]

Subchapter 5. Aeronautics Commission actions to the
Oklahoma Strategic Military Planning Commission
[NEW]

25:40-5-1 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2020

[OAR Docket #20-242; filed 3-13-20]

TITLE 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE

[OAR Docket #20-295]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Fees [AMENDED]

Subchapter 5. Dockets [AMENDED]

Subchapter 7. Commencement of a Cause [AMENDED]

Subchapter 9. Subsequent Pleadings [AMENDED]

Subchapter 13. Initial and Subsequent Proceedings
[AMENDED]

Subchapter 19. Contempt [AMENDED]

Subchapter 29. Consumer Services Complaints [NEW]

Appendix A. General Notice of Hearing [REVOKED]

Appendix A. General Notice of Hearing [NEW]

Appendix B. Notice of Application for Extension of Time
for Closure of Noncommercial Pit [REVOKED]

Appendix B. Notice of Application for Extension of Time
for Closure of Noncommercial Pit [NEW]

Appendix C. Notice of Hearing for Extension of Time for
Closure of Noncommercial Pit [REVOKED]

Appendix C. Notice of Hearing for Extension of Time for
Closure of Noncommercial Pit [NEW]

Appendix D. Notice of Application for Waiver of Pit
Closure [REVOKED]

Appendix D. Notice of Application for Waiver of Pit
Closure [NEW]

Appendix E. Notice of Hearing for Waiver of Pit Closure
[REVOKED]

Appendix E. Notice of Hearing for Waiver of Pit Closure
[NEW]

Appendix F. Notice of Application for Authority
Authorizing Commercial Pit/Soil Farming/Recycling
Facility [REVOKED]

Appendix F. Notice of Application for Authority
Authorizing Commercial Pit/Soil Farming/Recycling
Facility [NEW]

Appendix G. Notice of Hearing for Authority Authorizing
Commercial Pit/Soil Farming [REVOKED]

Appendix G. Notice of Hearing for Authority Authorizing
Commercial Pit/Soil Farming/Recycling Facility [NEW]

Appendix H. Notice of Application for Determination of
Allowables [REVOKED]

Appendix H. Notice of Application for Determination of
Allowables [NEW]

Appendix I. Notice of Hearing for Determination of
Allowables [REVOKED]

Submissions to Governor and Legislature

Appendix I. Notice of Hearing for Determination of Allowables [NEW]

Appendix J. Witness Identification Form [REVOKED]

Appendix J. Consumer Services Docket Notice of Hearing [NEW]

Appendix K. Witness Identification Form [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2020

[OAR Docket #20-295; filed 3-24-20]

TITLE 165. CORPORATION COMMISSION CHAPTER 20. GAS & HAZARDOUS LIQUID PIPELINE SAFETY

[OAR Docket #20-276]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

165:20-1-4. Forms and documentation [AMENDED]

Subchapter 5. Safety Regulations for Gas Pipelines

Part 5. Minimum Safety Standards for Gas

165:20-5-21. Adoption of federal safety regulations [AMENDED]

Part 9. Mandatory Participation in Oklahoma One Call

165:20-5-41. Mandatory participation in Oklahoma One Call [AMENDED]

Subchapter 6. Safety Regulations for Underground Natural Gas Storage Facilities [NEW]

165:20-6-1. Adoption of federal safety regulations [NEW]

Subchapter 7. Safety Regulations for Hazardous Liquids

165:20-7-1. Adoption of federal safety and reporting regulations [AMENDED]

165:20-7-3. Mandatory participation in Oklahoma One Call [AMENDED]

Subchapter 11. Drug Testing

165:20-11-1. Control of drug use in pipeline operations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2020

[OAR Docket #20-276; filed 3-20-20]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 1. STATE BOARD OF EDUCATION

[OAR Docket #20-244]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

210:1-1-2. Definitions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 26, 2019

[OAR Docket #20-244; filed 3-16-20]

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

[OAR Docket #20-245]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 13. Student Assessment

210:10-13-20. Academic Performance Index [REVOKED]

210:10-13-24. Medical exemptions from chronic absenteeism [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 26, 2019

[OAR Docket #20-245; filed 3-16-20]

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

[OAR Docket #20-246]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 13. Student Assessment

210:10-13-25. Determination of the chronic absenteeism indicator [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

December 20, 2019

[OAR Docket #20-246; filed 3-16-20]

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

[OAR Docket #20-247]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

210:10-1-4. Length of term [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 27, 2020

[OAR Docket #20-247; filed 3-16-20]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #20-248]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Professional Standards: Teacher Education
and Certification

Part 9. Teacher Certification

210:20-9-96. Requirements for renewal or reissuance of
certificates [AMENDED]

Subchapter 41. Teacher and Leader Effectiveness

210:20-41-1. Teacher and Leader Effectiveness Evaluation
System overview [AMENDED]

210:20-41-3. Qualitative components of the Teacher and
Leader Effectiveness Evaluation System [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 4, 2020

[OAR Docket #20-248; filed 3-16-20]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 25. FINANCE**

[OAR Docket #20-249]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Funding Criteria

210:25-3-4. Personnel [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 28, 2020

[OAR Docket #20-249; filed 3-16-20]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 30. SCHOOL FACILITIES AND
TRANSPORTATION**

[OAR Docket #20-250]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Transportation

210:30-5-8. School bus driver certification [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

December 20, 2019

[OAR Docket #20-250; filed 3-16-20]

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

[OAR Docket #20-251]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 23. Honor Societies

210:35-23-2. Oklahoma middle, junior high, or high school
Honor Society [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

January 28, 2020

[OAR Docket #20-251; filed 3-16-20]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 40. EMPLOYEE BENEFITS DEPARTMENT

[OAR Docket #20-252]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Flexible Benefits Plan

Part 1. General Provisions

260:40-7-2. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-252; filed 3-16-20]

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

[OAR Docket #20-253]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Grievance Panel Procedures

260:45-5-1. Request for hearing [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-253; filed 3-16-20]

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

[OAR Docket #20-254]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Purpose and Definitions

260:50-1-2. Definitions [AMENDED]

Subchapter 3. Administration of Plans

260:50-3-8. Refunds [AMENDED]

260:50-3-9. Payment of HealthChoice health, dental and
life benefits [REVOKED]

260:50-3-10. Timely filing of HealthChoice health and
dental claims [REVOKED]

260:50-3-11. HealthChoice Examination [REVOKED]

260:50-3-12. Action to recover [REVOKED]

260:50-3-13. Rights of eligible former employees to
continue in the Group Health, Dental, and Vision
Insurance Plan [AMENDED]

260:50-3-18. Eligibility criteria for disabled dependent
over the age of twenty-six [26] [AMENDED]

260:50-3-26. Termination of benefits [NEW]

260:50-3-27. Procedures and implementation [NEW]

260:50-3-28. COBRA administration [NEW]

Subchapter 5. Coverage and Limitations

Part 3. HealthChoice Plans

260:50-5-2. Schedule of benefits and benefit administration
procedures or guidelines as adopted by EGID
[AMENDED]

260:50-5-3. HealthChoice approval for emergency
treatment by non-Network providers [AMENDED]

260:50-5-13. Payment of HealthChoice health, dental and
life benefits [NEW]

260:50-5-14. Timely filing of HealthChoice health and
dental claims [NEW]

260:50-5-15. HealthChoice Examination [NEW]

260:50-5-16. Action to recover [NEW]

Part 5. HealthChoice Life Benefits

260:50-5-20. Term life coverage [AMENDED]

260:50-5-22. Optional supplemental life coverage for
eligible employees [AMENDED]

Part 9. HealthChoice Dental Benefits, Limitations and
Exclusions

260:50-5-30. Scope of coverage [AMENDED]

Part 11. HealthChoice Medicare Supplement

260:50-5-43. Enrollment in Medicare Supplement
[REVOKED]

Subchapter 7. Termination of Benefits [REVOKED]

260:50-7-1. Termination of benefits [REVOKED]

Subchapter 9. Cobra Health Insurance Continuation
[REVOKED]

260:50-9-2. COBRA administration [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-254; filed 3-16-20]

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

[OAR Docket #20-255]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 260:55-1-1. Purpose [AMENDED]
- 260:55-1-2. Definitions [REVOKED]
- 260:55-1-3. Gender reference [REVOKED]
- 260:55-1-4. Absence on eligibility date [REVOKED]
- 260:55-1-5. Commencement of disability [REVOKED]
- 260:55-1-6. Multiple disability claims [REVOKED]
- 260:55-1-7. Recurrent disability [REVOKED]
- 260:55-1-8. Partial disability [REVOKED]
- 260:55-1-9. Preexisting conditions [REVOKED]
- 260:55-1-10. Proof of claim [REVOKED]
- 260:55-1-11. Duration and amounts of benefits [REVOKED]
- 260:55-1-12. Benefit offsets [REVOKED]
- 260:55-1-13. Payment of benefits [REVOKED]
- 260:55-1-14. Direct deposit and insurance premium deductions [REVOKED]
- 260:55-1-15. Lump sum settlement [REVOKED]
- 260:55-1-16. Examination [REVOKED]
- 260:55-1-17. Rehabilitation [REVOKED]
- 260:55-1-18. Suspension or termination of benefits [REVOKED]
- 260:55-1-19. Termination of benefits [REVOKED]
- 260:55-1-20. Termination of coverage [REVOKED]
- 260:55-1-21. Termination of plan [REVOKED]
- 260:55-1-22. Retention of other insurance [REVOKED]
- 260:55-1-23. Recovery of FICA contributions [REVOKED]
- 260:55-1-24. Insurance/Benefits Coordinator [REVOKED]
- 260:55-1-25. Exclusions [REVOKED]
- 260:55-1-26. Penal institution [REVOKED]
- 260:55-1-27. Rules, cumulative [REVOKED]
- 260:55-1-28. Amending of rules [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-255; filed 3-16-20]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 15. SURPLUS PROPERTY**

[OAR Docket #20-263]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 300:15-1-1. [AMENDED]
- 300:15-1-2. [AMENDED]
- 300:15-1-3. [AMENDED]
- Subchapter 3. Declaration and Approval of Surplus Property

300:15-3-1. [AMENDED]

300:15-3-2. [AMENDED]

Subchapter 5. Sale or Disposal of Surplus Property

300:15-5-1. [AMENDED]

300:15-5-2. [AMENDED]

300:15-5-4. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-263; filed 3-19-20]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 25. LICENSE TO ENCROACH**

[OAR Docket #20-264]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Purpose and Definitions

300:25-1-2. [AMENDED]

Subchapter 3. Policy, Issuance, Termination and Transfer

300:25-3-1. [AMENDED]

300:25-3-3. [AMENDED]

Subchapter 5. Miscellaneous

300:25-5-3. [AMENDED]

300:25-5-4. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-264; filed 3-19-20]

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

[OAR Docket #20-277]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 21. Rules of Procedure Governing Individual Proceedings

310:2-21-4 [AMENDED]

Subchapter 29. Criminal History Background Checks

310:2-29-1 [AMENDED]

310:2-29-5 [AMENDED]

Subchapter 37. Initial Determination on Criminal History as a Disqualification for License or Certification [NEW]

310:2-37-1 [NEW]

310:2-37-2 [NEW]

Submissions to Governor and Legislature

310:2-37-3 [NEW]
Subchapter 39. Military Reciprocity Licensure [NEW]
310:2-39-1 [NEW]
310:2-39-2 [NEW]
310:2-39-3 [NEW]
310:2-39-4 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2020

[OAR Docket #20-277; filed 3-20-20]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 105. VITAL STATISTICS

[OAR Docket #20-278]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Purpose, Forms and Fees [AMENDED]
310:105-1-3 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2020

[OAR Docket #20-278; filed 3-20-20]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 260. GOOD MANUFACTURING PRACTICE REGULATIONS

[OAR Docket #20-279]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
310:260-1-1 [AMENDED]
310:260-1-2 [AMENDED]
310:260-1-3 [AMENDED]
310:260-1-5 [AMENDED]
310:260-1-6 [AMENDED]
Subchapter 3. Manufacturing, Processing, Packing or
Holding Human Food
310:260-3-1 [AMENDED]
310:260-3-2 [AMENDED]
310:260-3-3 [AMENDED]
310:260-3-4 [AMENDED]
310:260-3-5 [AMENDED]
310:260-3-6 [AMENDED]
Subchapter 5. ~~Tree Nut~~Peanut Processing
310:260-5-1 [AMENDED]

310:260-5-2 [AMENDED]
Subchapter 7. Salvageable and Salvaged Merchandise
310:260-7-1 [AMENDED]
310:260-7-2 [AMENDED]
310:260-7-3 [AMENDED]
310:260-7-4 [AMENDED]
310:260-7-5 [AMENDED]
310:260-7-6 [AMENDED]
310:260-7-7 [AMENDED]
Subchapter 9. Food Storage Warehouses
310:260-9-1.1 [NEW]
310:260-9-1 [AMENDED]
310:260-9-2 [AMENDED]
310:260-9-3 [AMENDED]
310:260-9-4 [AMENDED]
310:260-9-5 [AMENDED]
310:260-9-6 [AMENDED]
310:260-9-7 [AMENDED]
310:260-9-8 [AMENDED]
310:260-9-9 [AMENDED]
310:260-9-10 [AMENDED]
310:260-9-11 [AMENDED]
Subchapter 11. Licensing, Inspections and Plan Review
[REVOKED]
310:260-11-1 [REVOKED]
310:260-11-2 [REVOKED]
310:260-11-3 [REVOKED]
310:260-11-4 [REVOKED]
Subchapter 13. Special Risk Situations [REVOKED]
310:260-13-1 [REVOKED]
310:260-13-2 [REVOKED]
Subchapter 15. Compliance and Enforcement [NEW]
310:260-15-1 [NEW]
310:260-15-2 [NEW]
310:260-15-3 [NEW]
310:260-15-4 [NEW]
310:260-15-5 [NEW]
310:260-15-6 [NEW]
310:260-15-7 [NEW]
310:260-15-8 [NEW]
310:260-15-9 [NEW]
310:260-15-10 [NEW]
310:260-15-11 [NEW]
310:260-15-12 [NEW]
310:260-15-13 [NEW]
310:260-15-14 [NEW]
310:260-15-15 [NEW]
310:260-15-16 [NEW]
310:260-15-17 [NEW]
310:260-15-18 [NEW]
310:260-15-19 [NEW]
310:260-15-20 [NEW]
310:260-15-21 [NEW]
310:260-15-22 [NEW]
310:260-15-23 [NEW]
310:260-15-24 [NEW]

310:260-15-25 [NEW]

310:260-15-26 [NEW]

310:260-15-27 [NEW]

310:260-15-28 [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 20, 2020

[OAR Docket #20-279; filed 3-20-20]

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

[OAR Docket #20-280]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Disease and Injury Reporting

310:515-1-1.1 [AMENDED]

310:515-1-4 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 20, 2020

[OAR Docket #20-280; filed 3-20-20]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 528. CHILDREN FIRST
ELIGIBILITY REQUIREMENTS**

[OAR Docket #20-281]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

310:528-1-3 [AMENDED]

310:528-1-4 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 20, 2020

[OAR Docket #20-281; filed 3-20-20]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 531. VISION SCREENING**

[OAR Docket #20-286]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

310:531-1-2 [AMENDED]

310:531-1-3 [AMENDED]

Subchapter 5. Vision Screening Standards for Children

310:531-5-2 [AMENDED]

310:531-5-5 [AMENDED]

310:531-5-6 [AMENDED]

310:531-5-7 [AMENDED]

310:531-5-8 [REVOKED]

310:531-5-9 [REVOKED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 20, 2020

[OAR Docket #20-286; filed 3-20-20]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 540. INFANT HEARING
SCREENING**

[OAR Docket #20-282]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

310:540-1-2 [AMENDED]

310:540-1-3 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 20, 2020

[OAR Docket #20-282; filed 3-20-20]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 638. DRUG AND ALCOHOL
TESTING**

[OAR Docket #20-283]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Drug Screen Testing Facilities

310:638-5-2 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 20, 2020

[OAR Docket #20-283; filed 3-20-20]

Submissions to Governor and Legislature

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 641. EMERGENCY MEDICAL SERVICES

