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

[OAR Docket #20-406]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 19. Oklahoma State Award Program [NEW]
- 595:1-19-1. Definitions [NEW]
- 595:1-19-2. Order of precedence [NEW]
- 595:1-19-3. Award design [NEW]
- 595:1-19-4. Criteria for eligibility [NEW]
- 595:1-19-5. Criteria for proper wear of the Oklahoma Medal of Valor and the Oklahoma Purple Hart [NEW]

- 595:1-19-6. Method of purchasing the Oklahoma Medal of Valor and the Oklahoma Purple Hart [NEW]
- 595:1-19-7. Nominations of qualifying individuals [NEW]
- 595:1-19-8. Design and content of nomination form [NEW]
- 595:1-19-9. Oklahoma State Award Program Advisory Board [NEW]
- 595:1-19-10. Oklahoma State Award Program Committee decisions [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

May 4, 2020

[OAR Docket #20-406; filed 5-4-20]

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next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).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 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #20-401]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Student Assessment and School Accountability

210:10-13-23. Emergency exemptions from assessments required by the Oklahoma school testing program [AMENDED]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.508-2

ADOPTION:

March 25, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

April 2, 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:

Due to the current state of emergency surrounding COVID-19, the State Board of Education has adopted emergency rules providing for appropriate accommodations in the student assessment and school accountability systems. The state emergency provisions are consistent with federal waivers already in place. The rule that governs Oklahoma School Testing Program (OSTP) emergency medical exemptions for students is being amended to provide specific guidance for a large-scale public health emergency such as the current COVID-19 outbreak.

GIST/ANALYSIS:

The added content provides: In the event of an emergency declared by a federal or state government entity that impacts the operation of public schools in Oklahoma, or upon an action taken by the State Board of Education declaring such an emergency, the State Department of Education shall be authorized to approve emergency medical exemptions from OSTP assessment requirements for all students whose ability to test is compromised by the emergency conditions. If a state of emergency suspends, interrupts, or otherwise substantially affects public school operations during the state testing window, the State Department of Education shall be authorized to approve general medical exemptions from OSTP assessments for all affected students.

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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. § 253(F):

SUBCHAPTER 13. STUDENT ASSESSMENT AND SCHOOL ACCOUNTABILITY

210:10-13-23. Emergency exemptions from assessments required by the Oklahoma School Testing Program

(a) **Purpose.** Any public school district or public charter school may request an exemption from the administration of one or more statewide criterion-referenced tests and/or end-of-instruction exams administered pursuant to the provisions of the Oklahoma School Testing Program Act at 70 O.S. § 1210.508 et seq., for any of its enrolled students who are unable to participate in the assessment or a make-up assessment at any time during the testing window due to a documented significant medical emergency. The procedures set forth in (d) of this Section shall govern submission, processing, and evaluation of all requests for emergency exemptions submitted to the State Department of Education.

(b) **Application.** The provisions of this Section are not applicable to assessment determinations made by local school district staff, school administrators, or teachers pursuant to federal guidelines and state administrative rules. The requirements of this Section shall not interfere with the processes and procedures utilized by local school districts and charter schools to refrain from testing up to five percent (5%) of enrolled students. Such decisions shall continue to be made in accordance with local district policies and without review or approval of the State Department of Education.

(c) **Definitions.** The following words and terms, when used in this Section, shall have the following meanings:

- (1) **"Immediate family member"** shall mean a parent, legal guardian, sibling, or child of the student for whom the exemption is requested.

Emergency Adoptions

(2) **"Significant medical emergency"** shall mean the debilitating onset of a severe or life-threatening physical or mental illness, infection, injury, disease and/or emotional trauma that meets all of the following criteria:

(A) The condition arises from an accident, disaster, crisis, or other exigent circumstances beyond the control of the student, the parents/legal guardians of the student, and the student's school or school district;

(B) The condition affects the student so severely as to incapacitate the student from participation in the assessment and corresponding make-up assessment at any time during the testing window;

(C) The condition affects the student so severely as to prevent the enrolled student from receiving instruction at school, at home, or through internet or online instruction;

(D) The student's incapacity to participate cannot be remedied with state-approved accommodations provided to the student by the school district as necessary to ensure equitable access to the assessment during the testing window; and

(E) The school or school district has been provided with written documentation of the condition that is verified in writing by a physician licensed to practice in the State of Oklahoma, or licensed in another jurisdiction and certified by an American Board of Medical Specialties (ABMS) Member Board or an American Board of Physician Specialties (ABPS) Member Board. A copy of the documentation verifying the student's condition shall be filed in the student's educational record.

(F) The term "significant medical emergency" shall not include:

- (i) Short term, or minor illnesses or injuries;
- (ii) Pregnancy (unless complications of a pregnancy otherwise meet the definition of a "significant medical emergency" herein);
- (iii) Placement of the student in a juvenile detention or correctional facility; or
- (iv) Refusal of a student or parent to participate in the assessment.
- (v) The occurrence of one of the conditions listed in (F) shall not disqualify a student who is eligible for an emergency medical exemption on a different basis.

(G) Examples of situations that could be considered a "significant medical emergency" may include, but shall not be limited to conditions in which:

- (i) The student is in the final stages of a terminal disease or degenerative illness, or the student has been placed in hospice care;
- (ii) The student has been admitted to a hospital, infirmary, or other health care or treatment facility for the duration of the testing window that prohibits the student's secure access to the examination;
- (iii) The student is comatose for the duration of the testing window;

(iv) The student has a serious chronic medical condition that will be worsened or intensified by external circumstances, and the student's physician determines that participation in the assessment could result in a significant medical emergency;

(v) The student has sustained serious mental or physical injury as a result of an accident, unintentional injury, or other catastrophic event such as:

- (I) A transportation accident;
- (II) A natural disaster or other event resulting in a declared state of emergency;
- (III) An act of violence, including but not limited to: acts of physical assault, rape, kidnapping, homicide, torture, or terrorism;
- (IV) Drowning;
- (V) Poisoning, fall, or traumatic brain injury;
- (VI) Fire or explosion in the student's home when the student was present;
- (VII) Death or life-threatening injuries to, or significant medical emergency of, an immediate family member resulting from one of the examples in subparagraph (G).

