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Kevin Stitt, Governor
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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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 1. GENERAL RULES OF PRACTICE AND PROCEDURE

[OAR Docket #19-760]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Actual and Necessary Travel Reimbursements

150:1-19-1. Actual and necessary expenses [AMENDED]

150:1-19-2. Criteria for approval [AMENDED]

150:1-19-3. Review of expenses; criteria for reimbursement [AMENDED]

SUMMARY:

This action is to amend the procedures by which Oklahoma Department of Commerce employees seek reimbursement for travel expenditures, the criteria for the approval of these expenses, the review process for these expenses and the criteria for reimbursement of these expenses.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce; 74 O.S. §§ 5001 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted from November 1, 2019 through December 3, 2019, during regular business hours by contacting B. Joshua McGoldrick, Chief of Staff/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 815-5153, or josh.mcgoldrick@okcommerce.gov.

PUBLIC HEARING:

A public hearing will be held on December 6, 2019, at 9:00 a.m. on, at Gallery 1-1, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the end of the comment period to B. Joshua McGoldrick, General Counsel, Oklahoma Department of Commerce at 900 North

Stiles Avenue, Oklahoma City, OK 73104. The Department is unaware of any business entities affected by the proposed changes.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, by contacting B. Joshua McGoldrick at (405) 815-5153, or josh.mcgoldrick@okcommerce.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

B. Joshua McGoldrick, Chief of Staff/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 815-5153 or josh.mcgoldrick@okcommerce.gov.

[OAR Docket #19-760; filed 9-27-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICE

[OAR Docket #19-768]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. License Classifications and Associated Fees for Consumer Health Services

310:250-3-1. Food establishments' fees [AMENDED]

SUMMARY:

310:250-3-1. The current rule details the fee structure of Food Establishments. The proposed change adds a license available at a Registered Farmers Market or a Free County Fair for \$50 (fifty) dollars which is good for three (three) days.

AUTHORITY:

State Commissioner of Health; §§ 1-104 and 1-103a.1, SB544

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified

Notices of Rulemaking Intent

below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019 at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9 AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-768; filed 10-8-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 257. FOOD ESTABLISHMENTS

[OAR Docket #19-769]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose and Definitions
310:257-1-4. Exemptions [AMENDED]

SUMMARY:

310:257-1-4. The current rule provides a list of exemptions to the rules. The proposed rule adds to the list of exemptions persons engaged solely in the sale of food products at a Registered Farmers Market as defined by Title 2 O.S., §5-19 and Persons engaged solely in the sale of food products at a County Free fair as defined by Title 2 O.S., §§15-67 et seq.

AUTHORITY:

State Commissioner of Health; §§ 104 and 103a.1, SB544.

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma

City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-769; filed 10-8-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 258. UNATTENDED FOOD ESTABLISHMENTS

[OAR Docket #19-770]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Purpose and Definitions [NEW]
- Subchapter 3. Operations [NEW]
- Subchapter 5. Poisonous or Toxic Materials [NEW]
- Subchapter 7. Food [NEW]
- Subchapter 9. Equipment Construction [NEW]
- Subchapter 11. Facility Construction [NEW]
- Subchapter 13. Administration [NEW]

SUMMARY:

The entire chapter is new. It is a modification of OAC 310:257 Food Establishments intended to describe and set the limit of the operation of Unattended Food Establishments.

AUTHORITY:

State Commissioner of Health; §§ 1-104 and 1-103a.1, HB1055.

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-770; filed 10-8-19]

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

[OAR Docket #19-771]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:260-1-5. Exclusion [AMENDED]

SUMMARY:

310:260-1-5. The current rule excludes persons engaged solely in the harvesting, storage, and distribution of one or more raw, unprocessed agricultural commodities from the regulations. The proposed rule adds to the exclusion list Persons engaged solely in the sale of honey produced under the Oklahoma Honey Sales Act pursuant to Title 63 O.S., §§1-1330 et seq., persons engaged solely in the sale of food products produced under the Home Bakery Act of 2013 pursuant to Title 2 O.S., §§5-4.1 et seq., and persons engaged solely in the sale of food products at a County Free fair as defined by Title 2 O.S., §§15-67 et seq.

Notices of Rulemaking Intent

AUTHORITY:

State Commissioner of Health; §§ 1-104 and 1-103a.1, SB544.

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-771; filed 10-8-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 555. NOTIFICATION OF COMMUNICABLE DISEASE RISK EXPOSURE

[OAR Docket #19-772]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 310:555-1-1. Purpose [AMENDED]
- 310:555-1-2. Definitions [AMENDED]
- 310:555-1-3. Applicability [AMENDED]
- 310:555-1-4. Notification System [AMENDED]

SUMMARY:

1. The amendments include the Good Samaritans that have been exposed to communicable diseases while rendering aid.
2. Amending Definitions to include a new definition for "Good Samaritan".
3. Amending Applicability to include "Good Samaritan".
4. Amending Notification system to allow "Good Samaritans" to submit the form to health care facilities. Health care facilities are to determine risk exposure for "Good Samaritans". "Good Samaritans will be able to request testing of a source patient, and notification of their exposure to a communicable disease.

AUTHORITY:

Commissioner of Health; Title 63 O.S., §1-104; House Bill 1641 (effective 2013) that amended 63 O.S., §1-502

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 1, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102 from, 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct

costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-772; filed 10-8-19]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 605. ADULT DAY CARE
CENTERS**

[OAR Docket #19-773]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Staffing Requirements
310:605-11-1. Staffing Requirements [AMENDED]

SUMMARY:

This action will update tuberculosis (TB) work place testing requirements to align with federal recommendations. An amendment is provided at 310:605-11-1.7 to align with the most current guidelines for preventing the transmission of mycobacterium tuberculosis in healthcare settings as published by the Centers for Disease Control and Prevention.

AUTHORITY:

Commissioner of Health; Title 63 O.S., §1-104; Adult Day Care Act, Title 63 O.S., §1-870 et seq.