[OAR Docket #20-284]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General EMS Programs
Part 1. General Provisions
310:641-1-7 [AMENDED]
Subchapter 3. Ground Ambulance Service
Part 5. Ground Transport Vehicles
310:641-3-20 [AMENDED]
Subchapter 5. Personnel Licenses and Certification
Part 3. Emergency Medical Personnel Licenses
310:641-5-11.1 [NEW]
310:641-5-13.1 [NEW]
310:641-5-20 [AMENDED]
310:641-5-20.1 [NEW]
Part 5. Procedures Authorized
310:641-5-33 [AMENDED]
Subchapter 13. Air Ambulance Service
310:641-13-9 [AMENDED]
Subchapter 15. Emergency Medical Response Agency
310:641-15-11 [AMENDED]
Subchapter 17. Stretcher Aid Van Service
310:641-17-1 [AMENDED]
310:641-17-2 [AMENDED]
310:641-17-3 [AMENDED]
310:641-17-4 [AMENDED]
310:641-17-5 [AMENDED]
310:641-17-8 [AMENDED]
310:641-17-9 [AMENDED]
310:641-17-10 [AMENDED]
310:641-17-11 [AMENDED]
310:641-17-12 [AMENDED]
310:641-17-13 [AMENDED]
310:641-17-14 [AMENDED]
310:641-17-16 [AMENDED]
310:641-17-17 [AMENDED]
310:641-17-18 [AMENDED]
310:641-17-19 [AMENDED]
310:641-17-20 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2020

[OAR Docket #20-284; filed 3-20-20]

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

[OAR Docket #20-285]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
310:675-1-2 [AMENDED]
Subchapter 7. Administration
310:675-7-4-1 [NEW]
310:675-7-17.1 [AMENDED]
310:675-7-18.1 [AMENDED]
Subchapter 9. Resident Care Services
310:675-9-6.1 [AMENDED]
Subchapter 13. Staff Requirements
310:675-13-14 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2020

[OAR Docket #20-285; filed 3-20-20]

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

[OAR Docket #20-290]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
310:681-1-1. [AMENDED]
310:681-1-2. [AMENDED]
310:681-1-3. [AMENDED]
310:681-1-4. [AMENDED]
310:681-1-5. [AMENDED]
310:681-1-6. [AMENDED]
310:681-1-7. [AMENDED]
310:681-1-8. [AMENDED]
310:681-1-9. [AMENDED]
310:681-1-9.1. [AMENDED]
Subchapter 2. Medical Marijuana Licenses
310:681-2-1. [AMENDED]
310:681-2-2. [AMENDED]
310:681-2-3. [AMENDED]
310:681-2-3.1. [AMENDED]
310:681-2-4. [AMENDED]
310:681-2-5. [AMENDED]
310:681-2-8. [NEW]
310:681-2-9. [NEW]

310:681-2-10. [NEW]
Subchapter 3. Transportation License
310:681-3-1. [AMENDED]
310:681-3-2. [AMENDED]
310:681-3-3. [NEW]
310:681-3-4. [NEW]
310:681-3-5. [NEW]
310:681-3-6. [NEW]
Subchapter 4. Medical Research License
310:681-4-1. [NEW]
310:681-4-1.1. [NEW]
310:681-4-2. [NEW]
310:681-4-3. [NEW]
310:681-4-4. [NEW]
310:681-4-5. [NEW]
310:681-4-6. [NEW]
Subchapter 5. Commercial Establishments
310:681-5-1. [AMENDED]
310:681-5-1.1. [AMENDED]
310:681-5-2. [AMENDED]
310:681-5-3. [AMENDED]
310:681-5-3.1. [NEW]
310:681-5-3.2. [NEW]
310:681-5-4. [AMENDED]
310:681-5-6. [AMENDED]
310:681-5-6.1. [AMENDED]
310:681-5-8. [AMENDED]
310:681-5-8.1. [AMENDED]
310:681-5-9. [AMENDED]
310:681-5-10. [AMENDED]
310:681-5-12. [AMENDED]
310:681-5-17. [AMENDED]
310:681-5-18. [AMENDED]
Subchapter 6. Commercial Facilities
310:681-6-1. [AMENDED]
310:681-6-2. [AMENDED]
Subchapter 7. Packaging and Labeling
310:681-7-1. [AMENDED]
310:681-7-2. [AMENDED]
310:681-7-3. [NEW]
Subchapter 8. Laboratory Testing
310:681-8-1. [NEW]
310:681-8-2. [NEW]
310:681-8-3. [NEW]
310:681-8-4. [NEW]
310:681-8-5. [NEW]
Subchapter 9. Waste Disposal Facilities [NEW]
310:681-9-1. [NEW]
310:681-9-1.1. [NEW]
310:681-9-2. [NEW]
310:681-9-3. [NEW]
310:681-9-4. [NEW]
310:681-9-5. [NEW]
310:681-9-6. [NEW]
310:681-9-7. [NEW]
310:681-9-8. [NEW]

310:681-9-9. [NEW]
Subchapter 10. Receivership [NEW]
310:681-10-1. [NEW]
310:681-10-2. [NEW]
310:681-10-3. [NEW]
310:681-10-4. [NEW]
Appendix A. Testing Thresholds [NEW]
Appendix B. Lab Quality Control Results [NEW]
**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**
March 20, 2020

[OAR Docket #20-290; filed 3-20-20]

**TITLE 340. DEPARTMENT OF HUMAN
SERVICES
CHAPTER 1. FUNCTION AND STRUCTURE
OF THE OKLAHOMA DEPARTMENT OF
HUMAN SERVICES**

[OAR Docket #20-216]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 11. Civil Rights and Nondiscrimination

Part 1. ~~Methods of Administration~~ Methods

340:1-11-4 [AMENDED]

(Reference WF 20-1)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 3, 2020

[OAR Docket #20-216; filed 3-9-20]

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

[OAR Docket #20-217]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 25. Legal Services

Part 1. Legal Services [NEW]

Part 3. Rulemaking Petition [NEW]

340:2-25-11 [NEW]

Subchapter 31. Intergovernmental Relations and Policy
[REVOKED]

Part 4. Intergovernmental Relations and Policy
[REVOKED]

340:2-31-10 [REVOKED]

Part 5. Rulemaking Petition [REVOKED]

Submissions to Governor and Legislature

340:2-31-31 through 340:2-31-33 [REVOKED]

(Reference WF 20-2A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-217; filed 3-9-20]

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

[OAR Docket #20-218]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 33. Rates and Standards

340:2-33-1 [AMENDED]

340:2-33-2 through 340:2-33-3 [REVOKED]

(Reference WF 20-2B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-218; filed 3-9-20]

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

[OAR Docket #20-219]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 39. ~~Planning, Research, and Statistics~~
Innovation Services

Part 1. ~~Office of Planning, Research, and Statistics~~
Innovation Services

340:2-39-1 [AMENDED]

Part 3. Oklahoma Department of Human Services
Institutional Review Board (DHSIRB)

340:2-39-5 through 340:2-39-11 [AMENDED]

340:2-39-11.1 [NEW]

340:2-39-12 [AMENDED]

340:2-39-12.1 [NEW]

340:2-39-12.2 [NEW]

340:2-39-13 [AMENDED]

(Reference WF 20-2C)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-219; filed 3-9-20]

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

[OAR Docket #20-220]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Human Resource Management

Part 5. Administrative Procedures

340:2-1-56 [AMENDED]

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

340:2-1-76 [AMENDED]

(Reference WF 20-2D)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-220; filed 3-9-20]

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

[OAR Docket #20-221]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 28. Office of Administrative Hearings: Child Support

340:2-28-3.1 [NEW]

340:2-28-11.1 [NEW]

340:2-28-17.2 [AMENDED]

340:2-28-22.1 [NEW]

340:2-28-25 [AMENDED]

340:2-28-25.1 [NEW]

340:2-28-25.2 [NEW]

340:2-28-55 [AMENDED]

(Reference WF 20-2E)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 3, 2020

[OAR Docket #20-221; filed 3-9-20]

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

[OAR Docket #20-222]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 4. The Office of the Public Guardian [NEW]

340:2-4-1. [NEW]

340:2-4-3. [NEW]

340:2-4-5. [NEW]

(Reference WF 20-2F)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 3, 2020

[OAR Docket #20-222; filed 3-9-20]

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

[OAR Docket #20-223]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

340:10-1-3. [AMENDED]

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

340:10-2-5 [AMENDED]

340:10-2-7 through 340:10-2-8 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 1. Resources

340:10-3-1 through 10-3-2 [AMENDED]

340:10-3-5 [AMENDED]

340:10-3-9 through 340:10-3-10 [AMENDED]

Part 3. Income

340:10-3-28 [AMENDED]

340:10-3-32 [AMENDED]

340:10-3-39 through 340:10-3-40 [AMENDED]

Part 5. Assistance Payments

340:10-3-58 through 340:10-3-59 [AMENDED]

Part 7. Transitional Benefits

340:10-3-75 [AMENDED]

Subchapter 4. Conditions of Eligibility - Mandatory Drug
Screening

340:10-4-1 [AMENDED]

Subchapter 7. Conditions of Eligibility - Residence

340:10-7-1 [AMENDED]

Subchapter 10. Conditions of Eligibility - Deprivation

340:10-10-2 [AMENDED]

Subchapter 22. Temporary Assistance for Needy Families
(TANF) Supported Permanency Program

340:10-22-1 [AMENDED]

(Reference WF 20-10)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 3, 2020

[OAR Docket #20-223; filed 3-9-20]

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

[OAR Docket #20-224]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Scope and Applicability

340:25-1-1.2 [AMENDED]

Subchapter 5. Operational Policies

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

340:25-5-110.1 [AMENDED]

340:25-5-117 [AMENDED]

340:25-5-134 [AMENDED]

Part 20. Medical Support

340:25-5-168 [AMENDED]

Part 21. Establishment

340:25-5-176 [AMENDED]

340:25-5-178 [AMENDED]

340:25-5-179.1 [AMENDED]

Part 33. Intergovernmental Cases

340:25-5-270 [AMENDED]

Part 39. Accounting and Distribution

340:25-5-351 [AMENDED]

(Reference WF 20-25)

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 3, 2020

[OAR Docket #20-224; filed 3-9-20]

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

[OAR Docket #20-225]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
340:40-1-6 [AMENDED]
Subchapter 3. Initial Application
340:40-3-1 [AMENDED]
Subchapter 5. Child Care Plan
340:40-5-1 [AMENDED]
Subchapter 7. Eligibility
340:40-7-1 [AMENDED]
340:40-7-2 [REVOKED]
340:40-7-6 [AMENDED]
340:40-7-7 [AMENDED]
340:40-7-9 [AMENDED]
340:40-7-10 [AMENDED]
340:40-7-11 [AMENDED]
340:40-7-12 and 340:40-7-13 [AMENDED]
Subchapter 9. Procedures Relating to Case Changes
340:40-9-1 [AMENDED]
340:40-9-2 [AMENDED]
Subchapter 10. Electronic Benefit Transfer (EBT) System for Child Care
340:40-10-1 through 340:40-10-4 [AMENDED]
Subchapter 13. Child Care Rates and Provider Issues
340:40-13-3 [AMENDED]
340:40-13-5 [AMENDED]
Subchapter 16. Improper Payments Error Rate Review Process
340:40-16-1 [AMENDED]
(Reference APA WF 18-17 and 20-40)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-225; filed 3-9-20]

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

[OAR Docket #20-226]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Non-Financial Eligibility Criteria
Part 3. Special Households

340:50-5-29 [AMENDED]

Part 5. Students, Strikers, Resident Farm Laborers, Migrant Households, Sponsored Aliens, and School Employees

340:50-5-45 [AMENDED]

Part 10. Able-Bodied Adults Without Dependents

340:50-5-101 [AMENDED]

Subchapter 7. Financial Eligibility Criteria

Part 1. Resources

340:50-7-1 [AMENDED]

Part 3. Income

340:50-7-29 [AMENDED]

340:50-7-31 [AMENDED]

Subchapter 9. Eligibility and Benefit Determination Procedures

340:50-9-5 [AMENDED]

(Reference WF 19-03)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-226; filed 3-9-20]

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

[OAR Docket #20-227]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions of Child Welfare Services
Part 1. Scope and Applicability
340:75-1-9 [AMENDED]
Subchapter 3. Child Protective Services
Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol
340:75-3-120 [AMENDED]
340:75-3-140 [AMENDED]
Part 3. Child Safety Evaluation Criteria and Procedure
340:75-3-300 [AMENDED]
Part 4. Specialized Investigative Protocols, Child Death or Near-Death Reporting Protocols
340:75-3-400 [AMENDED]
340:75-3-450 [AMENDED]
Part 5. Investigative Findings and Appeals
340:75-3-530 [AMENDED]
Subchapter 4. Family-Centered and Community Services
Part 1. Family-Centered Services
340:75-4-12.1 [AMENDED]
Subchapter 6. Permanency Planning
Part 1. General Provisions
340:75-6-4 [AMENDED]
Part 5. Permanency Planning Services
340:75-6-31.1 [AMENDED]

340:75-6-31.4 [AMENDED]
Part 7. Family and Child Individualized Service Planning Components
340:75-6-40.1 [AMENDED]
340:75-6-40.3 [AMENDED]
340:75-6-40.9 [AMENDED]
Part 11. Permanency Planning and Placement Services
340:75-6-85.2 [AMENDED]
Part 13. Successful Adulthood
340:75-6-110 [AMENDED]
Subchapter 7. Foster Home Care
Part 1. General Provisions
340:75-7-2 [AMENDED]
Part 2. Development of Resource Families
340:75-7-14 through 340:75-7-15 [AMENDED]
340:75-7-19 [AMENDED]
340:75-7-24 [AMENDED]
Part 5. Eligibility and Payments
340:75-7-52.1 [AMENDED]
Part 6. Resource Home Support Services
340:75-7-65 [AMENDED]
Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services
Part 1. Therapeutic Foster Care
340:75-8-6 [AMENDED]
340:75-8-8 [AMENDED]
340:75-8-11 through 340:75-8-11.1 [AMENDED]
Subchapter 11. Child Welfare Community-Based Residential Care
Part 17. Contracted Community-Based Residential Care Providers
340:75-11-230 [AMENDED]
Part 25. Non-funded and Funded Contracted Level B Placements
340:75-11-300 [AMENDED]
340:75-11-301 [AMENDED]
Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-Of-Home Care
Part 1. Eligibility for Substitute Care Services and Claims for Payment
340:75-13-7 through 340:75-13-8 [AMENDED]
Part 2. Title IV-E Eligibility and Reimbursability
340:75-13-13 [AMENDED]
Part 3. Income and Resources of the Child
340:75-13-28 through 340:75-13-30 [AMENDED]
Part 7. Medical Services
340:75-13-61 through 340:75-13-64 [AMENDED]
340:75-13-80 [AMENDED]
340:75-13-82 [AMENDED]
Subchapter 14. Well-Being
340:75-14-1 [AMENDED]
340:75-14-2 [NEW]
340:75-14-3 [AMENDED]
340:75-14-4 [NEW]
Subchapter 15. Adoptions

Part 2. Adoption Services Program Legal Authority and Scope
340:75-15-7 [AMENDED]
Part 10. Family Assessment and Preparation Process
340:75-15-84.1 [AMENDED]
Part 14. Post-Adoption Services
340:75-15-128.2 [AMENDED]
(Reference WFs 19-01 and 20-75)
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
March 3, 2020

[OAR Docket #20-227; filed 3-9-20]

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

[OAR Docket #20-228]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Client Services
Part 3. Service Provisions
340:100-5-34 [AMENDED]
Subchapter 18. Licensing
340:100-18-1 [AMENDED]
(Reference WFs 19-02 and 20-100)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-228; filed 3-9-20]

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

[OAR Docket #20-229]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-8.4 [AMENDED]
340:110-1-8.6 [AMENDED]
340:110-1-8.8 through 340:110-1-8.10 [AMENDED]
340:110-1-9.2 [AMENDED]
340:110-1-10.1 [AMENDED]
340:110-1-15 [AMENDED]
Part 3. Licensing Services - Residential Care and Agencies
340:110-1-47 through 340:110-1-47.1 [AMENDED]

340:110-1-54 [AMENDED]

Subchapter 3. Licensing Standards for Child Care Facilities
Part 5. Requirements for Family Child Care Homes and
Large Family Child Care Homes

340:110-3-84 through 340:110-3-85 [AMENDED]

340:110-3-91 through 340:110-3-91.1 [AMENDED]

340:110-3-97.1 [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-147 [AMENDED]

340:110-3-153 through 340:110-3-153.1 [AMENDED]

340:110-3-154.2 [AMENDED]

340:110-3-154.4 [AMENDED]

340:110-3-168 [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 1. Requirements for Child-Placing Agencies

340:110-5-4 [AMENDED]

340:110-5-6 through 340:110-5-7 [AMENDED]

340:110-5-9 through 340:110-5-11 [AMENDED]

340:110-5-12 [AMENDED]

Part 3. Requirements for Adoption Agencies

340:110-5-32 [AMENDED]