(d) **Procedure.** Requests for emergency exemptions shall be submitted and evaluated in accordance with the following provisions:

(1) All requests for emergency exemptions shall be electronically submitted by the school district or charter school through the State Department of Education testing application no later than 5:00 p.m. of the last day of the testing window.

(2) The request for emergency exemption shall include all of the following information:

- (A) A brief description of the significant medical emergency for which the exemption is requested;
- (B) A brief explanation of why the emergency prevents the student's participation in the assessment;
- (C) The date of the onset of the emergency;
- (D) The expected or estimated duration/recovery period of the significant medical emergency;
- (E) The number of days of instruction the student has missed as a result of the emergency and the number of any additional days of instruction the student is estimated or anticipated to miss after the date of submission of the exemption; and
- (F) A copy of the written documentation provided by the student's physician pursuant to (c)(2)(E) of this Section.

(3) The request shall be supplemented by copies of any documentation subsequently requested by the State Department of Education necessary to document the information required by this paragraph and the definitions of "significant medical emergency" and "immediate family member" set forth in (c) of this Section.

(4) If a complete request for an emergency exemption is received during the applicable testing window, the State Department of Education will issue an approval or

denial of the request and notify the school district or charter school of the determination within five (5) business days. The school district or charter school will receive notification through the Department's electronic testing application system. Incomplete requests will not be processed until all documentation required by (c)(2) of this Section has been submitted to the State Department of Education.

(5) Requests for emergency exemptions submitted to the State Department of Education that fall outside of the provisions of 70 O.S. § 1210.508-2 and this Section may be referred to the appropriate agency and/or division within the Department and administratively closed. If the request for an emergency exemption is received during the applicable testing window, the Department will notify the school district or charter school through the electronic testing application system within five (5) business days that the request falls outside of the provisions of this Section.

(e) **Exemptions for students with disabilities.** All students receiving special education services and/or state-approved assessment accommodations must have a written IEP and/or Section 504 plan that documents how the student will participate in assessments administered pursuant to the OSTP. The existence of an IEP and/or a Section 504 plan, or the homebound status of the student, shall not be a basis for granting an exemption pursuant to this section. To qualify for an exemption, a homebound student or a student on an IEP or Section 504 plan must experience a significant medical emergency as defined in (c)(2)(A) through (c)(2)(E).

(f) **Federal and state reporting.** Any student who has received an exemption from one or more examinations in accordance with the provisions of this Section shall not be included in the calculation of the participation rate of the school and/or school district in the assessments mandated by federal and state law.

(g) **Duration.** Any request for an exemption from the administration of one or more statewide criterion-referenced tests and/or end-of-instruction tests granted pursuant to the procedures set forth in this Section shall be valid only for the current testing window in which the request was submitted.

(h) **Appeal of a denial of a medical exemption.** A request for a medical exemption that has been denied by the State Department of Education for failure to meet the criteria for "significant medical emergency" outlined in (c)(2) of this Section may be appealed to the State Board of Education in accordance with the following procedures:

(1) **Petition for appeal.** The school district or charter school in which the student is enrolled may appeal the Department's denial of a medical exemption to the State Board of Education. The parent or legal guardian of a student, an individual who has been issued letters of guardianship of the person of a student pursuant to the Oklahoma Guardianship and Conservatorship Act, or an adult who has assumed permanent care and custody of a student in accordance with local district policies and applicable state law must grant permission to the school district or charter school to file a petition for appeal to the State

Board of Education. Parental consent shall be provided in writing and shall be documented by the requesting school district or charter school.

(2) **Filing requirements.** A petition for appeal must comply with the following requirements:

(A) **Time of filing.** The petition for appeal must be submitted in writing to the Secretary of the State Board of Education within ten (10) business days after the date the school district receives notice of the Department's denial of the medical exemption.

(B) **Method of filing.** Petitions for appeal may be submitted to the Secretary of the State Board of Education in person or by mail. A petition submitted by mail will be accepted as timely if the mailing envelope contains a postmark dated on or before the date of the filing deadline.

(C) **Verification of a petition for appeal.** The petition for appeal must be signed by the school Superintendent or the school Superintendent's designee, or charter school administrator or designee, for the purpose of verifying that, to the best of the individual's knowledge, the information submitted in the appeal is accurate and correct.

(D) **Acceptance of a petition for filing.** Upon receipt of the petition for appeal, the Secretary of the Board of Education shall file the petition and obtain copies of all records and information submitted by the school district or charter school to the State Department of Education pursuant to (c) of this Section. Copies of agency records and additional documentation submitted in the petition for appeal shall be provided to members of the State Board of Education for consideration. Only timely filed petitions for appeal shall be brought to the State Board of Education for consideration. The Board shall take action on the petition no later than twenty (20) calendar days after the date of receipt of a timely filed petition.

(3) **Review of petitions.** Because the privacy of individual student data is protected by the Family Educational Rights and Privacy Act (FERPA) and Oklahoma's Student Data Accessibility, Transparency, and Accountability Act, the State Board of Education shall review petitions for appeal in executive session as authorized by 25 O.S. § 307 (A)(7). The State Board of Education shall evaluate each petition for appeal based on the following criteria to determine whether a "significant medical emergency" exists as contended by the appealing school district or charter school:

(A) The applicability of the criteria outlined in (c)(2) of this section related to the determination of a "significant medical emergency";

(B) The severity of the exigent circumstances giving rise to the student's condition;

(C) The extent of the student's incapacitation;

(D) The projected efficacy of allowable testing accommodations; or

(E) The existence of newly discovered documentation or newly available information that significantly

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and substantively reflects on the student's mental and/or physical state of being.