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-773; filed 10-8-19]

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

[OAR Docket #19-774]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

- Subchapter 1. General EMS Programs
- Part 1. General Provisions
- 310:641-1-7. Definitions [AMENDED]
- Subchapter 3. Ground Ambulance Service
- Part 5. Ground Transport Vehicles
- 310:641-3-20. Ground ambulance vehicles [AMENDED]
- Subchapter 5. Personnel Licenses and Certification
- Part 3. Emergency Medical Personnel Licenses
- 310:641-5-11.1. Military reciprocity certification or license qualifications [NEW]
- 310:641-5-13.1. Issuance of a military reciprocity certification or license qualification [NEW]
- 310:641-5-20. Scope of practice authorized by certification or licensure [AMENDED]
- 310:641-5-20.1. Scope of practice authorized by military reciprocity certification or license [NEW]
- Part 5. Procedures Authorized
- 310:641-5-33. Certification and licensure enforcement actions [AMENDED]
- Subchapter 13. Air Ambulance Service
- 310:641-13-9. Air ambulance vehicle [AMENDED]
- Subchapter 15. Emergency Medical Response Agency
- 310:641-15-11. Prehospital emergency medical response agency equipment [AMENDED]
- Subchapter 17. Stretcher Aid Van Service
- 310:641-17-1. Purpose [AMENDED]
- 310:641-17-2. Stretcher aid van service license required [AMENDED]
- 310:641-17-3. Issuance of a stretcher aid van service license [AMENDED]
- 310:641-17-4. Renewal of a stretcher aid van license [AMENDED]
- 310:641-17-5. Denial for an initial stretcher aid van license [AMENDED]
- 310:641-17-8. Stretcher aid van staffing [AMENDED]
- 310:641-17-9. Stretcher aid van vehicles [AMENDED]
- 310:641-17-10. Equipment for stretcher aid van vehicles [AMENDED]
- 310:641-17-11. Stretcher aid van medical control [AMENDED]
- 310:641-17-12. Sanitation requirements [AMENDED]
- 310:641-17-13. Inspections [AMENDED]
- 310:641-17-14. Stretcher aid van notice of violation [AMENDED]
- 310:641-17-16. Operational protocols [AMENDED]
- 310:641-17-17. Transfer protocols [AMENDED]
- 310:641-17-18. Stretcher aid van service records and files [AMENDED]

SUMMARY:

1. Correct statutory citation for the definition of "Ambulance".
2. Change the minimum standard for ground ambulance vehicles from GSA - KKK-1822 standards to two new standards. These are standards published by the Council for the Accreditation of Ambulance Services (CAAS) and the

National Fire Protection Association. Additionally it amends the requirement for the name of the service to be on the vehicle and defines the size of the "Star of Life" to be on the unit, and requires the word "ambulance" or other EMS nomenclature that identifies the vehicle as an ambulance or EMS related.

3, 4, and 6. Pursuant to SB 670, which goes into effect on November 1, 2019, new sections of regulation had to be written to allow for the evaluation, issuance, and maintenance of Oklahoma certifications and licenses issued to military members and dependents based on out of state licenses and certifications.

5. Amending the scope of practice to allow certified and licensed emergency medical personnel to assist and/or evaluate Good Samaritans that may have been exposed to communicable diseases.

7. Amending 5-33 (a) by changing the following wording: "The Department may revoke? a license or certificate?" to: "The Department may revoke?.any license or certificate?". The "a" is being amended to "any".

8. Amending this section of regulation by adding language that allows for the provisions of a temporary permit for air ambulances.

9. Amending this section of regulation by making tractions splints optional; based on medical director approval and removing the requirement for a thermometer.

10. Throughout Subchapter 17, renaming "Stretcher Aid Vans" to "Stretcher Vans" and "patients" to "passengers" pursuant to current statutory definitions and nomenclature.

11, 13, 14, 15, 21, 22, 26, 27 are being amended to change the name from "stretcher aid van" to "stretcher van".

12. Based on statutory definitions for Stretcher Vans, the agency type is limited to "ambulance service districts, ems regions, and counties with a population in excess of five hundred thousand (500,000) people". The amended language is similar to other license types and provides the best opportunity for ensuring compliance for the license type. Additionally, through statutory amendments, Stretcher Vans can continue to support the continued use of oxygen for passengers. The quality assurance language is a way to ensure the agency is following regulatory and statutory guidance for supporting oxygen usage for passengers.

16. Amendments to the staffing requirements ensures that attendant has the appropriate Oklahoma certification or license.

17. With the amendments in 310:641-3-20, amendments to 17-9 are required to separate the vehicle compliance requirements. The amendments shift stretcher vans from having to be fully compliant with a specific vehicle standard to having to be compliant with three specific testing standards. The amendments fully show that stretcher van vehicles are not required to meet ambulance standards, but are to be tested to three specific standards to ensure:

- A. Cot or gurney retention;
- B. Weight distribution;
- C. Heating and air conditioning compliance.

18. Amending 17-10 ensures stretcher vans are equipped with the minimum amount of equipment allowed within their scope of license, passenger safety, and agency staff protection.

19. Within current regulations, a medical director is not required because the stretcher van agencies were limited to first aid, cpr, and the use of an aed for passenger interventions. With the addition of oxygen in the current definition, the section of regulations needed to be amended to show how the agency could continue oxygen for passengers without medical direction for the agency, and rely on the passenger physician for oxygen orders.

20. The amendment removes a sanitation requirement of equipment that is not required for stretcher van agencies and renumbers the remaining requirements.

23. Operational protocols will be amended to include the ability of staff members and attendants to be able to perform first aid, cpr, the use of an aed, and continue oxygen.

24. Pursuant to the current definitions, passengers transported by stretcher vans are to be screened prior to being transported.

25. Amendments include renumbering for clarification purposes, and in addition the requirement to retain screening documentation and quality assurance documentation.

AUTHORITY:

- 1. State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S. §1-2511 (8);
- 2. State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S. §1-2511 (8);
- 3, 4, and 6. State Commissioner of Health; Title 63 O.S., §1-104; O.S. 63, §1-2511 (8); and SB 670 (effective November 1, 2019), amending O.S. 59, § 4100.
- 5. State Commissioner of Health; Title 63 O.S., §1-104; and HB 1641 (2011) amending 63 O.S., §1-502.1
- 7. State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S., §1-2511 (8);
- 8. State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S., §1-2511 (8);
- 9. State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S., §1-2511 (8);
- 10 to 27. State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S., §1-2511 (8)

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those

wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-774; filed 10-8-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 642. EMERGENCY RESPONSE SYSTEMS STABILIZATION AND IMPROVEMENT REVOLVING FUND

[OAR Docket #19-775]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Proposals
310:642-3-1. Proposal review and disposition
[AMENDED]

SUMMARY:

A brief summary of the contents and purpose of the rule are provided here. Currently, 310:642-3-1(a) (3) (A) (i)-(iv) requires a panel of nine volunteers who have drawn lots to

Notices of Rulemaking Intent

determine their eligibility to participate in the proposal review. The amended language will:

(1) decrease the panel membership from nine to five persons; and

(2) the panelists will be appointed by the Commissioner.