Part 5. Requirements for Foster Homes Agencies

340:110-5-63 [AMENDED]

Part 9. Requirements for Independent Living Programs

340:110-5-117 [AMENDED]

(Reference WF 20-110)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 3, 2020

[OAR Docket #20-229; filed 3-9-20]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 1. AGENCY AUTHORITY AND OBJECTIVES

[OAR Docket #20-271]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

390:1-1-4. [AMENDED]

390:1-1-14. [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 19, 2020

[OAR Docket #20-271; filed 3-20-20]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 2. ADMINISTRATIVE PROCEDURES

[OAR Docket #20-274]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

390:2-1-2. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 19, 2020

[OAR Docket #20-274; filed 3-20-20]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 10. PEACE OFFICER CERTIFICATION

[OAR Docket #20-272]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

390:10-1-7. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 19, 2020

[OAR Docket #20-272; filed 3-20-20]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING

[OAR Docket #20-275]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Basic Academy Programs

390:15-1-13. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 19, 2020

[OAR Docket #20-275; filed 3-20-20]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 25. CONTINUING LAW
ENFORCEMENT EDUCATION**

[OAR Docket #20-273]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

390:25-1-8. [AMENDED]
390:25-1-10. [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 19, 2020

[OAR Docket #20-273; filed 3-20-20]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 35. REGULATION OF PRIVATE
SECURITY INDUSTRY**

[OAR Docket #20-275B]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. License Requirements
390:35-5-1. [AMENDED]
390:35-5-2.1. [AMENDED]
390:35-5-3. [AMENDED]
Subchapter 7. Application Procedure
390:35-7-4. [AMENDED]
390:35-7-8. [AMENDED]
Subchapter 9. Violations and Investigations
390:35-9-1. [AMENDED]
Subchapter 15. Training Requirements
390:35-15-6. [AMENDED]
APPENDIX A [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 19, 2020

[OAR Docket #20-275B; filed 3-20-20]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 60. REGULATING BAIL
ENFORCERS**

[OAR Docket #20-275C]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
390:60-1-6. [AMENDED]
Subchapter 7. Disciplinary Actions
390:60-7-3. [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 19, 2020

[OAR Docket #20-275C; filed 3-20-20]

**TITLE 405. OKLAHOMA DEPARTMENT OF
LIBRARIES
CHAPTER 10. PUBLIC LIBRARY SYSTEMS**

[OAR Docket #20-238]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Library System Reporting and Development
405:10-5-2 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 13, 2020

[OAR Docket #20-238; filed 3-13-20]

**TITLE 405. OKLAHOMA DEPARTMENT OF
LIBRARIES
CHAPTER 30. DISTRIBUTION OF MAILING
LABELS**

[OAR Docket #20-239]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

405:30-1-1 [REVOKED]
405:30-1-2 [REVOKED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 13, 2020

[OAR Docket #20-239; filed 3-13-30]

Submissions to Governor and Legislature

TITLE 405. OKLAHOMA DEPARTMENT OF LIBRARIES CHAPTER 35. FEES

[OAR Docket #20-240]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

405:35-1-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2020

[OAR Docket #20-240; filed 3-13-20]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS

[OAR Docket #20-232]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Continuing Education

435:20-9-1. Definitions [AMENDED]

435:20-9-2. ~~Continuing education~~ Professional development requirements for renewal [AMENDED]

435:20-9-3. ~~Continuing education~~ Professional development categories [AMENDED]

435:20-9-3.1. Approval of providers [NEW]

435:20-9-4. Guidelines for the audit process [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2020

[OAR Docket #20-232; filed 3-11-20]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS

[OAR Docket #20-231]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

435:30-1-2. Definitions [AMENDED]

435:30-1-4. Licensure by endorsement [AMENDED]

435:30-1-5. License renewal; late fees; continuing education; re-entry guidelines [AMENDED]

435:30-1-15. Supervision of students, new graduates, techs and aides [AMENDED]

435:30-1-18. Telehealth Regulations [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2020

[OAR Docket #20-231; filed 3-11-20]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 35. LICENSED DIETITIANS AND PROVISIONAL DIETITIANS

[OAR Docket #20-230]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

435:35-1-2. Definitions [AMENDED]

435:35-1-4. Standards of professional conduct [AMENDED]

435:35-1-5. Academic requirements for examination and licensure [AMENDED]

435:35-1-11. Disciplinary hearings [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 10, 2020

[OAR Docket #20-230; filed 3-11-20]

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

[OAR Docket #20-310]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records

595:1-9-4. Fees [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2020

[OAR Docket #20-310; filed 3-25-20]

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

[OAR Docket #20-311]

RULEMAKING ACTION:

Submission to Governor and Legislature

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]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2020

[OAR Docket #20-311; filed 3-25-20]

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

[OAR Docket #20-312]

RULEMAKING ACTION:

Submission to Governor and Legislature

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]
- 595:11-7-10. Specification for commercial motor vehicles [AMENDED]
- 595:11-7-15. Suspension or revocation of license [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2020

[OAR Docket #20-312; filed 3-25-20]

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

[OAR Docket #20-313]

RULEMAKING ACTION:

Submission to Governor and Legislature

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]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2020

[OAR Docket #20-313; filed 3-25-20]

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

[OAR Docket #20-314]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Size and Weight Permit Load
595:30-3-2. A permit is a legal document; permit types [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2020

[OAR Docket #20-314; filed 3-25-20]

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

[OAR Docket #20-315]

RULEMAKING ACTION:

Submission to Governor and Legislature

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]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2020

[OAR Docket #20-315; filed 3-25-20]

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

[OAR Docket #20-256]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Administrative Components of the Department
612:1-3-2. The Director of Rehabilitation Services [AMENDED]
612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]
612:1-3-10. Final signature authority [AMENDED]
Subchapter 5. Program Divisions within the Department

612:1-5-1. Overview of the department [AMENDED]
 612:1-5-3. Division of ~~Visual~~ Services for the Blind and Visually Impaired (~~DVS~~)-(DSBVI) [AMENDED]
 612:1-5-4. Disability Determination ~~Division~~—Services (~~DDD~~)-(DDS) [AMENDED]
 Subchapter 15. Department Manual, Rules, and Declaratory Rulings
 612:1-15-1. Purpose and distribution of the manual [AMENDED]
 612:1-15-5. Definitions [NEW]
 612:1-15-6. Revision of administrative rules and internal policy [NEW]
 Subchapter 18. Process Improvement [NEW]
 Part 1. General Provisions [NEW]
 612:1-18-1. Purpose [NEW]
 Part 3. Program Standards [NEW]
 612:1-18-10. Program Standards [NEW]
 Part 5. Case Review [NEW]
 612:1-18-20. Case Review [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-256; filed 3-16-20]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
 CHAPTER 3. MANAGEMENT SERVICES
 DIVISION**

[OAR Docket #20-257]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Process Improvement [REVOKED]
 Part 1. General Provisions [REVOKED]
 612:3-5-2. Definitions [REVOKED]
 Part 3. Policy [REVOKED]
 612:3-5-12. Policy [REVOKED]
 Part 5. Program Standards [REVOKED]
 612:3-5-29. Program Standards [REVOKED]
 Part 7. Case Review [REVOKED]
 612:3-5-35. Case Review [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-257; filed 3-16-20]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
 CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES
 FOR THE BLIND AND VISUALLY IMPAIRED**

[OAR Docket #20-258]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
 612:10-1-1. Purpose [AMENDED]
 612:10-1-2. Definitions [AMENDED]
 612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]
 612:10-1-3.1. Procedural exceptions [AMENDED]
 612:10-1-3.2. Pilot projects [AMENDED]
 612:10-1-5. Confidentiality [AMENDED]
 612:10-1-6. Due Process [AMENDED]
 612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]
 Subchapter 3. Client Participation in Cost of Services
 612:10-3-2. Consideration of comparable services and benefits [AMENDED]
 612:10-3-3. Client participation in services cost and financial status determination [AMENDED]
 612:10-3-4. Services exempt from client participation in service costs [AMENDED]
 Subchapter 7. Vocational Rehabilitation and ~~Visual~~ Services for the Blind and Visually Impaired
 Part 1. Scope of Vocational Rehabilitation and ~~Visual~~ Services for the Blind and Visually Impaired
 612:10-7-1. Overview of Vocational Rehabilitation and Visual Services for the Blind and Visually Impaired [AMENDED]
 612:10-7-2. Field staff responsibilities [AMENDED]
 612:10-7-2.5. Work Experience [NEW]
 612:10-7-3. Client responsibilities [AMENDED]
 Part 3. Case Processing Requirements
 612:10-7-21.1. Processing incoming referrals [AMENDED]
 612:10-7-21.2. Information and referral system [AMENDED]
 612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
 612:10-7-24.2. Assessment for determining eligibility [AMENDED]
 612:10-7-25.1. Order of selection [AMENDED]
 612:10-7-31. Transfer of cases [AMENDED]
 Part 5. Case Status and Classification System
 612:10-7-50. Eligibility Status [AMENDED]
 612:10-7-51. Individualized Plan for Employment [AMENDED]
 612:10-7-55. Job Ready [AMENDED]
 Part 9. Actions Requiring Review and Approval

612:10-7-87. Actions requiring supervisor's approval [AMENDED]

Part 11. Physical and Mental Restoration Services

612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]

Part 13. Supportive Services

612:10-7-130. Maintenance [AMENDED]

Part 15. Training

612:10-7-142. General guidelines for training services [AMENDED]

612:10-7-149. College and university training [AMENDED]

612:10-7-150. Continued eligibility for college or university training [AMENDED]

612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]

612:10-7-158. Training for individuals in custody of the Department of Corrections [AMENDED]

612:10-7-161. Public and private vocational schools [AMENDED]

612:10-7-162. Textbooks, supplies, training tools and equipment [AMENDED]

Part 17. Supportive Employment Services

612:10-7-183. Ongoing support services [AMENDED]

612:10-7-184. Extended services [AMENDED]

Part 19. Special Services for Individuals Who Are Blind, Deaf, or Have Other ~~Severe~~ Significant Disabilities

612:10-7-199. Reader/recording services [AMENDED]

612:10-7-201. Rehabilitation teaching services [AMENDED]

612:10-7-205. Services to persons who are deaf-blind [AMENDED]

612:10-7-206. Assistive technology services for individuals with visual impairments [AMENDED]

Part 21. Purchase of Equipment, Occupational Licenses and Certifications

612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]

612:10-7-220. Vehicle modification services [AMENDED]

612:10-7-221. Housing Modification [AMENDED]

Part 23. Self-Employment Programs and Other Services

612:10-7-233. Special consideration in state government employment for persons with severe disabilities [AMENDED]

Part 25. Transition from School to Work Program

612:10-7-242. Pre-Employment Transition Services [AMENDED]

612:10-7-245. Definitions [AMENDED]

Subchapter 9. Rehabilitation Teaching Services

Part 1. General Provisions

612:10-9-5. Vocational rehabilitation [NEW]

Part 5. Services

612:10-9-32. Diagnosis and evaluation [REVOKED]

612:10-9-38. Vocational rehabilitation [REVOKED]

Subchapter 11. Independent Living Services for Older and Individuals Who are Blind

Part 1. Scope of Services

612:10-11-1. Purpose [AMENDED]

612:10-11-7. Administrative review [AMENDED]

Subchapter 13. Special Services for the Deaf and Hard of Hearing

Part 3. Certification of Interpreters

612:10-13-21. Code of ethics [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-258; filed 3-16-20]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 15. OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED (OLBPH)

[OAR Docket #20-259]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Library Loan Policy

612:15-5-2. Suspension procedures [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-259; filed 3-16-20]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 20. SPECIAL SCHOOLS

[OAR Docket #20-260]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Operating Procedures for the Schools

Part 5. Standards of Conduct for all School Personnel

612:20-3-38. Use of alcohol, drugs and controlled substances by employees (Drug-Free Workplace) [AMENDED]

Subchapter 9. Service Programs

612:20-9-2. Grants for Support Service Providers [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2020

[OAR Docket #20-260; filed 3-16-20]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 10. AD VALOREM**

[OAR Docket #20-296]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Equalization Study

Part 1. General Provisions

710:10-3-18 [AMENDED]

Part 3. Data Collection

710:10-3-25 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 23, 2020

[OAR Docket #20-296; filed 3-24-20]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 22. BOATS AND MOTORS**

[OAR Docket #20-297]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

710:22-1-3 [AMENDED]

710:22-1-22 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 23, 2020

[OAR Docket #20-297; filed 3-24-20]

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

[OAR Docket #20-298]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 15. Oklahoma Taxable Income

Part 3. Exemptions

710:50-15-32 [AMENDED]

Part 5. Other Adjustments to Income

710:50-15-51 [AMENDED]

710:50-15-69 [NEW]

Part 7. Credits Against Tax

710:50-15-81 [AMENDED]

710:50-15-116 [AMENDED]

710:50-15-117 [NEW]

Subchapter 17. Oklahoma Taxable Income for
Corporations

Part 1. General Provisions

710:50-17-1 [AMENDED]

Subchapter 19. Oklahoma Taxable Income for Partnerships

710:50-19-1 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 23, 2020

[OAR Docket #20-298; filed 3-24-20]

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

[OAR Docket #20-299]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Motor Vehicle Titles

Part 5. Certificates of Title

710:60-5-62 [AMENDED]

Subchapter 9. Motor Vehicle License Agents/Agencies

Part 1. General Requirements, Duties and Responsibilities
of Motor License Agents

710:60-9-2 [AMENDED]

Part 13. Provisions for Motor License Agent Application
and Appointment

710:60-9-134 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 23, 2020

[OAR Docket #20-299; filed 3-24-20]

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

[OAR Docket #20-300]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Duties and Liabilities

710:65-7-15 [AMENDED]

Subchapter 13. Sales and Use Tax Exemptions

Part 29. Manufacturing

710:65-13-158 [AMENDED]

Part 31. Medicine, Medical Appliances, and Health Care
Entities and Activities

Submissions to Governor and Legislature

710:65-13-169 [AMENDED]

710:65-13-170 [AMENDED]

710:65-13-171 [AMENDED]

710:65-13-173 [AMENDED]

Part 43. Social, Charitable, and Civic Organizations and Activities

710:65-13-366 [NEW]

710:65-13-367 [NEW]

Subchapter 19. Specific Applications and Examples

Part 37. "S"

710:65-19-316 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 23, 2020

[OAR Docket #20-300; filed 3-24-20]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #20-301]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

710:90-1-2 [AMENDED]

710:90-1-3 [AMENDED]

710:90-1-8 [AMENDED]

710:90-1-13 [AMENDED]

Subchapter 5. Liability and Penalties

710:90-5-1 [AMENDED]

710:90-5-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 23, 2020

[OAR Docket #20-301; filed 3-24-20]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY

[OAR Docket #20-302]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Used Tire Recycling

710:95-5-2 [AMENDED]

710:95-5-3 [AMENDED]

710:95-5-9 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 23, 2020

[OAR Docket #20-302; filed 3-24-20]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 15. USED MOTOR VEHICLE SALESPERSONS

[OAR Docket #20-233]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Licensing

765:15-1-1 [AMENDED]

765:15-1-2 [AMENDED]

765:15-1-3 [AMENDED]

765:15-1-5 [AMENDED]

765:15-1-6 [AMENDED]

765:15-1-7 [AMENDED]

Subchapter 3. Authority of Salespersons

765:15-3-1 [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension or Revocation of License

765:15-5-1 [AMENDED]

765:15-5-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 12, 2020

[OAR Docket #20-233; filed 3-12-20]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 36. MANUFACTURED HOME MANUFACTURERS

[OAR Docket #20-234]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 6. Manufactured Home Inspection Fees [NEW]

765:36-6-1 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 12, 2020

[OAR Docket #20-234; filed 3-12-20]

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

[OAR Docket #20-235]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Operation

765:37-5-6 [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 12, 2020

[OAR Docket #20-235; filed 3-12-20]

**TITLE 765. OKLAHOMA USED MOTOR
VEHICLE AND PARTS COMMISSION
CHAPTER 38. MANUFACTURED HOME
SALESPERSONS**

[OAR Docket #20-236]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Licensing Qualifications, Procedures and
Fees

765:38-1-1 [AMENDED]

765:38-1-2 [AMENDED]

765:38-1-3 [AMENDED]

765:38-1-4 [AMENDED]

765:38-1-5 [AMENDED]

765:38-1-6 [AMENDED]

Subchapter 3. Authority of Salespersons

765:38-3-1 [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension, or
Revocation of License

765:38-5-1 [AMENDED]

765:38-5-2 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 12, 2020

[OAR Docket #20-236; filed 3-12-20]