(4) **Actions on a petition for appeal.** After review of the petition for appeal in accordance with (h)(3) of this section, the State Board of Education shall take action on a petition for appeal based on the merits of the information provided in the written appeal.

(A) The Board shall consider each petition for appeal on an individual basis and shall issue an approval or denial of the request for an emergency exemption.

(B) The Secretary of the Board shall notify the school district or charter school and the State Department of Education in writing of the Board's determination.

(C) The State Department of Education shall document each determination in the testing application to maintain an accurate agency record of each request for an emergency exemption.

(D) Requests for student medical exemptions granted by the State Board of Education will be processed pursuant to (f) and (g) of this Section. Students denied medical exemptions by the State Board of Education will be included in the calculation of the participation rate of the school and/or school district in the assessments mandated by federal and state law.

(i) **Effect of public health emergencies or other declared emergencies.** In the event of an emergency declared by a federal or state government entity that impacts the operation of public schools in Oklahoma, or upon an action taken by the State Board of Education declaring such an emergency, the State Department of Education shall be authorized to approve emergency medical exemptions from OSTP assessment requirements for all students whose ability to test is compromised by the emergency conditions. If a state of emergency suspends, interrupts, or otherwise substantially affects public school operations during the state testing window, the State Department of Education shall be authorized to approve general medical exemptions from OSTP assessment requirements for all affected students.

[OAR Docket #20-401; filed 4-28-20]

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

[OAR Docket #20-402]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Student Assessment and School Accountability
210:10-13-25. Determination of the chronic absenteeism indicator [NEW]

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.545

ADOPTION:

March 25, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

April 2, 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:

Due to the current state of emergency surrounding COVID-19, the State Board of Education has adopted emergency rules providing for appropriate accommodations in the student assessment and school accountability systems.

GIST/ANALYSIS:

The rule grants school districts the authority to establish local policies for determining whether certain student absences are eligible for medical exemptions from the chronic absenteeism indicator used in the school accountability system. Specific to public health emergencies and similar large-scale emergencies, the rule provides: In the event of an emergency declared by a federal or state government entity that impacts the operation of public schools in Oklahoma, or upon an action taken by the State Board of Education declaring such an emergency, the Oklahoma school accountability system shall make any appropriate accommodations authorized under federal law to mitigate the effects of the emergency on school accountability determinations for the affected school year(s). Student absences related to a state of emergency shall not be included in the calculation of the chronic absenteeism indicator. If there is any period of time during a state of emergency when public school operations are suspended, interrupted, or otherwise affected by the emergency conditions, the affected dates shall be excluded from the calculation of the chronic absenteeism indicator.

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. § 253(F):

SUBCHAPTER 13. STUDENT ASSESSMENT AND SCHOOL ACCOUNTABILITY

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

(a) **Purpose of the chronic absenteeism indicator.** Because chronic absenteeism has been linked to lower academic performance, higher dropout rates, and diminished success after high school, Oklahoma has included chronic absenteeism as an indicator in the school accountability system adopted under the requirements of the Every Student Succeeds Act (ESSA). By highlighting the importance of regular school attendance to student success in school and beyond, the State of Oklahoma encourages schools to actively engage with students and their families in eliminating barriers to regular attendance, and to ensure students receive the supports needed to attend school every day.

(b) **Authorization of policy establishing a medical exemption from chronic absenteeism.** A public school district or charter school may establish a policy providing that student absences which are due to a significant medical condition (a severe, chronic, or life-threatening physical or mental illness,

injury, or trauma) may be exempted from inclusion in the calculation of the chronic absenteeism indicator of the applicable student's school site upon determination of eligibility by a medical exemption review committee formed by the district or charter school. A chronic absenteeism medical exemption policy adopted by a public school district or charter school shall be developed in accordance with the guidelines in this Section.

(c) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Chronic absenteeism"** means absence from school at least ten percent (10%) of the time that school is in session and the student is included in membership, eighteen (18) or more days on a 180 day school calendar or ten percent (10%) or more of school days on a 1,080 hours school calendar.

(2) **"Significant medical condition"** means, for the purposes of this Section, a severe, chronic, or life-threatening physical or mental illness, infection, injury, disease, or emotional trauma.

(d) **Not all excused absences qualify for medical exemption.** Certain student absences are classified as "excused" under state law and/or school policies, meaning that a student is considered absent for a valid reason under law or policy and the absence may not be associated with any penalties to the student. Examples include medically documented absences, which are considered excused under 70 O.S. § 10-105(B), and absences related to the military deployment activities of a student's parent or guardian, which are excused under 70 O.S. § 510.1(V)(E). If a student is absent in relation to their own or their household's homeless status, such related absences should be excused pursuant to the federal McKinney-Vento Act so the related absences do not serve as a barrier to enrollment or retention. These and other types of absences considered under law or policy as a valid basis to be absent from school should be indicated as "excused" in a school's student information system. However, the classification of an absence as "excused" such that no penalties accrue to a student in relation to the absence does not automatically qualify the absence for a medical exemption for purposes of the chronic absenteeism indicator. In order to be eligible for consideration under a chronic absenteeism medical exemption policy, an absence must fall under the definition of "significant medical condition" given in this Section.