The purpose for amending the current regulations is to decrease the difficulty of Department staff in recruiting nine volunteers willing to serve on this panel. Additionally, by changing the selection to an appointment by the Commissioner, the opportunity for highly qualified panelists to be appointed increases.

AUTHORITY:

State Commissioner of Health; Title 63 O.S., §§1-104 et seq.; 63 O.S., §§1-2512; 1-2512.1.

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-775; filed 10-8-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 662. HOME CARE AGENCIES

[OAR Docket #19-776]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration

310:662-3-4. Organization [AMENDED]

SUMMARY:

This action will update tuberculosis (TB) work place testing requirements to align with federal recommendations. An amendment is provided at 310:662-3-4(e)6 to align with the most current guidelines for preventing the transmission of mycobacterium tuberculosis in healthcare settings as published by the Centers for Disease Control and Prevention (CDC).

AUTHORITY:

Commissioner of Health; Title 63 O.S., §1-104.

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-776; filed 10-8-19]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING

[OAR Docket #19-777]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:663-1-2. Definitions [AMENDED]
- Subchapter 19. Administration, Records and Policies
- 310:663-19-2. Medication administration [AMENDED]

SUMMARY:

Definitions updated to include definitions in SB 142. Rules updated to reflect statute prohibiting prescribing and administration of antipsychotic drugs to long-term care facility residents except under certain conditions; requiring informed consent; setting forth provisions related to prescriptions and administration; setting forth certain patient protections.

AUTHORITY:

Commissioner of Health; Title 63 O.S., §1-104
Continuum of Care and Assisted Living Act; Title 63 O.S., §§1-890.1 et seq.

Administrative Procedures Act; Title 75 O.S., §§250.1 through 323

Psychiatric and Chemical Dependency Facility Certificate of Need Act; Title 63 O.S., §1-881

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon.. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-777; filed 10-8-19]

Notices of Rulemaking Intent

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS

[OAR Docket #19-778]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Compliance with Federal, State, and Local Laws

310:667-5-4. Employee and/or worker health examinations [AMENDED]

Subchapter 59. Classification of Hospital Emergency Services

310:667-59-1. General [AMENDED]

SUMMARY:

An amendment is provided to align with SB156, signed into law in 2019, effective 11/1/2019, at 310:667-59-1. This amendment specifies the inclusion of the requirement for hospitals to submit data into the ST-Elevated Myocardial Infarction (STEMI) registry in addition to stroke and trauma related illness and injury.

This action will update tuberculosis (TB) work place testing requirements to align with federal recommendations. An amendment is provided at 310:667-5-4(a)2 and 310:667-5-4(b) to align with the most current guidelines for preventing the transmission of mycobacterium tuberculosis in healthcare settings as published by the Centers for Disease Control and Prevention.

AUTHORITY:

Commissioner of Health; Title 63 O.S., §1-104; SB 156 effective November 1, 2019. The bill amends 63 O.S., §1-2530.3

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-778; filed 10-8-19]

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

[OAR Docket #19-779]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:675-1-2. Definitions [AMENDED]

Subchapter 7. Administration

310:675-7-4-1. Resident admission and continued residency based on administration of antipsychotic drugs [NEW]

310:675-7-17.1. Infection control [AMENDED]

310:675-7-18.1. Personnel records [AMENDED]

Subchapter 9. Resident Care Services

310:675-9-6.1. Restraints [AMENDED]

Subchapter 13. Staff Requirements

310:675-13-14. ~~Flexible~~ Twenty-four-hour-based staff-scheduling and eligibility requirements [AMENDED]

SUMMARY:

Definitions updated to include definitions in SB 142. Rules updated to reflect statute prohibiting prescribing and administration of antipsychotic drugs to long-term care facility residents except under certain conditions and to implement changes regarding 24-hour staff scheduling.

Updated language from "tuberculin skin test" to "tests for tuberculosis". Also updated reference for guidance on administration of the test from a specific reference to broader guidance provided by the Centers for Disease Control and Prevention.

AUTHORITY:

Commissioner of Health; Title 63 O.S., §1-104
Nursing Home Care Act; Title 63 O.S., 1900, §1-1901 et seq.

Psychiatric and Chemical Dependency Facility Certificate of Need Act; Title 63 O.S., § 1-881

COMMENT PERIOD:

November 1, 2019, through December 6, 2019. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 6, 2019, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 5, 2019, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is December 9, 2019, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 6, 2019, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.health.ok.gov.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-779; filed 10-8-19]

TITLE 748. OKLAHOMA UNIFORM BUILDING CODE COMMISSION CHAPTER 20. ADOPTED CODES

[OAR Docket #19-767]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

- Subchapter 1. IBC® 2015
- 748:20-1-9. IBC® 2015 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [AMENDED AND RENUMBERED TO 748:20-2-9]
- 748:20-1-11. IBC® 2015 Chapter 9 Fire Protection Systems [AMENDED AND RENUMBERED TO 748:20-2-14]
- 748:20-1-12. IBC® 2015 Chapter 10 Means of Egress [AMENDED AND RENUMBERED TO 748:20-2-15]
- Subchapter 2. IBC® 2015 [NEW]
- 748:20-2-1. [RESERVED]
- 748:20-2-2. [RESERVED]
- 748:20-2-3. [RESERVED]
- 748:20-2-4. [RESERVED]
- 748:20-2-5. [RESERVED]
- 748:20-2-6. [RESERVED]
- 748:20-2-7. IBC® 2015 Chapter 2 Definitions [NEW]
- 748:20-2-8. [RESERVED]
- 748:20-2-9. IBC® 2015 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [NEW]
- 748:20-2-10. [RESERVED]
- 748:20-2-11. [RESERVED]
- 748:20-2-12. [RESERVED]
- 748:20-2-13. [RESERVED]
- 748:20-2-14. IBC® 2015 Chapter 9 Fire Protection Systems [NEW]
- 748:20-2-15. IBC® 2015 Chapter 10 Means of Egress [NEW]
- 748:20-2-16. [RESERVED]
- 748:20-2-17. [RESERVED]
- 748:20-2-18. [RESERVED]
- 748:20-2-19. [RESERVED]