**TITLE 810. OKLAHOMA WORKERS'
COMPENSATION COMMISSION
CHAPTER 1. GENERAL INFORMATION**

[OAR Docket #20-265]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

810:1-1-2 [AMENDED]

810:1-1-6 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 9, 2020

[OAR Docket #20-265; filed 3-19-20]

**TITLE 810. OKLAHOMA WORKERS'
COMPENSATION COMMISSION
CHAPTER 10. PRACTICE AND
PROCEDURE**

[OAR Docket #20-266]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

810:10-1-3 [AMENDED]

810:10-1-9 [AMENDED]

Subchapter 5. Hearings Conducted by Administrative Law
Judges and Commissioners

Part 1. Commencement of Claims

810:10-5-2 [AMENDED]

810:10-5-3 [AMENDED]

810:10-5-7 [AMENDED]

Part 3. Subsequent Pleadings

810:10-5-15 [AMENDED]

810:10-5-16 [AMENDED]

810:10-5-17 [AMENDED]

810:10-5-18 [AMENDED]

Part 5. Prehearing Proceedings

810:10-5-30 [AMENDED]

Part 7. Initial and Subsequent Proceedings

810:10-5-49 [AMENDED]

Part 9. Post Order Relief

810:10-5-66 [AMENDED]

Part 15. Settlements

810:10-5-95 [AMENDED]

Part 17. Fees

810:10-5-105 [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 9, 2020

[OAR Docket #20-266; filed 3-19-20]

TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 15. MEDICAL SERVICES

[OAR Docket #20-267]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Independent Medical Examiners

810:15-9-1 [AMENDED]

810:15-9-5 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 9, 2020

[OAR Docket #20-267; filed 3-19-20]

TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF INSURANCE

[OAR Docket #20-268]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Enforcement of Workers' Compensation

Insurance Requirements

810:25-7-1 [AMENDED]

810:25-7-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 9, 2020

[OAR Docket #20-268; filed 3-19-20]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the *Register* unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

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

[OAR Docket #20-292]

RULEMAKING ACTION:

Withdrawal of EMERGENCY rulemaking

WITHDRAWN RULES:

Subchapter 10. Electronic Benefit Transfer (EBT) System
for Child Care

340:40-10-4. [AMENDED]

Subchapter 13. Child Care Rates and Provider Issues

340:40-13-3. [AMENDED]

(Reference WF 20-01)

DATES:

Adoption:

February 25, 2020

Submission of adopted rules to Governor and Legislature:

February 26, 2020

Withdrawn:

March 23, 2020

ADDITIONAL INFORMATION:

The computer payment system is not ready as planned. The rules will be submitted again at a later date.

[OAR Docket #20-292; filed 3-23-20]

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 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #20-293]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-8.3 [AMENDED]

Appendix GG. Ratios and Group Sizes [REVOKED]

Appendix GG. Ratios and Group Sizes [NEW]

(Reference WF 19-05)

AUTHORITY:

Director of Human Services; 56 O.S. § 162; 10 O.S. §§ 404 and 406 of the Oklahoma Child Care Facilities Licensing Act.

ADOPTION:

January 28, 2020

EFFECTIVE:

Immediately upon Governor's approval or March 1, 2020, whichever is later

APPROVED BY GOVERNOR:

March 13, 2020

EXPIRATION:

Effective through September 14, 2021, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested to align the quality rating and improvement system (QRIS) monitoring with HB 2212, passed during the 2019 legislative session. Licensed programs impacted by the proposed amendments include child care programs participating in the QRIS program and licensed for 50 or more children. Staff-child ratio licensing requirements are amended for: (1) child care centers; (2) drop-in programs; and (3) part-day programs. Amendments to licensing requirements: (1) provide improved services to programs by revising staff-child ratio requirements; and (2) improve health and safety of children. If the proposed revisions are not implemented, the Oklahoma Department of Human Services will be out of compliance with current statutes and with the staff-child ratios recommendations made by the Child Care Advisory Committee (CCAC) child care center-based standing subcommittee on June 12, 2019.

GIST/ANALYSIS:

The proposed amendments to Chapter 110, Subchapter 1, Part 1, amend Child Care Services (CCS) monitoring procedures for QRIS. Subchapter 3, Part 15 amends staff-child ratio licensing requirements for: (1) child care centers; (2) drop-in programs; and (3) part-day programs.

Licensed child care programs participating in the QRIS program impacted by the proposed amendments include: (1) child care centers; (2) day-camps; (3) drop-in programs; (4) out-of-school time programs; (5) part-day programs; and (6) programs for sick children. Proposed amendments align QRIS rules and procedures with House Bill (HB) 2212, 2019 legislative session, amending Section 406 of Title 10 of the Oklahoma Statutes (10 O.S. §406), the Oklahoma Child Care Facilities Licensing Act. HB 2212 provides child care programs, licensed for 50 or more children, the ability to schedule the QRIS criteria review with Licensing staff.

Proposed amendments revise the staff-child ratio for single-aged ratios for 5-year olds and mixed-aged ratios for categories of children within: (1) infants and older ages; (2) 4-year-olds and older; and (3) 5-year olds and older. CCS requested input regarding mixed-age ratios for infants and older ages from the CCAC child care center-based standing subcommittee. Current mixed-age ratios were not reflective of typical age groupings for mixed-aged infants and older-aged children. The CCAC child care center-based standing subcommittee reviewed staff-child ratios on June 12, 2019, and proposed revisions to staff-child ratios impacting single-age ratios for 5-year olds and mixed-aged ratios for: (1) infants and older ages; (2) 4-year-olds and older; and (3) 5-year olds and older. Proposed amendments to staff-child ratios reflect typical age groupings for specific-age categories and benefits the child care industry with improved groupings for children.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR MARCH 1, 2020, WHICHEVER IS LATER:

SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. LICENSING SERVICES - CHILD CARE

340:110-1-8.3. Certification of programs to receive a differential quality rating and improvement level

(a) **Purpose.** The differential quality rating and improvement system was developed to improve the overall quality of care by increasing the professional development and education of child care providers and to provide the public with a method to evaluate child care. Certification is required for a program

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to receive a differential quality rating for children whose families are receiving subsidized child care benefits through the Oklahoma Department of Human Services (DHS).

(b) **Criteria for child care centers and homes certification levels.** The certification process and quality rating and improvement criteria for child care programs are described in Oklahoma Administrative Code (OAC) 340:110-1-8.3 through 340:110-1-8.10.

(c) **Request for star certification process.** The process in (1) through (4) of this subsection is required for certification.

(1) **Criteria for one star centers and homes.** A program operating on a permit or license is automatically designated as a one star program.

(2) **Criteria for one star plus centers and homes.** For approval as a one star plus program, the owner and director or primary caregiver, when applicable, ~~must~~ complete and submit Form 07LC025E, Request for Child Care Center Star Certification, or Form 07LC027E, Request for Family Child Care Home Star Certification, and:

(A) meet all criteria described in (b) of this Section; and

(B) when licensed as a child care center, meet at least the minimum required number of master teachers, per applicable Licensing requirements and are not eligible for master teacher probationary periods.

(3) **Criteria for two star centers and homes.** For approval as a two star program, the owner and director or primary caregiver, when applicable, ~~must~~ complete and submit the appropriate request for star certification, and meet:

(A) all one star plus and two star criteria described in (b) of this Section; or

(B) Licensing status and compliance, per OAC 340:110-1-8.4, and provide documentation the program is:

- (i) accredited by a national accrediting organization approved by Child Care Services (CCS); or
- (ii) a Head Start grantee and compliant with Head Start Program Performance Standards.

(4) **Criteria for three star centers and homes.** For approval as a three star program, the owner and director or primary caregiver, when applicable, must:

(A) complete and submit the appropriate request for star certification; and

(B) meet one star plus and two star criteria described in (b) of this Section, and be:

- (i) accredited by a national accrediting organization approved by CCS; or
- (ii) a Head Start grantee and compliant with Head Start Program Performance Standards.

(d) **Approval for certification for centers and homes.** The procedures in this subsection are followed for initial approval and requests for higher star certification level.

(1) The owner and director or primary caregiver, when applicable, ~~submits~~ submit the appropriate request for star certification and required documentation to CCS.

(2) The stars outreach specialist determines when certification criteria are met by reviewing the case ~~record~~ file and submitted documentation. When it has been four

months since the last monitoring visit, the stars outreach specialist requests Licensing staff conducts a full-monitoring visit. Prior to approval, the stars outreach specialist reviews all information consulting with Licensing staff and the stars program administrator or designee as needed.

(A) The monitoring visits and substantiated complaints for the last 24 months of operation are reviewed for ~~determination of~~ criteria compliance determination. The request may be denied when the program has:

(i) numerous, repeated, or serious non-compliance, per OAC 340:110-1-8.4;

(ii) a single serious incident resulting in injury or imminent risk of harm to a child within the 24-month period;

(iii) an Emergency Order or notice of proposed request for license denial or license revocation issued; ~~or~~

(iv) a ~~consent agreement, per OAC 340:110-1-9.5~~ serious substantiated complaint;

(v) failed to employ a qualified director for six months or more; or

(vi) a consent agreement, per OAC 340:110-1-9.5.

(B) When the program meets the criteria, the stars outreach specialist provides a letter confirming the approval and the effective date, and updates the database. When numerous, repeated, or serious non-compliance was identified during case review for the star certification request, the letter states these non-compliances are considered, and may result in star certification reduction when subsequent serious non-compliances occur.

(C) When the program fails to meet the criteria, the stars outreach specialist provides a letter identifying criteria not met. The request for star certification is also reviewed determining ~~if~~ when another star certification level can be met and updating the database accordingly.

(D) The owner and director or primary caregiver, when applicable, may reapply when criteria are met. When the request for a higher star certification level is denied due to numerous, repeated, or serious non-compliance with Licensing requirements, the program is not approved for a higher star certification level prior to six months after the program receives the denial letter by certified mail. The regional programs manager (RPM) may reduce the six-month waiting period based on ~~Licensing record case file~~ evaluation, corrective action written documentation, and Licensing staff observation and documentation of substantial compliance improvement. The RPM provides the program written notification regarding reduced timeframes.

(E) The owner may withdraw the request for star certification prior to denial.

(F) The owner may request a reduction in star certification level. The request ~~must be~~ is made in

writing to CCS. Quality rating and improvement system (QRIS) personnel or the designee provides a letter to the owner documenting the reduction request, including the new star certification level effective date, and updates the database with the program's new star certification level. A reduction request does not constitute a reduction in star certification level, per (h) of this Section, and the right to request an administrative review is waived.

(e) **Complaint investigations.** Pending complaint investigations may impact star certification request approval.

(f) **Ongoing review.** The procedures in this subsection are followed for ongoing review.

(1) **Program notification to CCS.** The owner, director, or primary caregiver is required to notify CCS within five program-business days of changes affecting the program's star certification level. The case is reviewed by Licensing staff, determining whether criteria continue being met.

(2) **Periodic certification reviews.** Licensing staff completes a minimum of three reviews annually, using Form 07LC026E, Child Care Center Star Certification Review, or Form 07LC028E, Family Child Care Home Star Certification Review. The three reviews consist of two partial- and one full-star certification criteria reviews.

(A) For programs having a licensed capacity of fifty or more, the annual criteria review may be scheduled at least one week in advance, when requested by the program owner or director.

(B) Programs:

(i) ~~A~~ operating less than a full-year or having a cooperative licensing agreement with a tribal program are required to have a minimum of one partial- and one full-star certification reviews annually; and

(ii) ~~B~~ exempt from state licensure including federal or tribal programs, ~~must~~ have all applicable stars criteria reviewed at least annually.

(3) **Master teacher change.** When an individual replaces a master teacher:

(A) Form 07LC031E, Probationary Master Teacher Agreement, is completed;

(B) the probationary master teacher is granted a one-year probationary period to fulfill the master teacher educational qualifications per applicable Licensing requirements and QRIS criteria; and

(C) Licensing may extend the probationary period for a second year, providing the probationary master teacher is actively pursuing educational qualifications as identified on Form 07LC031E.

(4) **Non-compliance.** The star certification level of a one star plus, two, or three star program may be reduced, when a program has:

(A) serious non-compliance with Licensing requirements, within a 24-month period;

(B) a serious incident resulting in injury or imminent risk of harm to a child; ~~or~~

~~(C) violations with other star certification criteria~~
an Emergency Order or notice of proposed request for license denial or license revocation issued;

(D) a serious substantiated complaint;

(E) failed to employ a qualified director for six months or more; or

(F) other star certification criteria violations.

(5) **Violations.** When violations of certification criteria are documented, or the program notifies CCS of criteria changes, the procedures in (A) through (E) of this paragraph are followed.

(A) Licensing staff provides written notification documenting the violations, including a statement that a reduction in the star certification level may occur, when the program has:

~~(i) the program had~~ serious non-compliances with Licensing requirements;

(ii) a serious incident occurs resulting in injury or imminent risk of harm to a child;

~~(iii) violations are not corrected in the agreed on time frame; or an Emergency Order or notice of proposed request for license denial or license revocation issued;~~

~~(iv) an Emergency Order or notice of proposed request for license denial or revocation is issued a~~
serious substantiated complaint;

(v) failed to employ a qualified director for six months or more; or

(vi) star criteria violations not corrected in the agreed on time frame.

~~(B) Licensing staff documents a plan of correction for each star criteria violation need during the criteria review indicating a specific agreed on correction time frame;~~

(i) for each star criteria violation documented during a criteria review; or

(ii) when a program notifies Licensing of star criteria violations.

(C) When previous star criteria violations were not corrected in the agreed on time frame, an additional plan of correction may be documented indicating a reduced correction time frame.

(D) When the program fails to meet additional plans of correction, Licensing staff may submit a referral for star certification reduction or notify the program of a request for extension of time to comply, including timeframes.

(E) When the program does not apply for an extension of time to comply, there is no acceptable plan of correction; Licensing staff may submit a referral for star certification reduction.

(6) **Follow-up of star criteria violations.** Licensing staff is responsible for verifying star certification criteria violations are corrected as determined by the approved plan of correction.

(7) **Written notice.** Licensing staff provides written notice that star certification criteria are not being met, when a program has:

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- (A) ~~there is serious non-compliance with requirements, per OAC 340:110-1-8.4;~~
 - (B) ~~a serious complaint that may place the children's health, safety, or well-being at incident resulting in injury or imminent risk of harm; substantiated;~~
 - (C) ~~Licensing staff have knowledge the program is not meeting star certification criteria, such as having an insufficient number of master teachers; and/or a serious, substantiated complaint that may place the children's health, safety, or well-being at imminent risk of harm;~~
 - (D) ~~a program fails failed to employ a qualified director for six months or more; or~~
 - (E) star criteria violation.
- (g) **Extension of time to comply.**
- (1) A request for an extension of time to comply may be submitted when violations of star criteria cannot be corrected within the agreed on plan of correction time frame.
 - (2) A request for an extension of time to comply to meet Licensing requirements, such as director qualifications, is not approved.
 - (3) The owner, director, or primary caregiver submits Form 07LC074E, Request for Extension of Time to Comply, no later than 10-calendar days after the plan of correction expires.
 - (4) The decision to approve or deny an extension of time to comply is made by the stars program administrator or designee. One or more discretionary extensions of time to comply may be granted. Approval of an extension of time to comply does not set a precedent and each request is independently evaluated. The owner and director or primary caregiver, when applicable, is notified in writing of the decision.
- (h) **Reduction in one star plus, two, and three star certification levels.**
- (1) A reduction occurs when CCS issued a written Emergency Order or notice of proposed request for license denial or license revocation.
 - (2) A reduction may occur, when the program has:
 - (A) ~~the program had numerous, repeated, or serious non-compliance with Licensing requirements within a 24-month time frame;~~
 - (B) ~~a serious incident occurs resulting in injury or imminent risk of harm to a child;~~
 - (C) ~~violations are not corrected within the agreed on time frame; or a serious, substantiated complaint;~~
 - (D) ~~a program fails to employ a qualified director for six months or more violations not corrected within the agreed on time frame; or~~
 - (E) failed to employ a qualified director for six months or more.
 - (3) The procedures in this subsection are followed when a reduction is warranted.
 - (A) Licensing staff reviews the case with the supervisor and RPM. The decision to make a referral to the stars program administrator or designee is made by the RPM and referrals are made in writing to the

stars program administrator or designee. The RPM may ~~enter in an agreement offer~~ or accept a request from the owner of a licensed program for an alternative settlement ~~with the owner of a program~~ in lieu of reduction. The alternative settlement documents how the program will go above and beyond minimum Licensing requirements and ensure a higher standard or quality of care. It is the RPM's decision to accept or deny the alternative settlement.