(e) **Absences from school that do not accrue toward chronic absentee status.** A student with disabilities who is on an Individualized Education Program (IEP), or a student with a physical or mental impairment who is on a Section 504 Plan, is considered in attendance and does not accrue absences while receiving offsite services outlined in the IEP or Section 504 plan. A student on an IEP or Section 504 Plan whose condition worsens or who requires more frequent treatments should have their IEP or Section 504 Plan updated accordingly. A student who is receiving homebound education services from their school district is considered in attendance and does not accrue absences while in homebound status.

(f) **Effect of exempt absence.** If a student has been determined to have a significant medical condition under the district or charter school's medical exemption policy, only absences that are related to the student's identified condition(s) or qualifying circumstances may be exempted from inclusion in the calculation of the chronic absenteeism indicator. Absences that are not related to the student's qualifying condition(s) or circumstances, such as routine illnesses or medical appointments, are not eligible for exemption under a school district's medical exemption policy. The exempt absence(s) of a student who has been granted an exemption of one or more absences from school in accordance with the provisions of this Section shall not be included in the calculation of the chronic absenteeism indicator on the school site report card.

(g) **Reporting absences determined medically exempt to the State Department of Education.** A school district or charter school that has adopted a chronic absenteeism medical exemption policy in accordance with this Section, and has determined under the policy that one or more student absences are medically exempt from inclusion in the chronic absenteeism indicator, shall report such absences determined medically exempt to the Oklahoma State Department of Education (OSDE) Office of Accountability. To ensure that an absence which has been determined eligible for a medical exemption by a school district's medical exemption review committee is identified as exempt in sufficient time for the absence to be excluded from the chronic absenteeism calculation, the Office of Accountability may set an annual deadline for the reporting of such medically exempt absences. The reporting of absences identified under a district's policy as medically exempt may require the submission of the district's chronic absenteeism medical exemption policy and documentation of the medical exemption review committee's approval of the exempted absences. All documentation considered during the medical exemption review committee's consideration of potentially eligible absences shall be maintained by the school district or charter school and shall be available to regional accreditation officers for auditing purposes.

(h) **Effect of public health emergencies or other declared emergencies.** In the event of an emergency declared by a federal or state government entity that impacts the operation of public schools in Oklahoma, or upon an action taken by the State Board of Education declaring such an emergency, the Oklahoma school accountability system shall make any appropriate accommodations authorized under federal law to mitigate the effects of the emergency on school accountability determinations for the affected school year(s). Student absences related to a state of emergency shall not be included in the calculation of the chronic absenteeism indicator. If there is any period of time during a state of emergency when public school operations are suspended, interrupted, or otherwise affected by the emergency conditions, the affected dates shall be excluded from the calculation of the chronic absenteeism indicator.

[OAR Docket #20-402; filed 4-28-20]

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TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #20-403]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-94. Period of validity of certificates [AMENDED]

AUTHORITY:

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

ADOPTION:

March 25, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

April 2, 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:

Due to the current state of emergency surrounding COVID-19, the State Board of Education has adopted emergency rules providing for appropriate accommodations to assist public schools. This emergency amendment authorizes the State Board of Education to issue an emergency teaching certificate to a qualified individual for a total of three (3) years.

GIST/ANALYSIS:

This is an emergency amendment to the rule that establishes the validity period of teaching certificates. Historically, the rule places a limit of two (2) total years on the authorization for an individual to be issued an emergency teaching certificate. The new proposed provisions authorize the State Board of Education to issue an emergency teaching certificate to a qualified individual for a third consecutive year, bringing the maximum validity period of an emergency certificate extended by State Board approval to three (3) years. The current public health emergency surrounding COVID-19 contributes to the challenges school districts face in staffing teaching positions.

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. § 253(F):

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 9. TEACHER CERTIFICATION

210:20-9-94. Period of validity of certificates

(a) Standard certificates normally have a validity period of five (5) years. The standard certificate will expire five (5) years from the nearest thirtieth day of June either preceding or following the effective date of the certificate.

(b) Provisional certificates, vocational and/or nonvocational, will have a validity period established by the State Department of Education.

(c) Emergency certificates normally have a validity period of one (1) school year. The certificate will expire the thirtieth day of June of the school year for which it was issued. The validity period for an emergency certificate may be extended for one (1) additional school year at the request of the superintendent of the employing district, subject to the approval of the State Board of Education. At the request of the superintendent of the employing district, an emergency certificate may be renewed by the State Board of Education for one (1) additional year for an individual who has been employed by a school district for two (2) years, provided the following criteria are met:

(1) The individual has been granted an emergency certificate for two (2) years;

(2) The individual has a rating of "Effective" or higher on the qualitative portion of the last evaluation conducted pursuant to 70 O.S. § 6-101.16;

(3) The individual has not successfully completed the competency examinations required by applicable law;

(4) The individual, via the requesting school district, submits a portfolio of their work to the State Board of Education, which shall include evidence of progress toward standard certification;

(5) The employing school district board of education agrees to renew the individual's contract to teach for the ensuing fiscal year; and

(6) The superintendent of the employing school district submits to the State Board of Education the reason the emergency certificate should be renewed, and provides evidence of the district's attempts to, and inability to, hire a teacher who holds a standard teaching certificate.

(d) The maximum validity period for an emergency certificate extended by State Board approval will be ~~two (2)~~ three (3) years. Individuals employed by a school district under an emergency or provisional certificate shall not be considered career teachers and therefore not entitled to the protections of the Teacher Due Process Act of 1990.