Notices of Rulemaking Intent

- 748:20-2-20. [RESERVED]
748:20-2-21. [RESERVED]
748:20-2-22. [RESERVED]
748:20-2-23. [RESERVED]
748:20-2-24. [RESERVED]
748:20-2-25. [RESERVED]
748:20-2-26. [RESERVED]
748:20-2-27. [RESERVED]
748:20-2-28. [RESERVED]
748:20-2-29. [RESERVED]
748:20-2-30. [RESERVED]
748:20-2-31. [RESERVED]
748:20-2-32. [RESERVED]
748:20-2-33. [RESERVED]
748:20-2-34. [RESERVED]
748:20-2-35. [RESERVED]
748:20-2-36. [RESERVED]
748:20-2-37. [RESERVED]
748:20-2-38. [RESERVED]
748:20-2-39. [RESERVED]
748:20-2-40. [RESERVED]
Subchapter 3. IFC® 2015
748:20-3-4. IFC® 2015 Provisions Adopted and Modified
[AMENDED AND RENUMBERED TO 748:20-4-4]
748:20-3-6. IFC® 2015 Chapter 1 Scope and
Administration [AMENDED AND RENUMBERED
TO 748:20-4-6]
748:20-3-7. IFC® 2015 Chapter 2 Definitions [AMENDED
AND RENUMBERED TO 748:20-4-7]
748:20-3-11. IFC® 2015 Chapter 9 Fire Protection Systems
[AMENDED AND RENUMBERED TO 748:20-4-14]
748:20-3-12. IFC® 2015 Chapter 10 Means of Egress
[AMENDED AND RENUMBERED TO 748:20-4-15]
748:20-3-14. IFC® 2015 Chapter 80 Referenced Standards
[AMENDED AND RENUMBERED TO 748:20-4-85]
Subchapter 4. IFC® 2015 [NEW]
748:20-4-1. [RESERVED]
748:20-4-2. [RESERVED]
748:20-4-3. [RESERVED]
748:20-4-4. IFC® 2015 Provisions Adopted and Modified
[NEW]
748:20-4-5. [RESERVED]
748:20-4-6. IFC® 2015 Chapter 1 Scope and
Administration [NEW]
748:20-4-7. IFC® 2015 Chapter 2 Definitions [NEW]
748:20-4-8. [RESERVED]
748:20-4-9. [RESERVED]
748:20-4-10. [RESERVED]
748:20-4-11. [RESERVED]
748:20-4-12. [RESERVED]
748:20-4-13. [RESERVED]
748:20-4-14. IFC® 2015 Chapter 9 Fire Protection Systems
[NEW]
748:20-4-15. IFC® 2015 Chapter 10 Means of Egress
[NEW]
748:20-4-16. [RESERVED]
748:20-4-17. [RESERVED]
748:20-4-18. [RESERVED]
748:20-4-19. [RESERVED]
748:20-4-20. [RESERVED]
748:20-4-21. [RESERVED]
748:20-4-22. [RESERVED]
748:20-4-23. [RESERVED]
748:20-4-24. [RESERVED]
748:20-4-25. [RESERVED]
748:20-4-26. [RESERVED]
748:20-4-27. [RESERVED]
748:20-4-28. [RESERVED]
748:20-4-29. [RESERVED]
748:20-4-30. [RESERVED]
748:20-4-31. [RESERVED]
748:20-4-32. [RESERVED]
748:20-4-33. [RESERVED]
748:20-4-34. [RESERVED]
748:20-4-35. [RESERVED]
748:20-4-36. [RESERVED]
748:20-4-37. [RESERVED]
748:20-4-38. [RESERVED]
748:20-4-39. [RESERVED]
748:20-4-40. [RESERVED]
748:20-4-41. [RESERVED]
748:20-4-42. [RESERVED]
748:20-4-43. [RESERVED]
748:20-4-44. IFC 2015® Chapter 39 Processing and
Extraction Facilities [NEW]
748:20-4-45. [RESERVED]
748:20-4-46. [RESERVED]
748:20-4-47. [RESERVED]
748:20-4-48. [RESERVED]
748:20-4-49. [RESERVED]
748:20-4-50. [RESERVED]
748:20-4-51. [RESERVED]
748:20-4-52. [RESERVED]
748:20-4-53. [RESERVED]
748:20-4-54. [RESERVED]
748:20-4-55. [RESERVED]
748:20-4-56. [RESERVED]
748:20-4-57. [RESERVED]
748:20-4-58. IFC® Chapter 53 Compressed Gases [NEW]
748:20-4-59. [RESERVED]
748:20-4-60. [RESERVED]
748:20-4-61. [RESERVED]
748:20-4-62. [RESERVED]
748:20-4-63. [RESERVED]
748:20-4-64. [RESERVED]
748:20-4-65. [RESERVED]
748:20-4-66. [RESERVED]
748:20-4-67. [RESERVED]
748:20-4-68. [RESERVED]
748:20-4-69. [RESERVED]
748:20-4-70. [RESERVED]
748:20-4-71. [RESERVED]

- 748:20-4-72. [RESERVED]
- 748:20-4-73. [RESERVED]
- 748:20-4-74. [RESERVED]
- 748:20-4-75. [RESERVED]
- 748:20-4-76. [RESERVED]
- 748:20-4-77. [RESERVED]
- 748:20-4-78. [RESERVED]
- 748:20-4-79. [RESERVED]
- 748:20-4-80. [RESERVED]
- 748:20-4-81. [RESERVED]
- 748:20-4-82. [RESERVED]
- 748:20-4-83. [RESERVED]
- 748:20-4-84. [RESERVED]
- 748:20-4-85. IFC® 2015 Chapter 80 Referenced Standards [NEW]
- 748:20-4-86. [RESERVED]
- Subchapter 10. NEC® 2014 [NEW]
- 748:20-10-1. [RESERVED]
- 748:20-10-2. [RESERVED]
- 748:20-10-3. [RESERVED]
- 748:20-10-4. [RESERVED]
- 748:20-10-5. [RESERVED]
- 748:20-10-6. [RESERVED]
- 748:20-10-7. [RESERVED]
- 748:20-10-8. [RESERVED]
- 748:20-10-9. [RESERVED]
- 748:20-10-10. NEC® 2014 Chapter 4 Equipment for General Use [NEW]
- 748:20-10-11. [RESERVED]
- 748:20-10-12. [RESERVED]
- 748:20-10-13. [RESERVED]
- 748:20-10-14. [RESERVED]
- 748:20-10-15. [RESERVED]

SUMMARY:

The modifications listed below to the OUBCC's adoption of the 2015 editions of the International Building Code® (IBC®) and International Fire Code® (IFC®), and the 2014 edition of the National Electrical Code® (NEC®) are necessitated by the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 420-429 and related rules of the State Department of Health to clarify life safety building code requirements related to growing, processing and processing and extraction methods utilized throughout any industry that utilizes these practices.