- (B) When a reduction is warranted, the stars program administrator or designee provides the owner and director or primary caregiver, when applicable, a letter sent by certified mail documenting the reduction in star certification level and notifying the program of the right to request an administrative review of the decision.
 - (C) The certified mail delivery receipt card is addressed to return to the CCS director or designee.
 - (D) In order to receive an administrative review, the owner ~~must submit~~ submits a written request to the CCS director or designee within 15-calendar days of reduction notification letter receipt.
 - (E) The request ~~must include~~ includes written documentation stating the program's grounds for appeal.
- (4) QRIS personnel or a designee updates changes in the star certification level and payment rate following verification of certified letter receipt and the administrative review, when requested.
- (5) The administrative review process includes determining when a star certification level reduction was in accordance with DHS ~~policy~~ rules and substantially supported by the evidence. The procedures in (A) through (C) of this paragraph are followed when an administrative review is requested.
- (A) Within 30-calendar days of receiving the request for an administrative review, a letter is provided notifying the owner and program of the administrative review. Prior to the administrative review, the owner is provided at least a 14-calendar day written notice. All correspondence indicates the administrative review date, time, and location. The owner may submit written documentation prior to, or at the beginning of, the administrative review, with copies provided to all representatives.
 - (B) The administrative review panel:
 - (i) provides review;
 - (ii) consists of one DHS staff not involved in the decision to reduce the star certification level; and
 - (iii) includes two Child Care Advisory Committee (CCAC) members, one ~~of which is being~~ a center owner or operator, per OAC 340:110-1-17.
 - (C) The stars review panel makes a determination affirming or reversing the CCS decision at the administrative review. Time constraints or the complexity of issues may require the panel to take a matter under advisement. The determination decision is completed within 10-calendar days from the panel review date.

- (6) The owner and director or primary caregiver, when applicable, may reapply for a higher star certification level when criteria are met. When the star certification level is reduced due to serious non-compliance with Licensing requirements, the program is not approved for a higher star certification level for six months after receiving the reduction letter, sent by certified mail.
- (i) **Change in ownership.** When there is a change in program ownership or form of business entity ~~of a program~~, the case is closed and the star certification level is removed, unless otherwise determined, per OAC 340:110-1-9. For approval as a higher star certification level, the new owner and director or primary caregiver, when applicable, completes and submits the appropriate star certification request, meeting all the criteria applicable to the requested star certification level.
- (j) **Transitional change of ownership.** When a program requests a transitional change of ownership (1) through (7) of this subsection are followed.
- (1) Licensing staff conducts a full-star criteria review within five DHS-business days:
- (A) verifying all applicable criteria are met; and
- (B) obtaining the appropriate request for star certification completed by the prospective owner and director or primary caregiver, when applicable.
- (2) The stars outreach specialist reviews the request for star certification completed by the prospective owner and verifies star level certification criteria are met, per (d) of this Section.
- (3) Transitional change of ownership procedures are followed, per OAC 340:110-1-9.
- (4) Periodic and ongoing criteria reviews are conducted and maintained, per (f) of this Section.
- (5) All star certification criteria reviews and correspondence are provided to both the current and prospective owners.
- (6) Change of ownership procedures are followed, per (i) of this Section by the end of 90-calendar days, when applicable.
- (7) When programs notify Licensing that transitional change of ownership is no longer proceeding, Licensing staff verifies program operation status and consults with the supervisor for appropriate action.
- (k) **Inactive status.** When a program is determined inactive, per OAC 340:110-1-9, all applicable star certification criteria ~~must be~~ is reviewed at least annually prior to resuming care.
- (l) **Address change.** When the program's address changes, Licensing staff completes the appropriate star certification review, verifying compliance with criteria at the new address. Licensing staff determines when a partial- or full-star certification review is conducted.
- (m) **Record-keeping.** Periodic certification review, request forms, and supporting documentation are maintained in the case file or in a separate open-record file. When maintained, any information, including children's photographs is kept confidential, per OAC 340:110-1-14.

APPENDIX GG. RATIOS AND GROUP SIZES [REVOKED]

APPENDIX GG. RATIOS AND GROUP SIZES [NEW]

Programs may have single-age groups, mixed-age groups, or both. Ratios and maximum group sizes are determined by the actual ages of the children in the group and the type of program license per Oklahoma Administrative Code 340:110-3-275.

Day Camps

Children in Group	Ratios	Maximum Group Sizes
5-year-olds and older	1:15	The number of children in an activity is limited to facilitate: <ul style="list-style-type: none">teaching personnel and child interactions; andsafe, constructive participation by the children.

Out-of-School Time Programs

The age of the youngest child in a mixed-age group determines the ratio and group size.

Youngest Child In Group	Ratios	Maximum Group Sizes
3-year-olds	1:12	24
4-year-olds	1:15	30
5-year-olds (and older groups)	1:20	The number of children in an activity is limited to facilitate: <ul style="list-style-type: none">teaching personnel and child interactions; andsafe, constructive participation by the children.

Programs for Sick Children

The age of the youngest child in a mixed-age group determines the ratio and group size.

Youngest Child In Group	Ratios	Maximum Group Sizes
Infants	1:3	6
1-year-olds	1:3	6
2-year-olds	1:4	8
3-year-olds	1:4	8
4-year-olds	1:4	8
5-year-olds	1:4	8
6-year-olds (and older groups)	1:6	12

Child Care Centers, Drop-In Programs, and Part-Day Programs

Single-Age Group Chart

Use when the:

- group of children are the same ages
or
- Mixed-Age Group Exception* applies.

	Ratios	Maximum Group Size
Infants	1:4	8
1-year-olds	1:6	12
2-year-olds	1:8	16
3-year-olds	1:12	24
4-year-olds	1:15	30
5-year-olds (and older single-age groups)	1:20	40

Child Care Centers, Drop-In Programs, and Part-Day Programs (continued)

Mixed-Age Group Chart

Use when the group of children are different ages, **unless** the Mixed-Age Group Exception* applies.

	Ratios		Maximum Group Size
Infants and 1-year-olds only	1:6	No more than two infants per teaching personnel	12
Infants and older	1:8	No more than two under 2 years of age per teaching personnel	16
1-year-olds and older	1:8	No more than two 1-year-olds per teaching personnel	16
2-year-olds and older	1:12	No more than four 2-year-olds per teaching personnel	24
3-year-olds and older	1:15	No more than six 3-year-olds per teaching personnel	30
4-year-olds and older	1:18	No more than eight 4-year-olds per teaching personnel	36
5-year-olds and older (and older mixed-age groups)	1:20		40

***Mixed-Age Group Exception.** If a mixed-age group of children is understaffed or over group size according to the Mixed-Age Group Chart, refer to the Single-Age Group Chart to determine if the mixed-age group may be in compliance. In this situation, the age of the youngest child in the mixed-age group determines the ratio and group size used in the Single-Age Group Chart. The children may remain in their mixed-age group even when following the Single-Age Group Chart.

Swimming and Wading Ratios

These ratios are maintained when the children are swimming, wading, or both. However, these ratios do not apply when the children are participating in swimming lessons with a certified instructor. The age of the youngest child in a mixed-age group determines the ratio.

Youngest Child In Group	Ratio
Infants	1:1
1-year-olds	1:1
2-year-olds	1:2
3-year-olds	1:6
4-year-olds	1:7
5-year-olds	1:7
6-year-olds (and older groups)	1:10

Shoreline Ratios

5-year-olds and older may participate in shoreline activities provided the swimming and wading ratios are maintained.

[OAR Docket #20-293; filed 3-23-20]

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TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS

[OAR Docket #20-288]

RULEMAKING ACTION:

EMERGENCY adoption

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 [AMENDED]
725:15-33-12. Final Approval [AMENDED]
725:15-33-13. Application form [AMENDED]
725:15-33-14. Appeals [AMENDED]

AUTHORITY:

68 O.S. §2395, 74 O.S. § 2204; Executive Director of the Oklahoma Tourism and Recreation Department

ADOPTION:

January 23, 2020

EFFECTIVE:

Effective immediately upon Governor's approval

APPROVED BY GOVERNOR:

March 9, 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 emergency rule amendments are necessary to avoid violation of state law and avoid serious prejudice to the public interest by correcting statutory references, clarifying and accurately describing the Oklahoma Tourism Development Act requirements, capabilities, and applications.

GIST/ANALYSIS:

The purpose of the proposed emergency amendments is to ensure that the amended Rules accurately cite the correct statutes, accurately describe the scope of the Oklahoma Tourism Development Act, and accurately reflect the recent changes in law regarding the roles, powers, and duties of the Oklahoma Tourism and Recreation Commission, Oklahoma Tourism and Recreation Department, and the Executive Director of the Oklahoma Tourism and Recreation Department.

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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 33. OKLAHOMA TOURISM DEVELOPMENT ACT TAX CREDIT PROGRAM

725:15-33-8. Necessity, function, and conformity

68 O.S. § 2394 requires that the Director, ~~with approval of the Oklahoma Tourism and Recreation Commission, shall~~ establish standards for the making of applications for inducements to eligible companies and their tourism attraction projects ~~production and development facility project~~ by the

promulgation of rules in accordance with the Administrative Procedures Act.

725:15-33-9. Definitions

The following words and terms, when used in this ~~(Chapter, Subchapter, Part)~~ shall have the following meaning, unless the context clearly indicated otherwise:

"Act" or "this act" means the Oklahoma Tourism Development Act found in 68 O.S. § 2391- § 2397;

"Agreement" means an agreement entered into pursuant to Section ~~2357.39~~ 2396 of Title 68 of the Oklahoma Statutes, by and between the Director of the Oklahoma Tourism and Recreation Department and an approved company, with respect to a tourism attraction project ~~or and development facility project~~.

"Approved company" means any eligible company or companies ~~that is~~ seeking to undertake a tourism attraction ~~development facility~~ project and is approved by the Director pursuant to Sections ~~2357.38 and 2357.39~~ of Title 68 of the ~~Oklahoma Statutes the Act~~.

"Approved costs" means

(A) obligations incurred for labor and to vendors, contractors, subcontractors, builders and suppliers in connection with the acquisition, construction, equipping and installation of a tourism attraction project ~~or development facility project~~,

(B) the costs of acquiring real property or rights in real property in connection with a tourism attraction project ~~or development facility project~~, and any costs incidental thereto,

(C) the costs of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping and installation of a tourism attraction project ~~or development facility project~~ which is not paid by the vendor, supplier, contractor, or otherwise provided,

(D) all costs of architectural and engineering services including, but not limited to, estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping and installation of a tourism attraction project ~~or development facility project~~,

(E) all costs required to be paid under the terms of any contract for the acquisition, construction, equipping and installation of a tourism attraction project ~~or development facility project~~,

(F) all costs required for the installation of utilities in connection with a tourism attraction project ~~or development facility project~~ including, but not limited to, water, sewer, sewage treatment, gas, electricity and communications, and including off-site construction of utility extensions paid for by the approved company, and

(G) all other costs comparable with those described in this paragraph.

"Deputy Director" means the Deputy Director of the Oklahoma Tourism and Recreation Department, who is the Director's designated representative.

"Director" means ~~The~~ the Executive Director of the Oklahoma Tourism and Recreation Department or the Director's designated representative, who is the Deputy Director of the Oklahoma Tourism and Recreation Department.

"Eligible company" means any corporation, limited liability company, partnership, sole proprietorship, business trust or any other entity, operating or intending to operate a tourism attraction project ~~or undertake a development facility project~~, whether owned or leased, within this state that meets the standards promulgated by the Director pursuant to ~~Section 2357.37 of Title 68 of the Oklahoma Statutes~~ this Act and, with respect to an Entertainment District, includes any such entity that will acquire, construct, develop, equip, install, expand or operate all or any portion of the Entertainment District, whether owned or leased.

"Entertainment District" means a mixed-use planned development project, with approved costs of one million dollars (\$1,000,000.00) or more in the aggregate, encompassing more than one hundred thousand (100,000) square feet and including an entertainment or recreational component and at least three of the following categories, which may or may not be anticipated to be completed in multiple phases:

- (A) retail;
- (B) housing;
- (C) office;
- (D) restaurants;
- (E) hotel, regardless of whether the hotel is a destination hotel;
- (F) grocery;
- (G) brewery facilities for a small brewer (as defined in the Oklahoma Alcoholic Beverage Control Act, Section 1-103 of Title 37A of the Oklahoma Statutes);
- or
- (H) structured parking.

"Entertainment District Tenant Party" means any corporation, limited liability company, partnership, sole proprietorship, business trust or any other entity operating within a tourism attraction project that is an Entertainment District pursuant to a lease or similar agreement with an approved company or otherwise.

"Final approval" means the action taken by the Director or Deputy Director authorizing the eligible company to receive inducements under ~~Section 2357.40 of Title 68 of the Oklahoma Statutes~~ this Act.

"Increased state sales tax liability" means that portion of an approved company's reported state sales tax liability resulting from taxable sales of goods and services to its customers at the tourism attraction which exceeds the reported state sales tax liability for sales to its customers for the same month in the calendar year immediately preceding the certification as an approved company or an Entertainment District Tenant Party, as applicable;

"Inducements" means the ~~income tax credit or sales tax credit or incentive payment~~ as prescribed in ~~Section 2357.40 of Title 68 of the Oklahoma Statutes~~ this Act.

"Preliminary approval" means the action taken by the Deputy Director conditioned upon final approval by the Deputy Director upon satisfaction by the eligible company of the requirements of the ~~Oklahoma Tourism Development~~ Act.

"Tourism Attraction" means a cultural or historical site; a recreational or entertainment facility; an area of natural phenomenon or scenic beauty; a theme park; an amusement or entertainment park; an indoor or outdoor play or music show; a botanical garden, or a cultural or educational center, a destination hotel whose location and amenities, including but not limited to upscale dining, recreation and entertainment, make the hotel itself a destination for tourists, or an Entertainment District. A tourism attraction shall not include:

(A) lodging facilities, unless the facilities constitute a portion of a tourism attraction project and represent less than fifty percent (50%) of the total approved costs of the tourism attraction project, or the lodging facilities are a part of a destination hotel or an Entertainment District,

(B) facilities that are primarily devoted to the retail sale of goods, unless the goods are created at the site of the tourism attraction project, ~~or if the sale of goods is incidental to the tourism attraction project,~~ or such facilities are a part of an Entertainment District.

(C) facilities that are not open to the general public, unless such facilities are a part of an Entertainment District wherein a substantial portion of the Entertainment District is open to the general public, as determined by the Executive Director.

(D) facilities that do not serve as a likely destination where individuals who are not residents of this state would remain overnight in commercial lodging at or near the tourism attraction project, unless such facilities are a part of an Entertainment District,

(E) facilities owned by the State of Oklahoma or a political subdivision of this state, ~~or~~ (6)

(F) facilities established for the purpose of conducting legalized gambling. However, a facility regulated under Section 200 et seq. of Title 3A of the Oklahoma Statutes shall be a tourism attraction for purposes of the Oklahoma Tourism Development Act for any approved project ~~as outlined in subparagraph a of this paragraph~~ meeting the definition of a Tourism Attraction or for an approved project relating to pari-mutuel racing at the facility and not for establishing a casino or for offering casino-style gambling; ~~and.~~

"Tourism attraction project" or "project:" "project" means the acquisition, including the acquisition of real estate by leasehold interest with a minimum term of ten (10) years, construction, and equipping of a tourism attraction ~~or film or music production and development facility,~~ and the construction and installation of improvements to facilities necessary or desirable for the acquisition, construction, and installation of a tourism attraction ~~and development facility,~~ including, but not limited to: surveys, and installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications, and similar facilities, and off-site construction of

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utility; extensions to the boundaries of the real estate on which the facilities are located, all of which shall be used to improve the economic situation of the approved company in a manner that shall allow the approved company to attract tourists.

725:15-33-11. Oklahoma Tourism Development Act ~~Tax Credit~~ Program application

(a) An eligible company wishing to participate in the Oklahoma Tourism Development Act ~~Tax Credit~~ Program shall file ~~three (3) copies of~~ an application with the Deputy Director as prescribed by the Department either through digital upload or through a digital file delivered on a thumb drive to the Office of the Department located in Oklahoma City, Oklahoma. If the application does not contain all information and materials identified below ~~it shall be returned to the applicant and will not be considered,~~ the Deputy Director may request supplemental information. Failure by an eligible company to supply requested supplemental information within sixty (60) days of request, shall result in denial of the application. If the application is denied under this Part, then the Eligible Company may not submit another application under the Act within one (1) year following the denial.