[OAR Docket #20-403; filed 4-28-20]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 11. COVID-19 PANDEMIC EMERGENCY RULES

[OAR Docket #20-407]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

435:11-1-1. Definitions [NEW]

435:11-1-2. Scope and duration of emergency rules [NEW]

435:11-1-3. Relaxation of supervision requirements [NEW]

435:11-1-4. Temporary reinstatement of retired, inactive or lapsed licensees [NEW]

435:11-1-5. Temporary licensure for recent graduates [NEW]

435:11-1-6. Application and licensure fees [NEW]

435:11-1-7. Disciplinary action [NEW]
435:11-1-8. Oklahoma Tax Commission compliance [NEW]
435:11-1-10. Telemedicine and telehealth [NEW]
435:11-1-11. Effective date [NEW]

AUTHORITY:

Executive Order 2020-13; Title 59 O.S. §§480 et seq; Oklahoma Board of Medical Licensure and Supervision

ADOPTION:

April 14, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

April 21, 2020

EXPIRATION:

Effective through the duration of the Governor's emergency declaration for the COVID-19 outbreak, as declared by Executive Order of the Governor, or through September 14, 2021, whichever occurs first, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Executive Order 2020-13

GIST/ANALYSIS:

The proposed emergency revisions to the Oklahoma Medical Board administrative rules are in response to the COVID-19 Pandemic and pursuant to Executive Order 2020-13 ("EO") which was filed on April 8, 2020. The EO requires certain licensing agencies to promulgate rules to increase the number of medical professionals able to practice in the state. The proposed emergency revisions accomplish that by reducing supervisory requirements or limitations placed on non-physicians, removing barriers of entry for retired medical professionals from entering the workforce, and increasing opportunities for students and recent graduates who are not yet fully licensed to practice.

CONTACT PERSON:

Lyle Kelsey (405) 962-1414
Barbara Smith (405) 962-1422

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 235(F):

435:11-1-1. Definitions

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

"Board" means the Oklahoma State Board of Medical Licensure and Supervision.

"Secretary" means the Secretary of the Oklahoma State Board of Medical Licensure and Supervision.

"Supervisee" means a licensed physician assistant and advanced practice registered nurses.

"Supervision" means the responsible oversight and control of the practice of any health professional herein provided and can be available should need arise by telephonic means or other remote communicative technology.

435:11-1-2. Scope and duration of emergency rules

These emergency rules shall remain in full force and effect until the Governor's Executive Order 2020-13 or a succeeding Executive Order related to the COVID-19 Pandemic expires. To the extent these emergency rules conflict with existing permanent rules under Title 435 of the Oklahoma Administrative

Code, the emergency rules shall control, unless otherwise provided, until they expire.

435:11-1-3. Relaxation of supervision requirements

(a) A medical doctor or surgeon licensed by the Board may provide supervision to any number of the following mid-level health professionals:

- (1) Physician Assistants, or
- (2) Advanced Practice Registered Nurses ("APRNs").

(b) Within forty-eight (48) hours of assuming supervision of a new supervisee, any physician or surgeon licensed by Board shall send a report developed by the Board which contains the following information for each new supervisee:

- (1) Name of the supervisee,
- (2) License number of the supervisee,
- (3) Credential of the supervisee (PA or APRN), and
- (4) The date supervision became effective.

435:11-1-4. Temporary reinstatement of retired, inactive, or Lapsed Licensees

(a) The Secretary may issue a temporary license to any medical doctor or surgeon whose Oklahoma medical license has lapsed, inactive, or any medical doctor or surgeon that has retired or been granted Physician Emeritus status under OAC 435:10-7-6 and who submits an application developed by the Board containing the following information:

- (1) Applicant's name,
- (2) License number,
- (3) Temporary Practice Address,
- (4) Type of practice or specialty, and
- (5) Submits a statement attesting to the following:

(A) The medical doctor or surgeon previously had an active Oklahoma license prior to January 1, 2017, and

(B) The medical doctor or surgeon has not been subject to any disciplinary action by the Board.

(b) The Secretary may issue a temporary license to any physician assistant whose Oklahoma physician assistant license has lapsed or become inactive and who submits an application developed by the Board containing the following information:

- (1) Applicant's name,
- (2) License number,
- (3) Temporary Practice Address
- (4) Type of practice or specialty, and
- (5) Submits a statement attesting to the following:

(A) The physician assistant previously had an active Oklahoma license prior to January 1, 2017, and

(B) The physician assistant has not been subject to any disciplinary action by the Board.

- (6) The name and license number of the medical doctor or surgeon who will provide supervision to the physician assistant while the temporary license is active.

(c) The Secretary may issue a temporary license to any respiratory care practitioner or respiratory therapist whose Oklahoma respiratory care therapy or practitioner license has lapsed

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or become inactive and who submits an application developed by the Board containing the following information:

- (1) Applicant's name,
- (2) License number,
- (3) Temporary Practice Address, and
- (4) Submits a statement attesting to the following:
 - (A) The respiratory therapist or respiratory care practitioner previously had an active Oklahoma license prior to January 1, 2019, and
 - (B) The respiratory therapist or respiratory care practitioner has not been subject to any disciplinary action by the Board.

(d) Any license issued under subsections (a), (b), or (c) of this section shall be ratified at the next regular meeting of the Board.

435:11-1-5. Temporary licensure for recent graduates

The Board may issue a license to any graduate of a medical school approved by the Board consistent with 59 O.S. § § 493.1 and 493.2 who submits an application developed by the Board containing the following information:

- (1) Applicant's Name
- (2) Temporary Practice Address
- (3) Submit evidence of satisfactory completion of medical school, and
- (4) Foreign applicants shall provide a certified copy of the Educational Commission for Foreign Medical Graduates Certificate to the Board
- (5) Submit a statement from a medical doctor or surgeon licensed by this State who attests the following:
 - (A) The Graduate is necessary in the interests of the public health, safety, and welfare to combat the COVID-19 Pandemic, and
 - (B) The supervising physician will assume supervision over the graduate practicing under the temporary license by telephonic means or remote communicative technology.