Sections 748:20-1-9., 748:20-1-11., and 748:20-1-12. of the IBC® 2015, have been amended and renumbered to 748:20-2-9., 748:20-2-14., and 748:20-2-15, respectively. Subchapter 2 has been added to begin the process of renumbering the agency rules related to the adoption of the International Building Code® (IBC®), which will conclude with the filing of permanent rules. Sections 748:20-2-7., 748:20-2-9., 748:20-2-14., and 748:20-2-15., amend the OUBCC's previous adoption of Oklahoma modifications to provide for changes needed for the extraction and processing of plant materials to provide critical safety requirements to those involved in any industry utilizing these practices, to the provisions adopted by the OUBCC for the IBC®, 2015 edition.

Sections 748:20-2-1., through 748:20-2-6., 748:20-2-8., 748:20-10, through 748:20-2-13., 748:20-2-16., through 748:20-2-40 have been reserved to address future changes to the chapters of the IBC® in permanent rulemaking.

Sections 748:20-3-4., 748:20-3-6., 748:20-3-7., 748:20-3-11., 748:20-3-12., and 748:20-3-14., of the IFC® 2015 have been amended and renumbered to 748:20-4-4., 748:20-4-6., 748:20-4-7., 748:20-4-14., 748:20-4-15., and 748:20-4-85, respectively. Subchapter 4 has been added to begin the process of renumbering the agency rules related to the adoption of the International Fire Code®, (IFC®), which will conclude with the filing of permanent rules. Sections 748:20-4-4., 748:20-4-6. 748:20-4-7., 748:20-4-14., 748:20-4-15., 748:20-4-44., 748:20-4-58., and 748:20-4-85., have been added to amend the OUBCC's previous adoption of Oklahoma modifications to provide for changes needed for the extraction and processing of plant materials to provide critical safety requirements to those involved in any industry utilizing these practices, to the provisions adopted by the OUBCC for the IFC®, 2015 edition. Sections 748:20-4-1. through 748:20-4-3., 748:20-4-5., 748:20-4-8. through 748:20-4-13., 748:20-4-16. through 748:20-4-43., 748:20-4-45. through 748:20-4-57., and 748:20-4-59., through 748:20-4-84., and 748:20-4-85., have been reserved to address future changes to the chapters of the IFC® in permanent rulemaking.

Subchapter 10 has been added to being the process of renumbering the agency rules related to the adoption of the National Electrical Code® (NEC®), which will conclude with the filing of permanent rules. Section 748:20-10-10 amends the OUBCC's previous adoption of Oklahoma modifications to provide for changes needed for horticultural lighting, to the provisions adopted by the OUBCC for the NEC® 2014 edition. Subchapters 748:20-10-1. through 748:20-10-9., and 748:20-10-11 through 748:20-10-15 have been reserved to address future changes to the chapters of the NEC® in permanent rulemaking.

AUTHORITY:

Oklahoma Uniform Building Code Commission; 59 O.S. § 1000.23 and 1000.24.

COMMENT PERIOD:

Written and oral comments will be accepted beginning Monday, November 4, 2019, and will be accepted through Friday, December 6, 2019, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission (the "OUBCC"). Written comments may be hand delivered to the OUBCC at, 3545 NW 58th Street, Suite 700, Oklahoma City, OK 73112 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 12540, Oklahoma City, OK 73157.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, December 17, 2019 at a regular meeting of the Oklahoma Uniform Building Code Commission at 3545 NW 58th Street, Suite 700, Oklahoma City, OK 73112. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the OUBCC, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to incur due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnlly at the above address, before the close of the comment period on Friday, December 6, 2019

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at:

3545 NW 58th Street, Suite 700, Oklahoma City, OK 73112, before the close of the comment period on Friday, December 6, 2019. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address.

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501
Kathy Hehnlly, Commission Secretary 405.521-6506

[OAR Docket #19-767; filed 10-8-19]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

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

[OAR Docket #19-762]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

252:100-1-2. [AMENDED]

252:100-1-3. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

September 20, 2019

[OAR Docket #19-762; filed 10-1-19]

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

[OAR Docket #19-763]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)

Part 5. Control of VOCs in Coating Operations

252:100-37-27. [NEW]

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

Part 7. Specific Operations

252:100-39-47. [AMENDED]

Appendix N. Specialty Coatings VOC Content Limits [REVOKED]

Appendix N. Specialty Coatings VOC Content Limits [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

September 20, 2019

[OAR Docket #19-763; filed 10-1-19]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

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

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

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

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

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

[OAR Docket #19-764]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 18. Licensing
340:100-18-1 [AMENDED]
(Reference WF 19-02)

AUTHORITY:

Director of Human Services; Section 162 and Section 1020 of Title 56 of the Oklahoma Statutes

ADOPTION:

July 31, 2019

APPROVED BY GOVERNOR:

September 13, 2019

EFFECTIVE:

Immediately upon Governor's approval or September 17, 2019, whichever is later

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The proposed amendment updates and clarifies DDS rules in accordance with federal and state laws. An administrative law judge issued a hearing decision in Case No. 17-0512 compelling the Oklahoma Health Care Authority (OHCA) to pay for applied behavior analysis (ABA) for children with Autism receiving SoonerCare (Medicaid) when determined medically necessary. OHCA contacted ABA providers and determined that 50 percent of respondents stated they were unable to provide direct services to SoonerCare (Medicaid) members without adding registered behavior technician (RBT) as a service provision. Adding RBT to the rules provides a mechanism to authorize this service.

GIST/ANALYSIS:

The proposed amendment adds registered behavior technician (RBT) service provisions to the rules. The amendment protects public health, safety, and welfare by ensuring individuals have adequate access to medically necessary applied behavior analysis (ABA) therapy.

A comment from Judith Ursitti on behalf of Autism Speaks was received. She expressed her gratitude for the progress made in addressing the disparity in access to services for individuals diagnosed with autism who live in Oklahoma.

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 SEPTEMBER 17, 2019, WHICHEVER IS LATER:

SUBCHAPTER 18. LICENSING

340:100-18-1. Board Certified Behavior Analyst (BCBA) license and Board Certified Assistant Behavior Analyst (BCaBA) certification

(a) **Authority.** Section 1928 of Title 59 of the Oklahoma Statutes (59 O.S. § 1928) directs the Oklahoma Department of Human Services (DHS) Developmental Disabilities Services (DDS) to provide for licensing of (BCBAs) and certification of BCaBAs.

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

(1) **"Applied behavior analysis"** means the process of systematically applying interventions based upon the principles of learning theory to improve socially significant behaviors to a meaningful degree, and to demonstrate that the interventions employed are responsible for the improvement in behavior.