(b) The following information and materials shall be submitted as a part of the application:

(1) ~~Eligible company name, address, phone and telefax numbers, contact person and federal employer tax identification number;~~ The following information pertaining to the Eligible Company:

- (A) Name;
- (B) Address;
- (C) Phone;
- (D) Email;
- (E) Contact Person;
- (F) Federal Employer Tax Identification Number;
- (G) Form of organization;
- (H) Previous participation of eligible company in all Oklahoma tax incentive programs;
- (I) Ownership and business structure;
- (J) Bankruptcy history; and
- (K) Governmental denial, suspension, or revocation of licenses;

(2) The following information pertaining to the Tourism Attraction Project:

- (A) Location of tourism attraction project ~~or film or music production and development facility project,~~ including a description and boundary of the area encompassing the Entertainment District, if applicable;
- (B) Description of the Tourism Attraction Project;
- (C) Estimated Project Costs;
- (D) Proposed sources of financing;
- (E) The total number of jobs projected upon completion of and within two (2) years after completion of the Tourism Attraction Project, which may include the number of jobs by the eligible company and any tenants of the Tourism Attraction Project;
- (F) Five (5) year history of attendance at Tourism Attraction Project, if an expansion;

(G) Ten (10) year attendance projections, both in-state and out-of-state visitors;

(H) Months of operation of the Tourism Attraction Project or components thereof;

(I) Proposed marketing plans and budget to be used during the first five (5) year period that the Tourism Attraction Project is operating, including specific information regarding out-of-state visitor advertising;

(J) Value of Oklahoma tangible property, which includes both real and personal property, before and after completion of the Tourism Attraction Project;

(K) Ten (10) year estimated payroll of the Tourism Attraction Project, which may include any tenants of the Tourism Attraction Project;

(L) Estimated State sales tax liability of Tourism Attraction Project for the first ten (10) fiscal years of operation; and

(M) Estimated ten (10) year additional revenue generation for the community;

(3) Provide the name, phone number, email address, and contact person for the following service providers to the Tourism Attraction Project:

(A) Contractor;

(B) Attorney;

(C) Bank; and

(D) Accountant.

(3) Form of organization of eligible company;

(4) Previous participation of eligible company in Oklahoma tax incentive programs;

(5) Ownership of eligible company;

(6) Bankruptcy history of eligible company;

(7) Governmental denial, suspension or revocation of licenses of eligible company;

(8) Attorney for eligible company, including address, phone and telefax numbers;

(9) Contact person of bank for eligible company, including address, phone, and telefax numbers and contact person;

(10) Accountant for eligible company, including address, phone and telefax numbers;

(11) Tourism attraction project and development facility project description;

(12) Eligible company ownership or leasing of tourism attraction project and development facility project;

(13) Estimated tourism attraction project and development facility, project costs;

(14) Proposed sources of financing tourism attraction project and development facility project;

(15) Contractor for tourism attraction project and development facility project, including address, phone and telefax numbers and contact person;

(16) The total number of jobs projected upon completion of and within two (2) years after completion of the tourism attraction project and development facility project;

(17) Five (5) year history of attendance at tourism attraction project and development facility project for an expansion;

- (18) Five (5) year attendance projections for tourism attraction project and development facility project;
- (19) Months of the year during which the tourism attraction project and development facility project is open;
- (20) Marketing plans and media type to be used for the tourism attraction project and development facility project, including five (5) year proposed advertising budget;
- (21) Value of Oklahoma tangible property before and after completion of the tourism attraction project and development facility project;
- (22) Ten (10) year estimate of tourism attraction project and development facility project payroll;
- (23) Estimated federal and state income tax liability of eligible company for first ten (10) fiscal years of the eligible company after commencement of operations of the tourism attraction project and development facility project;
- (24) Estimated state sales tax liability of eligible company for first ten (10) fiscal years of the eligible company after commencement of operations of the tourism attraction project or film or music production and development facility project;
- (25) If the tourism attraction project or film or music production and development facility project is an expansion, federal and state income tax liability of eligible company for the past three (3) fiscal years;
- (26) Ten (10) year estimated revenue of eligible company subject to Oklahoma income tax from the tourism attraction project and development facility project; and
- (27) Ten (10) year estimated additional revenue the tourism attraction project and development facility project will generate to the community.
- (28) Type of tax credit desired.
- (29) A signed and dated Certification of Application.

725:15-33-12. Final Approval

The Deputy Director shall provide his/her final approval required by Title 68 O.S. Supp. 2005, § 2357.38 the Act based upon:

- (1) The eligible company's satisfaction of statutory requirements of Title 68 O.S. Supp. 2005, § 2357.34 to 2357.40 the Act;
- (2) The findings of the consultant's report required by paragraph C of Title 68 O.S. Supp. 2005, § 2357.37 the Act; and
- (3) The application submitted to the Deputy Director under Section 311 of this administrative regulation, and written and oral communications with the eligible company.

725:15-33-13. Application form

(a) The "Application for the Oklahoma Tourism Development Act Income Tax Credit Program (11/2000)" is incorporated by reference. The Oklahoma Tourism and Recreation Department shall make an application form in accordance with the Act and Administrative Rules contained in Subchapter 33.

(b) A copy of the form of application may be inspected, copied or obtained at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, Oklahoma, between 8 a.m. and 4:30 p.m., Monday through Friday Office during regular business hours and is available at <https://otr.d.travelok.com>.

725:15-33-14. Appeals

An applicant may appeal the denial of final approval by the Executive Director to the Oklahoma Tourism and Recreation Commission. Deputy Director to the Director. The decision by the Executive Director shall be a Final Agency Decision, which the applicant may further appeal pursuant to provisions of 75 O.S., Section 309 et seq.

- (1) **Applicant notification.** An applicant shall submit a written appeal to the Chairman of the Oklahoma Tourism and Recreation Commission within ten (10) days of the date of denial. The appeal shall state all facts and reasons for the appeal.
- (2) **Director actions and determination.** The Chairman of the Commission shall assign the appeal to an administrative law judge retained by the Commission. The administrative law judge shall conduct an administrative hearing pursuant to the provisions of 75 O.S., Section 309 et seq. The administrative law judge shall establish necessary procedures for the administrative hearing. The administrative law judge shall provide proposed findings of fact and conclusions of law to the Commission. The Commission shall sustain or deny the applicant's appeal.
- (3) **Applicant appeal of Commission denial.** If the Commission denies an applicant's appeal, the applicant may further appeal pursuant to provisions of 75 O.S., Section 309 et seq.

[OAR Docket #20-288; filed 3-20-20]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #20-289]

RULEMAKING ACTION: EMERGENCY adoption

RULES:

- Subchapter 22. Concession Leases and Commercial Use
- 725:30-22-1. Purpose and authority [AMENDED]
- 725:30-22-1.1. Examination [AMENDED]
- 725:30-22-1.2. Definitions [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]

AUTHORITY:

Oklahoma Tourism and Recreation Department; 74 O.S. § 2204

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ADOPTION:

January 23, 2020

EFFECTIVE:

Effective immediately upon Governor's approval

APPROVED BY GOVERNOR:

March 9, 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 emergency changes to the above cited Administrative Rules are necessary to avoid violation of state law and avoid serious prejudice to the public interest modernizing the process of soliciting and awarding Concession Leases operating within State Parks. The law also updates the rules to accurately reflect changes in statute pertaining to the duties and powers of the Oklahoma Tourism and Recreation Commission and the Department.

GIST/ANALYSIS:

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.

CONTACT PERSON:

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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 30. CONCESSION LEASES AND COMMERCIAL USE

725:30-22-1. Purpose and authority

(a) The purpose of this subchapter shall be to define the process in which ~~concession leases~~ Concession Leases located upon Department property are examined, competitively bid, awarded and ultimately leased.

(b) In accordance with state law, the Oklahoma Tourism and Recreation ~~Commission (Commission)~~ Department is authorized to lease lands and facilities for the promoting of the public use of parks.

~~(c) Authority concerning concession leases may be delegated to the Executive Director of the Oklahoma Tourism and Recreation Department (Department) pursuant to law.~~

725:30-22-1.1. Examination

(a) ~~Prior to issuing an invitation to bid (ITB), for a concession lease, a determination will be made whether the proposed operation would be a desirable addition to the Department. Department staff shall make this determination after an analysis of the following considerations:~~

- ~~(1) Economic viability,~~
- ~~(2) Environmental impact,~~
- ~~(3) Impact on the property infrastructure,~~

~~(4) Compatibility with the overall property and its nature,~~

~~(5) Benefits to the park visitor and the citizens of Oklahoma, and~~

~~(6) Impact on and compatibility with other concession leases.~~

~~(b) The Department will consult with the owner of the property, if other than the state, to assure that the proposed concession operation is agreed to by the property owner.~~

~~(c) If the concession operation has been proposed by other than Department staff, the Department may require that the proposing party provide a feasibility study or other analysis for the proposed concession lease, which study or analysis is prepared by a reputable and experienced firm or organization agreeable to the Department. The feasibility study or other analysis may be used to aid the Department in making its determination regarding the proposed concession lease. The expense for preparing the feasibility study or other analysis will be borne by the proposing party. The content of the feasibility study shall be kept confidential to the extent allowable by Oklahoma law.~~

~~(d) The party who proposes a concession lease or provides a feasibility study or other analysis acquires no right or preference to be awarded any concession lease resulting from the proposal, study or analysis.~~

~~(a) Prior to issuing an ITB, for a Concession Lease, a determination will be made whether the proposed operation would be a desirable addition to the Department. Department staff shall make this determination after an analysis of the following considerations:~~

~~(1) Economic viability,~~

~~(2) Environmental impact,~~

~~(3) Impact on the property infrastructure,~~

~~(4) Compatibility with the overall property and its nature,~~

~~(5) Benefits to the park visitor and the citizens of Oklahoma, and~~

~~(6) Impact on and compatibility with other concession leases.~~

~~(b) The Department will consult with any owner or federal agency as required by either law or contract.~~

~~(c) The Department may require a feasibility study or other information in the event that the concession is being proposed by a third party, which shall be done at the expense of the proposing party. Any party proposing a new concession shall receive no preference or special consideration and such new concession shall be put out to bid if pursued by the Department.~~

~~(d) The determination of the Department whether to proceed with bidding an ITB for a proposed Concession Lease shall rest solely with the Department. Such decision shall not be subject to the Administrative Procedures Act.~~

~~(e) The determination of the Department whether to proceed with bidding an ITB for a proposed concession lease shall rest solely with the Department. Such decision shall not be subject to the Administrative Procedures Act.~~

725:30-22-1.2. Definitions

The following words and terms, when used in this Subchapter, shall have following meaning, unless the context clearly indicates otherwise:

"Bid" means the official response by a third party to ITB that shall be a binding formal offer to do business as a Concession with the Department.

"Bid Opening" means the time when Bids are opened by the Department employees after the deadline for Bids being due.

"Concession" means the operator of a business on Department owned properties that operates under a Concession Lease.

"Concession Commission" or "Concession Royalty" or "Royalty" means the payments made to the Department under the terms of the Concession Lease.

"Concession Lease" or "Lease" means the agreement executed by the Department and a third party for the operation of business or service upon properties operated by the Department.

"Concession Lessee" or "Lessee" means the party leasing a Concession from the Department under the terms of a Concession Lease.

"Department" means the Oklahoma Tourism and Recreation Department.

"Executive Director" means the Executive Director of the Department.

"Grievance" means letter or email to the Department documenting a complaint by a Concession customer.

"ITB" means invitation to bid on a concession lease whereby the Department invites members of the public to bid in response to specifications determined by the Department.

"Permit" means a grant from the Department to hold an event and/or operate a short-term (less than one hundred eighty (180) days) business on property operated by the Department.

725:30-22-2. Bidding process

The Department shall competitively bid a property or facilities for a concession lease as follows:

(1) A bid package shall be prepared by the Department which shall include the following:

(A) ~~Instructions to bidders which define the important times and dates of the bidding process. Instructions, which include all deadlines;~~

(B) ~~A statement of the process by which bids shall be awarded, including the method of evaluation. The process and method of bid evaluation;~~

(C) ~~Explanation of the reasons for automatic bid disqualification-rejection;~~

(D) ~~An invitation to bid (ITB) form, which includes space for the prospective bidder to propose what rents will be paid; what services will be provided; and a place for the bidder's signature, date and notary public all of which shall be mandatory requirements. must be fully completed;~~

(E) ~~A required financial statement, listing experience and background;~~

(F) ~~Section(s) describing An operation and management proposal;~~

(G) ~~General terms applicable to the ITB;~~

(H) ~~Section(s) listing the bidder's experience and background; and~~

(I) ~~Other sections deemed necessary by the Department.~~

(2) ~~Concession leases shall be advertised in a minimum of two (2) major newspapers or other publications for a minimum of one ad in each of two consecutive weeks in the region where the property or facility is located. ITB shall be posted on the Department website for not less than fifteen days and shall contain all of the necessary information, as determined by the Department.~~

(3) ~~Interested parties may request a bid package from parties defined in the list provided in the concession lease advertisement. Requests for bid packages shall be made between the hours of 8:00 a.m. and 4:00 p.m. on regular workdays excluding weekends and holidays. Requests for bid packages shall be mailed by the Department within three (3) days of receipt of the request. may request a bid package by either emailing solicitations@travelok.com or by downloading it from the Department website.~~

(4) ~~Fully executed bid packages shall be received, either by mail or in person at the location stated in the ITB no later than the date and time of the public bid opening, in accordance with the instructions and format required in the ITB.~~

(5) ~~Bid packages shall be opened and reviewed at the time of the bid opening. The name of the bidder and amount of proposed rent shall be publicly announced and documented by at least two Department employees, at the time of the bid opening. Bid Opening. Bids shall not be opened prior to Bid Opening.~~

(6) ~~No award shall be made at the bid opening. The Department reserves the right to reject all or part of all bids within thirty (30) calendar days from the bid opening. Bid Opening. Such notice of rejection, stating the reasons for rejection, shall be provided in writing within ten (10) calendar days of the rejection to all parties who submitted a Bid.~~

(7) ~~The following includes are reasons for rejection, but the Department is not limited solely to these reasons:~~

(A) ~~The bid was not submitted in accordance with the deadline set forth in the ITB.~~

(B) ~~The information or signatures requested in the ITB concerning proposed rents, bidders' signature and notary were was not completed-complete or fully executed.~~

(C) ~~The bid did not meet the requirements set forth in (1) (D) (E) and (F) of this section.~~

(D) ~~The bid included inaccurate, false or inauthentic information or inaccurate, false or inauthentic documentation.~~

(E) ~~The Department has withdrawn the ITB.~~

(F) ~~Unfavorable results of criminal background check.~~

Emergency Adoptions

(F) Agricultural leases may, at the Department's discretion, be exempt from the requirements set forth in (1) (E) and (F) of this subsection.

725:30-22-3. Evaluation of proposals ~~bids~~ and award of contracts

(a) The rejection of the bid or award of the contract shall occur within thirty (30) days from the date of the bid opening, Bid Opening, unless otherwise extended by the Department in its sole discretion.

(b) The award of the contract shall not be based upon the proposed ~~rents~~ Royalties alone and shall include managerial competence, quality of proposed services and improvements, and financial capability to operate and manage the proposed property or facility. The Department reserves the right to verify all documents submitted for evaluation purposes.

(c) A recommendation of award shall be made to the Executive Director ~~of the Department~~ based upon a complete evaluation by ~~the state park director, regional manager, park manager and lease coordinator~~ reviewers appointed by the Executive Director or their designee.

(d) ~~The Commission~~ Executive Director shall make the final decision regarding the awarding of ~~a concession lease~~ Concession Lease to a prospective the successful bidder.

(e) ~~The Department lease coordinator or designee shall coordinate the execution of the awarded contract within twenty (20) working days of award.~~ The Director of the Division of State Parks, shall coordinate the execution and negotiation of the Concession Lease with the successful bidder.

725:30-22-4. General lease agreement requirements

(a) ~~The lease agreement~~ Lease shall be prepared reflecting the terms and conditions of the ITB and the response of the successful bidder.