435:11-1-6. Application and licensure fees

(a) The Board waives all application and licensure fees for applicants seeking temporary licensure under the Emergency Management Compact and who holds a license in good standing from another U.S. state or territory.

(b) The Board waives all application and licensure fees for applicants seeking temporary licensure under OAC 435:11-1-4 and 435:11-1-5.

435:11-1-7. Disciplinary actions

(a) The Board suspends all deadlines and procedures in disciplinary actions through May 15, 2020, and it authorizes the Secretary to extend the suspension of deadlines and procedures for not more than an additional thirty (30) days without subsequent action of the Board if:

(1) The Governor issues an Executive Order, new or amended, extending the closure of non-essential businesses in this State to or after May 15, 2020, or

(2) The Chief Justice of the Supreme Court and Presiding Judge of the Court of Criminal Appeals issue a third order suspending deadlines and procedures in all state courts to any date after May 15, 2020.

(b) Except for emergency suspensions under 59 O.S.2011, § 503.1, the Board will refrain from initiating complaints and citations, excluding complaints alleging either of the following:

(1) Any violations of federal or state law involving the unlawful prescription of a controlled dangerous substance under Schedule II, or

(2) Sexual misconduct.

435:11-1-8. Oklahoma Tax Commission compliance

The Board will renew or reinstate any license issued by the Board despite the licensee being non-compliant with the Oklahoma Tax Commission.

435:11-1-10. Telemedicine and telehealth

(a) To the extent not already allowed by applicable law, licensed medical doctors, surgeons, and physician assistants may utilize telemedicine or telehealth to provide care for new or existing patients.

(b) Subsection (a) shall not be construed to allow licensed medical doctors, surgeons, or physician assistants to prescribe opiates and other controlled dangerous substances without a preexisting physician-patient relationship as required by 59 O.S.Supp.2017, § 478.1.

(c) Subsection (b) shall not be construed to waive the scheduled drug prescription requirements for Physician Assistants under OAC 435:15-5-10.

(d) To the extent not already allowed by applicable law or relevant practice act, licensed athletic trainers, dietitians, musical therapists, occupational therapists, physical therapists, pedorthists, orthotists, prosthetists, respiratory care practitioners or respiratory therapists, and therapeutic recreational specialists may utilize telemedicine or telehealth to provide follow-up care to current patients or clients.

(e) Nothing under subsections (a) or (d) of this section shall be construed to expand a licensee's scope of practice. At all times, licensees shall provide care that is consistent with the licensee's education, knowledge, and expertise.

435:11-1-11. Effective date

These emergency rules of the State Board of Medical Licensure and Supervision shall become effective immediately upon approval of the Governor.

[OAR Docket #20-407; filed 5-5-20]

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

[OAR Docket #20-400]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 21. Pandemic Licensure Requirements [NEW]
485:10-21-1 [NEW]
485:10-21-2 [NEW]
485:10-21-3 [NEW]
485:10-21-4 [NEW]

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S., §§ 567.2 (A), 567.3a, 567.5 (B)(5), 567.5a (C), 567.6 (B)(5), 567.6a (B)(5), 567.7 (B), 567.14; Executive Order 2020-13

ADOPTION:

April 15, 2020

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

April 21, 2020

EXPIRATION:

Effective through the duration of the Governor's emergency declaration for the COVID-19 outbreak, as declared by executive order of the Governor, or through September 14, 2021, whichever occurs first, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The proposed new rules in 485:10-21-1, 485:10-21-2, 485:10-21-3 and 485:10-21-4 are pursuant to Executive Order 2020-13, signed by Governor Stitt and filed with the Secretary of State on April 8, 2020. The rule revisions are necessary to respond to the emergency and to comply with directives contained in the Executive Order, including provision for amendments thereto, and the requirement for state agencies to promulgate emergency rules by April 15, 2020.

GIST/ANALYSIS:

Executive Order 2020-13 allows for the promulgation of emergency rules aimed at increasing the number of nursing professionals able to practice in the State. The proposed new rules in 485:10-21-2 allow for reinstatement of temporary licensure and certification of registered nurses (RN), licensed practical nurses (LPN) and advanced unlicensed assistants (AUA) at no cost to the applicant, waiving the continuing qualification requirements for up to 5 years for RNs and LPNs and 2 years for AUAs.

The proposed new rules in 485:10-21-3 broadens the opportunity Advanced Practice Registered Nurses from other states to seek licensure in Oklahoma.

485:10-21-4 increases opportunities for students and recent graduates of Board-approved nursing education programs to safely and competently contribute to the practice of nursing in hospitals and nursing homes.

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 21. PANDEMIC LICENSURE REQUIREMENTS

485:10-21-1. Purpose

The rules of this Subchapter have been adopted for the purpose of complying with the provisions of Executive Orders issued during a declared health emergency. These requirements, known as the Pandemic Licensure Requirements, shall assist in the licensure of nurses, non-licensed graduates of Board-approved nursing education programs and students of Board-approved nursing education programs.

485:10-21-2. Continuing qualifications waiver for licensure/certification reinstatement

(a) During the pandemic, continuing qualifications for licensure reinstatement to a temporary license or certification in the following sections are waived:

- (1) 485:10-7-4(h)
(2) 485:10-7-5(g)
(3) 485:10-9-4(h)
(4) 485:10-9-5(g)
(5) 485:10-10-8.1(d)
(6) 485:10-10-8.2(f)

(b) An applicant must submit an application containing such information as the Board may prescribe and meet the qualifications established by the Board. The fee for issuance of a temporary license or certification is waived.

485:10-21-3. Advanced Practice Registered Nurse (APRN)

An APRN who holds an active APRN license in another state can be licensed in Oklahoma in the role and with the certification currently held in another state as long as a declared health emergency is in effect.