(2) **"Behavior Analyst Certification Board (national Board)"** means the ~~nationally accredited~~ national-accrediting Behavior Analyst Certification Board.

(3) **"Board Certified Assistant Behavior Analyst (BCBA)(BCaBA)"** means an individual who is certified by the ~~nationally accredited~~ national Board, practices under the close, ongoing supervision of a BCBA and is licensed/certified by DHS DDS to provide applied behavior analysis services in Oklahoma.

(4) **"Board Certified Assistant Behavior Analyst (BCaBA)(BCBA)"** means an individual who is certified by the ~~nationally accredited~~ national Board and is certified

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licensed by DHS DDS to provide applied behavior analysis services in Oklahoma.

(5) **"Co-employed relationship"** means the BCBA and BCaBA are employed by the same employer.

~~(6)~~ **"Employee-employer relationship"** means the BCBA is the employer of/employs the BCaBA or the registered behavior technician (RBT).

~~(7)~~ **"Human services professional"** means an individual licensed or certified in Oklahoma as a licensed:

- (A) physical therapist or physical therapist assistant;
- (B) occupational therapist or occupational therapist assistant;
- (C) clinical social worker;
- (D) masters social worker;
- (E) social work associate;
- (F) psychologist or health service psychologist;
- (G) speech pathologist;
- (H) audiologist;
- (I) professional counselor or professional counselor candidate;
- (J) marital and family therapist or marital and family therapist candidate; or
- (K) behavioral practitioner or behavioral practitioner candidate.

~~(8)~~ **"Licensed behavior analyst"** means an individual who is certified by the ~~nationally accredited~~ national-accrediting Board as a BCBA and is licensed by DHS DDS to provide applied behavior analysis services in Oklahoma.

~~(9)~~ **"Oklahoma Licensed Behavior Analyst Board (OLBAB)"** or **"State Board"** means the state board responsible for licensing behavior analysts and regulating the practice of applied behavior analysis professionals.

~~(10)~~ **"Real-time supervision"** means the observation of the provision of service with all parties participating in or monitoring live interactions.

~~(11)~~ **"Supervisee"** means a person who acts under the extended authority of a licensed behavior analyst to provide applied behavior analysis services or a person who is training to provide such services **"Registered behavior technician (RBT)"** means a paraprofessional who is certified by the national Board and practices under the close, ongoing supervision of a BCBA. The RBT works under the license number of a BCBA and is primarily responsible for the direct implementation of BCBA designed and prescribed behavior-analytic services.

~~(12)~~ **"Supervision"** means the direct observation and professional guidance during the provision of service by a BCBA or a BCaBA. **"Supervisee"** means a BCaBA or RBT who acts under the authority and supervision of a BCBA to provide applied behavior analysis services or a BCaBA or RBT candidate in training to provide such services as defined by the national board.

(A) The supervisee does not design intervention or assessment plans. It is the supervising BCBA's responsibility to determine which other tasks the supervisee may perform as a function of his or her training, experience, and competence.

(B) The BCBA is responsible for the supervisee's work on the cases he or she is overseeing.

(C) A BCBA, BCaBA, or RBT as a guardian or parent, may not provide services to his or her own child or ward.

~~(13)~~ **"Two-way interactions"** means the observation of the provision of service using real time visual and auditory contact through the use of technological devices **"Supervision"** means the direct observation and professional guidance during the provision of service by a BCBA, BCaBA, or RBT.

~~(14)~~ **"Two-way interactions"** means the observation of the provision of service using real-time visual and auditory contact through the use of technological devices.

(c) **Qualifications.**

(1) Each person wishing to practice as a BCBA or as a BCaBA in Oklahoma applies to DDS using Form 06LC001E, Application for BCBA License and BCaBA Certification, and furnishes evidence that he or she:

- (A) is at least 21 years old;
- (B) passed the Board examination and is certified by the national Board as a BCBA or as a BCaBA, as applicable; and
- (C) has not had a professional license or state certification refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for reasons that relate to unprofessional conduct unless DDS finds that the conduct was corrected or that mitigating circumstances exist that prevent resolution.

(2) No person can claim the title of or hold himself or herself out as being a BCBA or BCaBA unless he or she meets the applicable requirements and obtains a license or certification, per this Section.

(A) Supervisees provide applied behavior analysis under the supervision of a BCBA.

(B) This Section does not restrict the practice of applied behavior analysis by human services professionals, provided such individuals are working within the scope of their professions and the practice of applied behavior analysis is commensurate with their level of training and experience.

(C) This Section does not prohibit the practice of applied behavior analysis by a technician or family member implementing a plan within the home, acting under the extended authority and direction of a Licensed BCBA or BCaBA.

(D) A violation of this subsection is punishable by a fine of not more than \$500, the suspension or revocation of a license or certification issued per this Section, or both fine, and loss of licensure or certification.

(E) DHS Legal Services may file and seek injunctive relief against any person who wrongfully holds himself or herself out as a BCBA or BCaBA, and does not in fact meet the applicable requirements set forth above, or who is not licensed or certified as a

BCBA or BCaBA. The injunctive relief set forth in this Section is filed in the district court for any county wherein which the person holding himself or herself out as a BCBA or BCaBA.

(F) The RBT is certified by the national board and renews certification annually as required and defined by the national board.

(d) **Application.** Oklahoma licenses and certificates are issued for two-year terms following the initial State Board certification period.

(1) **Licensure.** A person requesting licensure provides for:

- (A) an initial request, ~~requires~~:
 - (i) a current copy of national Board certification;
 - (ii) a copy of a valid photo identification;
 - (iii) Form 06LC001E;
 - (iv) Form 06LC002E, Professional Reference for BCBA License and BCaBA Certification; and
 - (v) Form 06LC004E, Statement of Professional Disclosure for BCBA License and BCaBA Certification; and

- (B) a renewal, ~~requires~~:
 - (i) a current copy of ~~National~~national Board certification;
 - (ii) ~~a copy of a valid photo identification;~~
 - ~~(iii)~~ Form 06LC001E; and
 - ~~(iv)~~ Form 06LC004E.

(2) **Certification.** A person requesting certification ~~must provide~~provides for:

- (A) an initial request:
 - (i) a current copy of ~~National~~national Board certification;
 - (ii) a copy of a valid photo identification;
 - (iii) Form 06LC001E;
 - (iv) Form 06LC002E;
 - (v) Form 06LC004E; and
 - (vi) Form 06LC005E, BCaBA Professional Supervision; and
- (B) re-certification:
 - (i) a current copy of ~~National~~national Board certification;
 - (ii) a copy of a valid photo identification;
 - (iii) Form 06LC001E;
 - (iv) Form 06LC004E; and
 - (v) Form 06LC005E.