(b) ~~The lessee shall be required to comply with all provision of the lease.~~

(c) ~~Specific attention must be paid to providing complete construction documents for Department review prior to the initiation of any construction. Plans and specifications shall comply with all state codes and shall be sealed by the appropriate architectural and engineering professions as is required by state law for public buildings and facilities.~~

(1) ~~The Department shall approve all construction proposed by a lessee.~~

(2) ~~For state park land owned by the Corps of Engineers or the Bureau of Reclamation, the respective owner must also approve all proposed lessee construction.~~

(3) ~~For state park land owned by the Grand River Dam Authority or another entity, approval of the land owner shall be sought as appropriate and required.~~

(d) ~~The lessee must comply with the Americans with Disability Act and all other laws applicable to development of public facilities. The Department shall coordinate the review of facilities to determine compliance.~~

(e) ~~Any violation of the lease may be grounds for Department action, which may include but is not limited to, termination of the lease agreement. The means for providing notice of~~

~~violations and an opportunity to remedy the violation shall be prescribed in the lease agreement.~~

(f) ~~Any subsequent purchaser, owner or assignee shall be required to meet all requirements set forth in (1) of 725:30-22-3.~~

(g) ~~Any subsequent purchase, assignment or other conveyance is subject to rejection for the reasons set forth in 725:30-22-7.~~

(h) ~~Any subsequent purchase or assignment or other conveyance must be approved by the Commission.~~

(b) The following issues shall be included in all Concession Leases:

(1) Providing all final and as-built construction documents to the Department;

(2) Required owner approval for all construction;

(3) Compliance with all applicable Federal and Oklahoma laws;

(4) Conditions on which the Department may terminate the Concession Lease;

(5) Calculation of all Concession Commission or Royalty Payments due to Department; and

(6) Assignment, purchase or conveyance of any right under the Concession Lease must be approved by the Department in writing and any owner of the property as may be required by contract.

725:30-22-5. Lease agreement modifications

(a) ~~The Department shall have the authority at any time to substitute a new lease agreement in exchange for an existing lease with the consent of the existing lessee. Any modification to Concession Leases may be done upon written approval of both the Lessee and the Executive Director of the Department or their designee.~~

(b) ~~The Department shall have the authority to modify any lease agreement, at the request of the lessee, as it deems in the best interest of the Department. Such modifications may include, but are not limited to:~~

(1) ~~Extensions of terms of the lease agreement.~~

(2) ~~Addition of services to the lease agreement.~~

(3) ~~Assignments of the lease agreement.~~

(4) ~~Approval of options in the lease agreement.~~

725:30-22-6. Commercial use, Concessions and permits

(a) Pursuant to state law, the ~~Commission~~ Department may grant and impose charges for Permits, ~~permits~~ and for all ~~commercial uses or purposes to which any of the properties of the Commission or any structures or buildings located on property of the Commission may be used.~~ Examples of ~~commercial uses~~ Permit uses include, but are not limited to, events ~~ATV gatherings~~ and fishing tournaments. Commercial use of Department property is prohibited except by Permit or Concession Lease.

(b) An application for ~~commercial use~~ Permit shall be submitted to the park manager and ~~shall be reviewed by Department staff pursuant to the general requirements contained in 725:30-16-1.~~

(c) ~~Permits for concession use of Department properties shall be allowed on a short term basis. A permit for a concession may be issued for a period of thirty (30) days with no more than four (4) consecutive use permits being issued in succession for the same concession. Concessions are grants from the Department for a desired service such as, but not limited to, a food truck, kayak rentals or other services or activities. will define the period of time for which they are valid, the number of times they may be renewed (if any), and the services/activities allowed.~~

(d) ~~Charges for concession permits~~ Permits shall be based on the average commission paid by existing concession leases within state parks, that provide similar uses. If no comparable concession leases exist within state parks then comparable charges for similar commercial uses within the region and the state will be sought to establish the charges for the permit, a reasonable rate set by the Department. The Department may take the following into account when determining a Permit Royalty:

- (1) Rates charges for similar Permits throughout the state or region;
- (2) Applicable business model;
- (3) Desirability of Permit; and
- (4) Any relevant facts or circumstances.

(ed) ~~The terms contained in the permit~~ Permit document shall guide the its operation and oversight of this short term concession activity.

725:30-22-7. Capital improvements Repairs and improvements in lieu of royalties

(a) ~~At the discretion of the Commission, the The Department may accept repairs or improvements made to Department assets by concession lessees in lieu of rents/commissions paid to the Department, by Concession Lessees to assets owned or leased by the State in lieu of Royalties. All such repairs or improvements:~~

- (1) All repairs or improvements must be made on or to property or facilities owned or leased from a third party by the State and cannot be made to assets that are subject to depreciation or serve to secure a mortgage or other security interest of the concession lessee. All repairs or improvements made under this section immediately become the property of the Department and must be documented as to actual cost of the improvement. All documentation submitted must be acceptable to the Department and all repairs or improvements shall comply with the requirements of 725:30-22-5(c) and (d) and the concession lease. All or a portion of the cost of the repairs or improvements may be used to reduce the payment of any lease or rental agreement. Immediately become property of the Department;
- (2) All such repairs or improvements must be made at, or adjacent to, the concession site and must be beneficial to the Department and the concession lessee. Must be documented by addendum or amendment to the Lease; and

(3) Must be approved in advance by the Department and accompanied by the appropriate documentation.

(b) All repairs or capital improvements made by the lessee in lieu of rents/commissions paid to the Department must be documented by addendum or amendment to the concession lease agreement and approved by the Commission. The Department may allow all or a portion of the cost of such repairs or improvements to reduce Royalties due under the Lease or Permit.

725:30-22-8. Grievance process

(a) ~~Any customer of a contracted concessionaire may file a grievance with the Oklahoma Tourism and Recreation Department when he/she feels that the concessionaire has acted outside the bounds of standard business practices for that type of business. Any customer of a Concession may file a Grievance when he/she feels that the Concession has acted outside the bounds of standard practices for that type of business. The written grievance must be noted as "OFFICIAL GRIEVANCE REQUIRING INVESTIGATION" within the document must be used in the Grievance and must include the circumstances or actions by the Concession resulting in the Grievance, which may include pricing, customer service or business policy. The grievance letter must state the circumstances or what action by the contracted concessionaire led to the grievance.~~

(b) ~~The grieved party may submit the grievance in writing to the Director for review. The Grievance must be submitted to the Executive Director, either directly or through Park Management.~~

(c) ~~Grievances may be filed in regard to, but not limited to, pricing, customer service, or business policy. The Executive Director will investigate Grievance, both for validity and potential resolutions.~~

(d) ~~Upon receipt of the written grievance, the Director will investigate the validity and whether or not the grievance falls within an area of contract non-compliance. After the investigation is concluded, the Executive Director shall provide a written response to the party who filed the Grievance with their findings and any action taken by the Department.~~

(e) ~~After an investigation the Director shall draft a written response to the grieved party with his/her findings and any action, if needed, taken by the department regarding the concessionaire's business transaction with the grieved party. The Executive Director's written response shall represent the Department's final determination and the grievance process will be closed upon its completion.~~

(f) ~~If the grieved party is not satisfied with the Director's response then the grieved party may make a written request that the grievance be forwarded to the Executive Director of the Oklahoma Tourism and Recreation Department.~~

(g) ~~The Executive Director of the Oklahoma Tourism and Recreation Department will follow the same procedure as required of the Director and draft a final written directive of actions, if any, the department will take regarding the contracted concessionaire.~~

Emergency Adoptions

(h) The findings of the Executive Director shall represent the final determination and the grievance process will be considered closed upon completion of the response by the Executive Director.

[OAR Docket #20-289; filed 3-20-20]

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

1:2020-7.

EXECUTIVE ORDER 2020-7

On March 15, 2020, the eighth case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

While impact in Oklahoma has continued to be relatively minimal to date, it is increasingly important for Oklahoma to be ready for this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration without regard to limitations or bidding requirements on such acquisitions to include the use of the state purchase card. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusion of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

5. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct all state agencies as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, and the Director of the Office of Management and Enterprise Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

Executive Orders

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 15th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-243; filed 3-15-20]

1:2020-7A.

AMENDED EXECUTIVE ORDER 2020-7

On March 17, 2020, the seventeenth case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond

to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

5. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct all state agencies as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) negative flow rooms, (viii) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Days of essential Personal Protective Equipment stock on hand, as measured by the hospital's defined daily adjusted burn rate of PPE.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. The OSDH and all private labs performing COVID-19 testing shall provide daily updates, by 3:00 p.m., to the Office of the Governor on (i) the daily number of COVID-19 tests they are capable performing that day and (ii) number of COVID-19 testing kits they have on hand for distribution to hospitals.

11. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, is hereby waived so long as this Order is in effect. Nothing in this Order shall waive 59 O.S. § 478.1(B) regarding HIPPA or (C) for the purpose of prescribing opiates and other controlled dangerous substances referenced therein.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

Executive Orders

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety and the Director of the Office of Management and Enterprise Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 17th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-261; filed 3-19-20]

1:2020-7B.

SECOND AMENDED EXECUTIVE ORDER 2020-7

On March 19, 2020, the forty-fourth case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond

to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

5. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct all state agencies as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) negative flow rooms, (viii) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Days of essential Personal Protective Equipment stock on hand, as measured by the hospital's defined daily adjusted burn rate of PPE.

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9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. The OSDH and all private labs performing COVID-19 testing shall provide daily updates, by 3:00 p.m., to the Office of the Governor on (i) the daily number of COVID-19 tests they are capable performing that day and (ii) number of COVID-19 testing kits they have on hand for distribution to hospitals.

11. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, is hereby waived so long as this Order is in effect. Nothing in this Order shall waive 59 O.S. § 478.1(B) regarding HIPPA or (C) for the purpose of prescribing opiates and other controlled dangerous substances referenced therein.

12. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or

emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public

Safety and the Director of the Office of Management and Enterprise Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 19th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-270; filed 3-19-20]

1:2020-7C.

THIRD AMENDED EXECUTIVE ORDER 2020-7

On March 21, 2020, the fifty-third case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

5. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct all state agencies as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as

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more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) negative flow rooms, (viii) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Days of essential Personal Protective Equipment stock on hand, as measured by the hospital's defined daily adjusted burn rate of PPE.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. The OSDH and all private labs performing COVID-19 testing shall provide daily updates, by 3:00 p.m., to the Office of the Governor on (i) the daily number of COVID-19 tests they are capable performing that day and (ii) number of COVID-19 testing kits they have on hand for distribution to hospitals.

11. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, is hereby waived so long as this Order is in effect. Nothing in this Order shall waive 59 O.S. § 478.1(B) regarding HIPAA or (C) for the purpose of prescribing opiates and other controlled dangerous substances referenced therein.

12. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.

13. Advanced practice registered nurses, registered nurses, licensed practical nurses and advanced unlicensed assistants who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee prescribed by the Board and meet the qualifications for licensure or certification established by the Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification by OAC 485:10-7-4 (h); 485: 10-7-5 (g); 485:10-9-4 (h); 485:10-9-5 (g); 485:10-10-8.1 (d) are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible.

14. The requirements for Oklahoma Tax Commission compliance for any advanced practice registered nurse, registered nurse, licensed practical nurse and advanced unlicensed assistant application for renewal or reinstatement of a lapsed or inactive license or certification who is identified as being Oklahoma Tax Commission non-compliant, as set forth in 68 OS § 238.1 (E), is hereby waived as long as this Order remains in effect.

15. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended until further notice for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19

pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

16. No prescription for chloroquine or hydroxychloroquine may be dispensed unless all of the following apply:

a. The prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

b. The prescription is limited to no more than a fourteen (14) day supply, unless the patient was previously established on the medication prior to the effective date of this Order.

c. No refills may be permitted unless a new prescription is furnished.

If a scenario is not addressed in these medication limitations a pharmacy can use the waiver form provided by the Board of Pharmacy to request further consideration.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of

COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

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This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety and the Director of the Office of Management and Enterprise Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 21st day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-291; filed 3-21-20]

1:2020-7D.

FOURTH AMENDED EXECUTIVE ORDER 2020-7

On March 24, 2020, the 109th case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and

the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

5. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) negative flow rooms, (viii) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Days of essential Personal Protective Equipment stock on hand, as measured by the hospital's defined daily adjusted burn rate of PPE.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. The OSDH and all private labs performing COVID-19 testing shall provide daily updates, by 3:00 p.m., to the Office of the Governor on (i) the daily number of COVID-19 tests they are capable performing that day and (ii) number of COVID-19 testing kits they have on hand for distribution to hospitals.

11. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, is hereby waived so long as this Order is in effect. Nothing in this Order shall waive 59 O.S. § 478.1(B) regarding HIPAA or (C) for the purpose of prescribing opiates and other controlled dangerous substances referenced therein.

12. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.

13. Advanced practice registered nurses, registered nurses, licensed practical nurses and advanced unlicensed assistants who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee prescribed by the Board and meet the qualifications for licensure or certification established by the Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification by OAC 485:10-7-4 (h); 485: 10-7-5 (g); 485:10-9-4 (h); 485:10-9-5 (g); 485:10-10-8.1 (d) are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible.

14. The requirements for Oklahoma Tax Commission compliance for any advanced practice registered nurse, registered nurse, licensed practical nurse and advanced unlicensed assistant application for renewal or reinstatement of a lapsed or inactive license or certification who is identified as being Oklahoma Tax Commission non-compliant, as set forth in 68 OS § 238.1 (E), is hereby waived as long as this Order remains in effect.

15. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended until further

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notice for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

16. No prescription for chloroquine or hydroxychloroquine may be dispensed unless all of the following apply:

a. The prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

b. The prescription is limited to no more than a fourteen (14) day supply, unless the patient was previously established on the medication prior to the effective date of this Order.

c. No refills may be permitted unless a new prescription is furnished.

If a scenario is not addressed in these medication limitations a pharmacy can use the waiver form provided by the Board of Pharmacy to request further consideration.

17. Adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as "vulnerable individuals," shall stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.

18. Oklahomans and medical providers in Oklahoma shall postpone all elective surgeries, minor medical procedures, and non-emergency dental procedures until April 7, 2020.

19. Social gatherings of more than ten people are prohibited. Businesses within a critical infrastructure sector, as more particularly described herein, shall take all reasonable steps necessary to comply with this Order and protect their employees, workers, and patrons.

20. Effective at 11:59 p.m. on March 25, 2020, all businesses not identified as being within a critical infrastructure sector as defined by the U.S. Department of Homeland Security and located in a county experiencing community spread of COVID-19, as identified by OSDH on its website, shall close. Additional sectors may be designated as critical by Executive Order or Memorandum. Nothing in this provision shall prevent restaurants and bars from providing pick-up, curbside, and delivery. This shall be effective until April 16, 2020.

21. Visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies,

equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety and the Director of the Office of Management and Enterprise Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 24th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-303; filed 3-24-20]

1:2020-7E.

FIFTH AMENDED EXECUTIVE ORDER 2020-7

On March 27, 2020, the 322nd case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond

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to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. Effective immediately, a moratorium is placed on all out-of-state travel 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. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.

5. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

6. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) negative flow rooms, (viii) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii)

positive patients and persons under investigation sent home for self-quarantine; and

d. Personal Protective Equipment stock on hand.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. The OSDH and all private labs performing COVID-19 testing shall provide daily updates, by 3:00 p.m., to the Office of the Governor on (i) the daily number of COVID-19 tests they are capable performing that day and (ii) number of COVID-19 testing kits they have on hand for distribution to hospitals.

11. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, is hereby waived so long as this Order is in effect. Nothing in this Order shall waive 59 O.S. § 478.1(B) regarding HIPAA or (C) for the purpose of prescribing opiates and other controlled dangerous substances referenced therein.

12. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.

13. Advanced practice registered nurses, registered nurses, licensed practical nurses and advanced unlicensed assistants who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee prescribed by the Board and meet the qualifications for licensure or certification established by the Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification by OAC 485:10-7-4 (h); 485: 10-7-5 (g); 485:10-9-4 (h); 485:10-9-5 (g); 485:10-10-8.1 (d) are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible.

14. The requirements for Oklahoma Tax Commission compliance for any advanced practice registered nurse, registered nurse, licensed practical nurse and advanced unlicensed assistant application for renewal or reinstatement of a lapsed or inactive license or certification who is identified as being Oklahoma Tax Commission non-compliant, as set forth in 68 OS § 238.1 (E), is hereby waived as long as this Order remains in effect.

15. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended until further notice for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma and Oklahoma State University are authorized to conduct testing

and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

16. No prescription for chloroquine or hydroxychloroquine may be dispensed unless all of the following apply:

a. The prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

b. The prescription is limited to no more than a fourteen (14) day supply, unless the patient was previously established on the medication prior to the effective date of this Order.

c. No refills may be permitted unless a new prescription is furnished.

If a scenario is not addressed in these medication limitations a pharmacy can use the waiver form provided by the Board of Pharmacy to request further consideration.

17. Adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as "vulnerable individuals," shall stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.

18. Oklahomans and medical providers in Oklahoma shall postpone all elective surgeries, minor medical procedures, and non-emergency dental procedures until April 7, 2020.