485:10-21-4. Students or non-licensed graduates

(a) A nursing student currently enrolled in a Board-approved registered or licensed practical nursing education program may be employed consistent with the Board's Employment of Nursing Students or Non-Licensed Graduates Guidelines.

(b) A non-licensed graduate of a Board-approved nursing education program may work as a non-licensed graduate as long as a declared health emergency is in effect under the following conditions:

- (1) Works under the direct supervision and direction of a licensed registered nurse in a hospital or nursing home for a maximum of 180 days immediately following graduation from a Board-approved registered and licensed practical nursing education program and has applied for nursing licensure in the State of Oklahoma.
(2) Has received an Authorization to Test (ATT) from Pearson Vue. The ATT will serve as a Temporary Permit to practice nursing. If the graduate nurse fails the NCLEX exam then the Temporary Permit to practice nursing expires and is void.
(3) The nursing graduate may perform continuing assessments or focused assessments of an assigned patient/resident; however, the nurse graduate shall not

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perform initial or change in condition assessments of a patient/resident.

(4) The nursing graduate may follow healthcare provider orders for administration of medications and treatments. The nursing graduate shall not administer blood or blood products, intravenous medications; to include, but not limited to anticoagulants, emergent or intensive care drips, and insulin.

(5) The nursing graduate shall wear a name tag that identifies the graduate nurse as a "graduate nurse-r.n." or "graduate nurse-l.p.n." as applicable.

(6) The employing facility maintains written documentation of observed competencies that will be provided by the graduate nurse.

(7) The employing facility maintains a written job description for the graduate nurse. The written job description may be more restrictive than this Rule provides but may not be less restrictive.

[OAR Docket #20-400; filed 4-28-20]

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

1:2020-13F.

SIXTH AMENDED EXECUTIVE ORDER 2020-13

On May 12th, the 4,732nd 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, which was last amended in Eighth Amended 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. Further, on April 2, 2020, I declared a health emergency in the State of Oklahoma as defined in 63 O.S. § 6104 of the Oklahoma Statutes, which declaration was renewed on May 1, 2020.

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 and 63 O.S. §§ 6101-6900 of the Oklahoma Statutes, specifically 63 O.S. § 6401, do 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 Statewide 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. The requirement in Amended Executive Order 2019-3 that the Chief Administrative Officer request and obtain approval from the Cabinet Secretary for an exemption to the personnel freeze for agencies under the Secretary of Health and Mental Health shall be waived.

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

8. Emergency responders employed by the State of Oklahoma who are correctional officers, law enforcement officers, and fire personnel shall not be excluded from the application of and benefits under the Emergency Paid Sick Leave Act of the Families First Coronavirus Response Act (FFCRA) if:

a. They are subject to a coronavirus quarantine or isolation order;

b. They have been advised by a healthcare provider to self-quarantine due to coronavirus concerns; or

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c. They are experiencing symptoms of coronavirus and are seeking a medical diagnosis.

In addition, I direct as follows:

1. All State agencies shall 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. All State agencies shall 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. All State agencies shall encourage Oklahomans interacting with agency services to utilize online options whenever possible.

4. All State agencies shall ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.

5. All State agencies shall promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.

6. All state agencies with licensing and certificate responsibility over medical professionals, including the Board of Medical Licensure and Supervision, State Board of Osteopathic Examiners, and Board of Nursing shall, as necessary, promulgate emergency rules necessary to increase the number of medical professionals able to practice in the State. Such action may include, but is not limited to, the following:

a. Reduction in supervisory requirements or limitations placed on non-physicians;

b. Removal of barriers of entry for retired medical professionals from re-entering the workforce. Medical professionals 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 proscribed by their respective licensing boards and meet the qualifications for licensure or certification established by such 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 are hereby waived for those reinstated licensees as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible; and

c. Increase opportunities for students and recent graduates who are not yet fully licensed to practice.

Any license or certificate issued pursuant to such Emergency Rules or this Order shall only be valid for as long as this Order is in effect. Further, any retired physician who returns to practice to provide assistance with the State's response to COVID-19 shall register with the Medical Reserve Corps.

7. A licensed physician shall be able to supervise any number of Physician Assistants, Certified Registered Nurse Anesthetists, and Nurse Practitioners, and shall be able to supervise the Physician Assistants, Certified Registered Nurse Anesthetists, Certified Registered Nurse Anesthetists, and Nurse Practitioners using remote or telephonic means.

8. 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, 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.

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

10. 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.

11. Every public or private entity that is utilizing, or has utilized, 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, for all days from March 15, 2020 forward. In addition, OSDH shall promptly share this information with the CDC.

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

13. For the duration of the health emergency declared herein, any physical space offered and found to be safe for patient care by a Medicare- or Medicaid-certified and Oklahoma-licensed hospital (including psychiatric and critical access facilities) or skilled nursing facility shall be deemed an annex to a provider's license. State certificate of need requirements for adding beds are waived and Centers for Medicare and Medicaid Services regulations, including waivers of certain regulations due to COVID-19 emergency, will pre-empt state statutes and rules relating to expanding capacity.

For the duration of Executive Order 2020-12, or any extension thereof, for any Medicare-or Medicaid-certified and Oklahoma-licensed hospital (including psychiatric and critical access facilities) or skilled nursing facility, Centers for Medicare and Medicaid Services regulations, including waivers of certain regulations due to COVID-19 emergency, will pre-empt any conflicting state statutes and rules.

14. 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.

15. In order to allow stretcher vans and stretcher aid vans to assist with the emergency and operate anywhere in the state, the geographic and population-based limitations found in 63 O.S. § 1-2503 are hereby waived.

16. 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.

17. 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.

18. The requirements for Oklahoma Tax Commission compliance for any license or certificate issued by the Board of Medical Licensure and Supervision, State Board of Osteopathic Examiners, and Board of Nursing 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.

19. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma, including the OU Medicine Laboratory, 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 and the OU Medicine Laboratory, 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.

20. Unless otherwise addressed in the Open Up and Recover Safely (OURS) Plan on the Department of Commerce website, 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

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in their home or place of residence until May 31st except for working in a critical infrastructure sector, as more particularly described herein, and conducting 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.

21. Elective surgeries on and after April 24th, 2020 are subject to the guidelines set forth in Amended Executive Memorandum 2020-02. Oklahomans and medical providers in Oklahoma shall postpone minor medical procedures and non-emergency dental procedures until April 30th, 2020. For purposes of aiding in the determination of what is considered an elective surgery, medical providers are encouraged to consult the Centers for Medicare & Medicaid Services (CMS) Non-Emergent, Elective Medical Services, and Treatment Recommendations.

22. For the period of time the Legislature concurs with my declaration of a health emergency as defined by 63 O.S. 6104, any health care provider or health care facility, as such terms are defined by 63 O.S. § 6104, or any alternate care location designated by the state, shall be treated as an individual or business, respectively, within the meaning of, and as covered by 76 O.S. § 5.9.

23. Unless otherwise specified in the Open Up and Recover Safely (OURS) Plan on the Oklahoma Department of Commerce website, individuals should follow Centers for Disease Control (CDC) guidelines for social distancing by staying out of crowded places, not gathering in groups, and staying at least 6 feet from other people.

24. Effective April 24, 2020, all businesses should, unless the local municipality has more stringent guidelines, adhere to the statewide Open Up and Recover Safely (OURS) Plan as provided on the Oklahoma Department of Commerce website.

25. Except for end-of-life situations, visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes.

26. 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.

27. 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.

28. 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.

29. 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.

30. During the existence of this emergency, the Executive Director of CLEET or his designee is authorized to issue conditional private security licenses for unarmed security guards upon receipt of a properly completed application and licensing fee but without requiring fingerprint cards or electronic submission of fingerprints. In addition, the Executive Director of CLEET or his designee is authorized to renew conditional licenses as necessary. Any conditional licenses granted or renewed pursuant to this provision will expire and become void thirty days after the emergency is declared to be over unless such conditional licenses are again renewed by CLEET action.

31. I hereby direct all persons who enter the State of Oklahoma from another state or country to follow CDC travel guidelines found at <https://coronavirus.health.ok.gov/travel>.

32. All local educational agencies shall to the greatest extent practicable, continue to pay their employees and contractors for the remainder of the contracted period of the 2019-20 fiscal year, and in furtherance of this intent the State hereby authorizes accredited public school districts to pay support staff for the remainder of their contracted period for the 2019-20 fiscal year and waives any statutory or rule-based time limitations on which support personnel (as defined in 70 O.S. § 1-116) may accumulate or receive leave for the 2019-20 fiscal year.

33. I direct the Oklahoma Department of Agriculture, Food, and Forestry as follows:

a. Assist in the depopulation of any animals that are unable to be processed at available processing facilities due to COVID-19.

b. Assist in the disposal of animal carcasses resulting from the euthanasia in a manner that protects the environment, does not create a public health hazard, does not result in contamination of public or private drinking water supplies, and ensures watersheds and groundwater are adequately protected pursuant to 2 O.S. § 20-10(B).

c. Utilize all necessary equipment and manpower available and to freely move the equipment and manpower across state lines in cooperation with bordering states.

d. Cooperate with appropriate agencies, including but not limited to Oklahoma Department of Transportation, Oklahoma Department of Public Safety, and Oklahoma Department of Environmental Quality to ensure roadways are protected and all solid wastes are managed and disposed of appropriately.

e. Ensure ease of licensing, including the use of umbrella licensing, for vehicles utilized to move animal carcasses.

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.

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 supersede any conflicting provisions found in the Eighth Amended Executive Order 2020-07.

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

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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, 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 12th day of May, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-411; filed 5-12-20]

1:2020-16.

EXECUTIVE ORDER 2020-16

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the powers vested in me by 25 O.S. § 82.1, hereby order the following dates be observed as holidays by the State of Oklahoma in 2021:

Friday	January 1, 2021	New Year's Day
Monday	January 18, 2021	Martin Luther King, Jr. Day
Monday	February 15, 2021	President's Day
Monday	May 31, 2021	Memorial Day
Monday	July 5, 2021	Independence Day
Monday	September 6, 2021	Labor Day
Thursday	November 11, 2021	Veterans Day
Thursday & Friday	November 25 & 26, 2021	Thanksgiving
Thursday & Friday	December 23 & 24, 2021	Christmas

This Executive Order shall be forwarded to 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 hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 11th day of May, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-408; filed 5-11-20]

1:2020-17.

EXECUTIVE ORDER 2020-17

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, in recognition of Peace Officers Memorial Day, direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Friday, May 15, 2020, to acknowledge hardworking law enforcement officers and in honor of Federal, State, and local officers killed or disabled in the line of duty.

This executive order shall be forwarded to the Division of Capitol Assets Management who shall cause the provision 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 11th day of May, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-409; filed 5-11-20]

1:2020-18.

EXECUTIVE ORDER 2020-18

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. Thursday, May 14, 2020, until 5:00 p.m. on Friday, May 15,

2020, to honor the life and legacy of former State Senator Richard "Brooks" Douglass.

Former Senator Douglass was elected to the Oklahoma State Senate at the young age of 27 and spent 12 years championing groundbreaking legislation for crime victims' rights. Former Senator Douglass leaves behind a loving wife, Julea, and two children, Brody and Cali. The senator's life stood as a testament to faithfulness and selfless service.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 13th day of May, 2020.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #20-412; filed 5-13-20]