(3) **Post-military personnel.** Pursuant to the Post-Military Service Occupation, Education and Credentialing Act, 59 O.S. § 4100.1, issuance of an Oklahoma license or certificate to post-military service members and spouses ~~are~~is expedited upon receipt of required application materials and verification of national Board certification.

(e) **Licensure and certification.** A person licensed or certified by DDS:

- (1) maintains active status and fulfills all requirements of ~~national~~ certification or recertification with the national Board;

(2) conducts professional activities in accordance with the ethical and professional standards of the national Board and available on ~~their~~its website at www.bacb.com; and

(3) applies for license or certification renewal on or before April 30 of each odd-numbered year to continue practicing in Oklahoma.

(f) **Fees.**

- (1) BCBA licensure fees:
 - (A) for initial licensing are pro-rated on a rounded average of \$50 for each full-calendar year remaining on the national Board certification; and
 - (B) \$100 for each two-year license thereafter.

- (2) BCaBA certification fees:
 - (A) for initial certification are pro-rated on a rounded average of \$25 for each full-calendar year remaining on the national Board certification; and
 - (B) \$50 for each two-year certification thereafter.

(g) **Requirements of supervision.** A certified BCaBA or RBT works under the supervision of a licensed BCBA. ~~A BCBA may provide supervision to a maximum of six BCaBAs at any time. Supervision by the BCBA occurs for a minimum of two hours for each 40 hours of services provided by a BCaBA. The BCBA follows the supervision guidelines of the national Board.~~

- (1) Supervision requirements include, for:
 - (A) ~~real time supervision:~~
 - ~~(i) a minimum of one of two supervision sessions are conducted using real time supervision; and~~
 - ~~(ii) not more than half of the supervisory requirements are satisfied in a group setting; and~~
 - ~~(B) qualifying supervision beyond the requirements of real time supervision includes:~~
 - ~~(i) the use of two-way interactions;~~
 - ~~(ii) review of materials submitted by the BCaBA; and~~
 - ~~(iii) observation of the BCaBA demonstrating professional skills.~~

- (2) ~~A formal professional relationship must exist between a supervising BCBA and BCaBA and may include:~~
 - ~~(A) a co-employed relationship; or~~
 - ~~(B) an employee-employer relationship.~~

~~(3) BCaBAs submit Form 06LC005E to OLBAB within 10 business days of any change in supervision status.~~

(h) **OLBAB.**

- (1) OLBAB has five members consisting of:
 - (A) three licensed BCBA's who may be employed by DHS appointed to the OLBAB by the DHS Director;
 - (B) one BCaBA who may be employed by DHS appointed to the OLBAB by the DHS Director; and
 - (C) one member employed by OHCA, designated by the Oklahoma Health Care Authority (OHCA) who is a person with behavioral health expertise.
- (2) The chair of OLBAB is appointed by the DHS Director.

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- (3) Administrative support of the OLBAB is provided by DDS staff as designated by the DDS director.
- (4) OLBAB meets a minimum of four times per calendar year. All meetings are subject to the Open Meetings Act, per 25 O.S. § 301-314.
- (5) Travel expenses for members of OLBAB are reimbursed, per 74 O.S. § 500.4.
- (6) OLBAB maintains a list of all persons licensed or certified to provide behavior analytic services in Oklahoma and provides copies to interested persons upon written request.
- (i) **Ethics.**
- (1) Any person licensed or certified by DDS as either a BCBA or a BCaBA reports to the state Board within five-business days any sanction, denial of initial or renewal certification, revocation, suspension, or any other limitation of license or certification or combination of national Board sanctions. When a person loses national Board licensure or certification for any reason, he or she immediately forfeits the Oklahoma license or certification and must notify OLBAB within five-business days of such national Board action and must immediately stop providing BCBA or BCaBA services in Oklahoma.
- (2) Grounds for forfeiture or non-renewal of a license or certification for practice in Oklahoma include:
- (A) obtaining or attempting to obtain a license or certification by making a false or misleading statement, failure to make a required statement, or fraud or deceit in any communication to OLBAB;
- (B) gross or repeated negligence, incompetence, misconduct, or malpractice in professional work including, but not limited to:
- (i) any physical or mental condition that currently impairs competent professional performance or poses a substantial risk to the recipient of behavior analysis services;
- (ii) professional conduct that constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the applied behavior analytic community and creates a serious risk of harm to or deception of service recipients;
- (iii) abandonment of a service recipient resulting in the termination of imminently needed care without adequate notice or provision for transition;
- (iv) professional record keeping or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, or deceptively altering service recipient's records or data;
- (v) engaging in blatant fraud, deception, misrepresentation, false promise or pretense, intimidation in the practice of applied behavior analysis, or in solicitation of service recipients; or
- (vi) the unauthorized material disclosure of confidential service recipient information;
- (C) limitation, sanction, revocation, or suspension by a health care organization, professional organization, or other private or governmental body, relating to behavior analysis practice, public health or safety, or behavior analysis certification;
- (D) any conviction of a felony or misdemeanor directly relating to behavior analysis practice or public health or safety; or
- (E) failure to adequately supervise or be supervised in accordance with the BACB Standards for Supervision.
- (3) Applicants and persons holding a current license or certificate reports to the OLBAB within 30-calendar days of occurrence:
- (A) a change in name, address, or other vital information;
- (B) the filing of any criminal or civil charges;
- (C) the initiation of any disciplinary charges, investigations, or findings and/or sanctions by a health care organization, federal or state agency, or other professional association; and
- (D) any other change in information provided by the applicant or person holding a current license or certificate to the OLBAB.
- (4) The RBT must abide by the national Board's RBT Ethics Code. When OLBAB becomes aware of a potential code violation, a referral is made to the national Board that has the responsibility for investigating and initiating disciplinary action, when determined necessary.
- (j) **Complaint investigation.** All complaints regarding unprofessional conduct of a BCBA or BCaBA are submitted to OLBAB in writing. The DDS Quality Assurance programs administrator assists with investigations upon request and reports any findings to the state Board for action.
- (k) **Sanctions.** Sanctions are determined by the State Board.

[OAR Docket #19-764; filed 10-2-19]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 15. CLAIMS AND BENEFITS DIVISION PROGRAM

[OAR Docket #19-765]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Honorable Interment of Indigent Veterans Program
[REVOKED]

770:15-7-1. Purpose [REVOKED]

770:15-7-2. Eligibility for Interment of Indigent Veterans Program
[REVOKED]

770:15-7-3. Procedures for processing claims [REVOKED]

770:15-7-4. Policies and basis for claims [REVOKED]

AUTHORITY:

Oklahoma Department of Veterans Affairs; Title 72 O.S. Section 63.1; Title 75 O.S., Section 250 et seq.