19. Social gatherings of more than ten people are prohibited. Businesses within a critical infrastructure sector, as more particularly described herein, shall take all reasonable steps necessary to comply with this Order and protect their employees, workers, and patrons.

20. Effective at 11:59 p.m. on March 25, 2020, all businesses not identified as being within a critical infrastructure sector as defined by the U.S. Department of Homeland Security and located in a county experiencing community spread of COVID-19, as identified by OSDH on its website, shall close.

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Additional sectors may be designated as critical by Executive Order or Memorandum. Nothing in this provision shall prevent restaurants and bars from providing pick-up, curbside, and delivery. This shall be effective until April 16, 2020.

21. Visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes.

22. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.

23. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and

manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety, the Director of the Office of Management and Enterprise Services, the Oklahoma Tax Commission, and the Oklahoma Corporation Commission who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 27th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-325; filed 3-27-20]

1:2020-7F.

SIXTH AMENDED EXECUTIVE ORDER 2020-7

On March 29, 2020, the 429th case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. Effective immediately, a moratorium is placed on all out-of-state travel 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. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.

5. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

6. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

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3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v)

PICU beds, (vi) ventilators, (vii) negative flow rooms, (viii) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Personal Protective Equipment stock on hand.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. The OSDH and all private labs performing COVID-19 testing shall provide daily updates, by 3:00 p.m., to the Office of the Governor on (i) the daily number of COVID-19 tests they are capable performing that day and (ii) number of COVID-19 testing kits they have on hand for distribution to hospitals.

11. Telemedicine shall be used to maximum potential and shall be allowed for non-established patients for the purposes of the COVID-19 response. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, only applies to the prescribing of opiates and other controlled dangerous substances. 59 O.S. § 478.1 already allows the physician to see patients using telemedicine without the prior establishment of the physician patient relationship. Nothing in this Order shall waive 59 O.S. § 478.1 (C) for the purpose of prescribing opiates and other controlled dangerous substances reference therein.

12. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.

13. Advanced practice registered nurses, registered nurses, licensed practical nurses and advanced unlicensed assistants who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee prescribed by the Board and meet the qualifications for licensure or certification established by the Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification by OAC 485:10-7-4 (h); 485: 10-7-5 (g); 485:10-9-4 (h); 485:10-9-5 (g); 485:10-10-8.1 (d) are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible.

14. The requirements for Oklahoma Tax Commission compliance for any advanced practice registered nurse, registered nurse, licensed practical nurse and advanced unlicensed assistant application for renewal or reinstatement of a lapsed or inactive license or certification who is identified as being Oklahoma Tax Commission non-compliant, as set forth in 68 OS § 238.1 (E), is hereby waived as long as this Order remains in effect.

15. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended until further notice for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

16. No prescription for chloroquine or hydroxychloroquine may be dispensed unless all of the following apply:

a. The prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.

b. The prescription is limited to no more than a fourteen (14) day supply, unless the patient was previously established on the medication prior to the effective date of this Order.

c. No refills may be permitted unless a new prescription is furnished.

If a scenario is not addressed in these medication limitations a pharmacy can use the waiver form provided by the Board of Pharmacy to request further consideration.

17. Adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as "vulnerable individuals," shall stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.

18. Oklahomans and medical providers in Oklahoma shall postpone all elective surgeries, minor medical procedures, and non-emergency dental procedures until April 7, 2020.

19. Social gatherings of more than ten people are prohibited. Businesses within a critical infrastructure sector, as more particularly described herein, shall take all reasonable steps necessary to comply with this Order and protect their employees, workers, and patrons.

20. Effective at 11:59 p.m. on March 25, 2020, all businesses not identified as being within a critical infrastructure sector as defined by the U.S. Department of Homeland Security and located in a county experiencing community spread of COVID-19, as identified by OSDH on its website, shall close. Additional sectors may be designated as critical by Executive Order or Memorandum. Nothing in this provision shall prevent restaurants and bars from providing pick-up, curbside, and delivery. This shall be effective until April 16, 2020.

21. Visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes.

22. All delivery personnel including package, floral, and food delivery shall, at the request of a hospital, clinic, long-term care facility, or childcare facility submit to a screening prior to delivering goods. Such screening shall include a temperature check and may include a short questionnaire about potential exposure. Additionally, package delivery companies must institute a daily temperature check and use of a short questionnaire about potential exposure, to be administered at the start of each shift for any worker handling packages. Questionnaires shall include questions about recent travel to areas with significant community spread and personal contact with individuals who have tested positive for COVID-19.

23. As supporting front-line healthcare workers is essential to our battle against COVID-19, front-line healthcare workers and their children, who have not tested positive for COVID-19 and are not otherwise exhibiting the symptoms thereof, shall not - simply because they are healthcare workers or children of healthcare workers - be discriminated against in housing or childcare services.

24. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.

25. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby

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waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.

26. I hereby direct all persons who enter the State of Oklahoma by air from an area with substantial community spread, to include the New York Tri-State Area (Connecticut, New Jersey and New York), the state of Washington, California, and Louisiana, to quarantine for a period of 14 days from the time of entry into the State of Oklahoma or the duration of the person's presence in the State of Oklahoma, whichever is shorter. This Order shall not apply to persons employed by the airlines and those performing military, emergency or health response. This Order shall take effect immediately and apply retroactively to all persons who have entered Oklahoma after being in any area with substantial community spread within the previous 14 days. All persons quarantining under this Section shall be responsible for all costs associated with their quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of quarantine.

27. I hereby direct all persons covered under paragraph 26 of this Order to inform any individual in Oklahoma with whom they have had direct physical contact in the past 21 days that they traveled from an area with substantial community spread.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of

COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety, the Director of the Office of Management and Enterprise Services, the Oklahoma Tax Commission, and the Oklahoma Corporation Commission who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 29th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-326; filed 3-29-20]

1:2020-7G.

SEVENTH AMENDED EXECUTIVE ORDER 2020-7

On April 1, 2020, the 719th case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19.

As COVID-19's impact continues to evolve, it is important to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is now necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare and order the following:

1. There is hereby declared an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory State Wide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.

4. Effective immediately, a moratorium is placed on all out-of-state travel 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. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.

5. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.

6. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.

In addition, I direct as follows:

1. Transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison by 5:00 p.m. on March 16, 2020;

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2. Establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide;

3. Encourage Oklahomans interacting with agency services to utilize online options whenever possible;

4. Ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. Promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact evidencing the meeting of qualifications for the practice of certain medical services, as more particularly described below, shall be deemed licensed to practice in Oklahoma so long as this Order shall be in effect, subject to the following conditions:

a. This shall only apply to Medical (MD) and Allied Licenses issued by the Board of Medical Licensure and Supervision, Licenses issued by State Board of Osteopathic Examiners, and Licenses and Certificates issued by the Board of Nursing, all three shall collectively be referred to as "Boards";

b. Any medical professional intending to practice in Oklahoma pursuant to this Order, hereinafter referred to as "Applicant," shall first apply with and receive approval from appropriate Board;

c. It is the responsibility of each Board to verify the license status of any applicant and, upon verification of good standing, shall issue a temporary license to practice within this State; and

d. Any applicant licensed under this Order shall be subject to the oversight and jurisdiction of the licensing Board, which includes the ability of the Board to revoke said license and to initiate any administrative or civil proceeding related to any alleged misconduct of the applicant.

7. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.

8. Hospitals and Physician Clinics (collectively referred to as "hospitals") operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health ("OSDH"), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in

a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) anesthesia machines capable of patient ventilation, (viii) ventilator connecting circuits, (ix) patient interfaces, (x) negative flow rooms, (xi) and overall occupancy status;

b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;

c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and

d. Personal Protective Equipment stock on hand.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraph to the Office of the Governor by 3:00 p.m.

10. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to Oklahoma State Department of Health (OSDH), as well as to the local health department, daily reports of all test results, both positive and negative, the number of test supplies ordered, the number of test supplies available, the number of samples/specimens received and pending processing, and timeframe of test completion. In addition, OSDH shall promptly share this information with the CDC.

11. Telemedicine shall be used to maximum potential and shall be allowed for non-established patients for the purposes of the COVID-19 response. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, only applies to the prescribing of opiates and other controlled dangerous substances. 59 O.S. § 478.1 already allows the physician to see patients using telemedicine without the prior establishment of the physician patient relationship. Nothing in this Order shall waive 59 O.S. § 478.1 (C) for the purpose of prescribing opiates and other controlled dangerous substances reference therein.

12. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived so long as this Order remains in effect.

13. Advanced practice registered nurses, registered nurses, licensed practical nurses and advanced unlicensed assistants who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee prescribed

by the Board and meet the qualifications for licensure or certification established by the Board, provided such license shall only be valid as long as this Order is in effect. The continuing qualifications as required for licensure or certification by OAC 485:10-7-4 (h); 485: 10-7-5 (g); 485:10-9-4 (h); 485:10-9-5 (g); 485:10-10-8.1 (d) are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible.

14. The requirements for Oklahoma Tax Commission compliance for any advanced practice registered nurse, registered nurse, licensed practical nurse and advanced unlicensed assistant application for renewal or reinstatement of a lapsed or inactive license or certification who is identified as being Oklahoma Tax Commission non-compliant, as set forth in 68 OS § 238.1 (E), is hereby waived as long as this Order remains in effect.

15. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended until further notice for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

16. No prescription for chloroquine or hydroxychloroquine may be dispensed unless all of the following apply:

- a. The prescription bears a written diagnosis from the prescriber consistent with the evidence for its use.
- b. The prescription is limited to no more than a fourteen (14) day supply, unless the patient was previously established on the medication prior to the effective date of this Order.
- c. No refills may be permitted unless a new prescription is furnished.

If a scenario is not addressed in these medication limitations a pharmacy can use the waiver form provided by the Board of Pharmacy to request further consideration.

17. Adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as "vulnerable individuals," shall stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.

18. Oklahomans and medical providers in Oklahoma shall postpone all elective surgeries, minor medical procedures, and non-emergency dental procedures until April 7³⁰, 2020.

19. Social gatherings of more than ten people are prohibited. Businesses within a critical infrastructure sector, as more particularly described herein, shall take all reasonable steps necessary to comply with this Order and protect their employees, workers, and patrons.

20. Effective at 11:59 p.m. on March 25, 2020, all businesses not identified as being within a critical infrastructure sector as defined by the U.S. Department of Homeland Security or defined as essential by the Oklahoma Department of Commerce through the use of the North American Industry Classification System (NAICS) shall close to the public. A list of the essential business NAICS codes shall be published on the Oklahoma Department of Commerce website. Additional sectors may be designated as critical or essential by Executive Memorandum. Nothing in this provision shall prevent restaurants and bars from providing takeout, curbside, and delivery. This shall be effective until April 30, 2020.

21. Visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes.

22. All delivery personnel including package, floral, and food delivery shall, at the request of a hospital, clinic, long-term care facility, or childcare facility submit to a screening prior to delivering goods. Such screening shall include a temperature check and may include a short questionnaire about potential exposure. Additionally, package delivery drivers must take their own temperature daily and shall not deliver packages if it registers over 100.4 degrees Fahrenheit. Questionnaires shall include questions about recent travel to areas with significant community spread and personal contact with individuals who have tested positive for COVID-19.

23. As supporting front-line healthcare workers is essential to our battle against COVID-19, front-line healthcare workers and their children, who have not tested positive for COVID-19 and are not otherwise exhibiting the symptoms thereof, shall not - simply because they are healthcare workers or children of healthcare workers - be discriminated against in housing or childcare services.

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24. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.

25. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.

26. I hereby direct all persons who enter the State of Oklahoma from an area with substantial community spread, including but not limited to the New York Tri-State Area (Connecticut, New Jersey and New York), the state of Washington, California, and Louisiana, to quarantine for a period of 14 days from the time of entry into the State of Oklahoma or the duration of the person's presence in the State of Oklahoma, whichever is shorter. This Order shall not apply to persons employed by the airlines and those performing military, emergency or health response, or those workers coming into the State to participate in businesses defined in paragraph 20 herein and in Amended Executive Memorandum 2020-01. This Order shall also not apply to persons employed by utility companies and their contractors, as well as their Mutual Aid partners, and Mutual Aide First Responders, who are traveling into the State to assist with Emergency Management. This Order shall take effect immediately and apply retroactively to all persons who have entered Oklahoma after being in any area with substantial community spread within the previous 14 days. All persons quarantining under this Section shall be responsible for all costs associated with their quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of quarantine.

27. I hereby direct all persons covered under paragraph 26 of this Order to inform any individual in Oklahoma with whom they have had direct physical contact in the past 21 days that they traveled from an area with substantial community spread.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes;

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.

b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a

minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

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

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety, the Director of the Office of Management and Enterprise Services, the Oklahoma Tax Commission, and the Oklahoma Corporation Commission who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 1st day of April 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-368; filed 4-1-20]

1:2020-8.

EXECUTIVE ORDER 2020-8

On March 17, 2020, the seventeenth case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a

national health emergency in the United States as a result of the national spread of COVID-19. On March 15, 2020, I issued Executive Order 2020-07 declaring an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. And, on March 16, 2020, the President issued Coronavirus Guidelines for America.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby recommend Oklahomans follow the President's Coronavirus Guidelines, as more particularly described below:

1. Listen to and follow the directions of federal, state, and local authorities.

2. If you feel sick, stay home and contact your medical provider. Do not go to work.

3. If your children are sick, keep them at home and contact their medical provider.

4. If someone in your household has tested positive for COVID-19, keep the entire household at home and contact your medical provider.

5. If you are an older person, stay home and away from other people.

6. If you are a person with a serious underlying health condition that can put you at an increased risk, stay home and away from other people.

7. Work or engage in schooling from home, whenever possible.¹

8. Avoid social gatherings in groups of more than 10 people.

9. Avoid eating or drinking at bars, restaurants, and food courts and use drive-thru, pickup, or delivery options.

10. Avoid discretionary travel, shopping trips, and social visits.

11. Do not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.

12. Practice good hygiene and wash your hands, especially after touching any frequently used item or surface, avoid touching your face, sneeze or cough into a tissue, or the inside of your elbow, and disinfect frequently used items and surfaces as much as possible.

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

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IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 17th day of March, 2020.

¹ If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule. You and your employers should follow CDC guidance to protect your health at work.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-262; filed 3-19-20]

1:2020-9.

EXECUTIVE ORDER 2020-9

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, 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., Wednesday, March 25, 2020, in memory of Air Force Tech. Sgt. Marshal D. Roberts, of Owasso, Oklahoma.

While deployed in support of Operation Inherent Resolve, Air Force Tech. Sgt. Marshal D. Roberts, 219th Engineering Installation Squadron, 138th Fighter Wing, was killed when his base was struck by multiple rockets on March 11, 2020. Roberts was born in Tulsa, Oklahoma, on January 29, 1992. He graduated from Owasso High School in 2010 and joined the Oklahoma Air National Guard in May 2014. Throughout American history, generations of patriots have valiantly served in our military, and sacrificed greatly to protect our nation and preserve democracy around the world. Air Force Tech. Sgt. Marshal D. Roberts' service and sacrifice will not be forgotten.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 23rd day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-294; filed 3-23-20]

1:2020-10.

EXECUTIVE ORDER 2020-10

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the provisions of Title 7, Code of Federal Regulations, § 272.2; Title 20, Code of Federal Regulations, §641.310; Title 45, Code of Federal Regulations, §§ 96.10(b), 201.3, 204.1, 301.13, 400.7, 1321.21, and 1356.20 do hereby designate the Director of the State Department of Human Services to act for me as my designee.

As such, as my designee, the Director shall be responsible for reviewing, commenting on, approving and signing assurances, state plans and state plan amendments submitted to the various federal agencies by the State Department of Human Services and do all things that I might do pursuant to such regulations.

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 27th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-324; filed 3-27-20]

1:2020-11.

EXECUTIVE ORDER 2020-11

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 on Monday, March 30, 2020, to honor the life and legacy of Thomas Allen Coburn, who passed away on March 28, 2020. Former Senator

Coburn was an American politician and physician who, as a Republican, served both as a United States Representative and later a United States Senator from Oklahoma.

Former Senator Coburn had an extraordinary record of leadership and knowledge that exemplified his steadfast and honorable lifetime commitment to service. He graduated from Oklahoma State University and the University of Oklahoma Medical School. Resolute, skilled and uncompromised in his performance both as a medical doctor and statesman, Senator Coburn's legacy is significant and enduring.

Former Senator Coburn is survived by his loving wife, Carolyn, and their three daughters Callie, Katie and Sarah.

This Executive Order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions

of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 29th day of March, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-327; filed 3-29-20]