ADOPTION:

August 30, 2019

APPROVED BY GOVERNOR:

October 2, 2019

EFFECTIVE:

Immediately upon Governor's approval

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:

An emergency rule is proposed to REVOKE the rule to align with Senate Bill 340 (SB340), Cremation or Interment Expenses. SB340, being adopted by the Legislature and signed by the Governor April 22, 2019 significantly changed the regulatory criteria for the Honorable Interment of Indigent Veterans Program. The current administrative rules for the Honorable Interment of Indigent Veterans Program addresses rules that are no longer applicable and executable for the program. The revocation of the administrative rules will not impede or negatively the delivery of services.

GIST/ANALYSIS:

The purpose of the proposed revocation of the rule is to allow for full implementation pursuant to SB 340. The proposed revocation will simplify the process and increase the availability of funding to the entities that participate in the Cremation or Interment of deceased Oklahoma veterans.

CONTACT PERSON:

Randy Reynolds, Oklahoma Department of Veterans Affairs, 2132 N.E. 36th St., Oklahoma City, OK. 73111, Tel: (405) 523-4023, randy.reynolds@odva.ok.gov.

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 7. HONORABLE INTERMENT OF INDIGENT VETERANS PROGRAM [REVOKED]

770:15-7-1. Purpose [REVOKED]

The purpose of the *Honorable Interment of Indigent Veterans Program* is to provide assistance for the proper interment or cremation of honorably discharged indigent veterans of the United States Armed Forces. *The program shall provide for a burial grant for any indigent veteran or any person who qualifies for financial assistance as determined by the Oklahoma Department of Veterans Affairs* [Senate Bill No. 398, 2016].

770:15-7-2. Eligibility for Interment of Indigent Veterans Program [REVOKED]

To be eligible for Honorable Interment Of Indigent Veterans Program through the Oklahoma Department of Veterans Affairs, a veteran must be honorably discharged and otherwise meet all the following, pursuant to 72 O.S. §2 and 72 O.S. §34.

- (1) *The deceased shall be a veteran as defined by 38 U.S.C. 101(2)* [Senate Bill No. 398, 2016].
 - (A) *Who is eligible under 38 Code of Federal Regulation 38.620* [Senate Bill No. 398, 2016].
 - (B) *An Oklahoma resident who served in the National Guard or Reserve Component whose only service is active duty training or inactive duty for training but meets all other 38 Code of Federal Regulations 38.620 statutes* [Senate Bill No. 398, 2016].

- (2) *The indigent veteran has been determined to be homeless as defined as follows: A homeless veteran is an individual without permanent housing who may live on the streets, stay in a shelter, mission, abandoned building or in any other unstable or non permanent situation* [Senate Bill No. 398, 2016].
- (3) *The Veteran shall have died in Oklahoma* [Senate Bill No. 398, 2016].
- (4) *The Veteran shall have been homeless and indigent at the time of death* [Senate Bill No. 398, 2016].
- (5) *The Veteran's estate did not possess money or other assets to pay for or defray funeral expenses* [Senate Bill No. 398, 2016].
- (6) *There is no other person obligated by law to pay for funeral expenses of the deceased* [Senate Bill No. 398, 2016].
- (7) *The veteran's remains have been interred or buried in Oklahoma* [Senate Bill No. 398, 2016].

770:15-7-3. Procedures for processing claims [REVOKED]

(a) ~~The Oklahoma Department of Veterans Affairs Executive Director or his or her designee require the following documentation / evidence in support of the claim for reimbursement:~~

- (1) Documentation showing the Veteran was homeless and indigent at the time of death.
- (2) Documentation or discharge records verifying the deceased veteran was eligible under 38 CFR 38.620 and a veteran as defined by 38 U.S.C. 101(2).
- (3) Documentation or discharge records verifying the deceased was an Oklahoma resident who served in the National Guard or Reserve Component meeting all other 38 CFR 38.620 statutes but does not meet 38 U.S.C. 101(2).
- (5) Documentation showing the Veteran's estate did not possess money or other assets to pay for or defray funeral expenses.
- (6) The applicant will attest that a due diligence search and inquiry have been completed and no other person(s) obligated by law to pay for funeral expenses of the deceased has been found.
- (7) Documentation showing the veteran's burial location/cemetery or placement of the veteran's cremains.
- (8) Documentation showing the veteran has a Memorial Headstone/Marker provided pursuant to 38 U.S. Code § 2306 or otherwise meeting the physical standards for size, composition, placement, and informational content as those available to qualifying veterans through the Department of Veterans Affairs.

(b) The Oklahoma Department of Veterans Affairs will accept for consideration documents/supporting evidence from:

- (1) Medical Examiner's and/or;
- (2) Federal, State, City, or County Law Enforcement agencies and/or;
- (3) County or City Offices responsible for the arrangement for the disposition of the indigent veteran and/or;
- (4) Funeral Director completion and signed affidavit or;

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(5) ODVA Form 505.

770:15-7-4. Policies and basis for claims [REVOKED]

(a) ~~The Executive Director of the Department of Veterans Affairs or his or her designee shall make final approval of Indigent Veteran Burial Applications.~~

~~(1) The approving authority shall determine whether the deceased meets eligibility criteria and approve funds to defray burial costs on a reimbursement basis.~~

~~(2) Maximum reimbursement shall not exceed Five Hundred Dollars (\$500.00) per indigent veteran.~~

~~(3) Reimbursement will be paid from the Indigent Veteran Burial Revolving Fund.~~

(b) ~~If there are insufficient resources in the Indigent Veteran Burial Revolving Fund, payment will be made from the Oklahoma Department of Veterans Affairs Revolving Fund.~~

(c) ~~Once funds are available in the Indigent Veteran Burial Revolving Fund the Oklahoma Department of Veterans Affairs may be reimbursed for payments made from the Oklahoma Department of Veterans Affairs Revolving Fund.~~

(d) ~~The handling, allowing, disallowing and supervision of the Indigent Veteran Burial Revolving Fund is vested in the Headquarters office with the Executive Director.~~

(e) ~~Review of applications or claims shall be made by a panel of at least 3 members from the Central Office and/or Claims Office staff and recommendations made to the Executive Director for his or her final approval.~~

(f) ~~The Executive Director shall make a complete investigation of any reported or suspected misrepresentation of eligibility of the deceased. If there is fraud connected with the case, the ODVA Executive Director may deny payment on a current application, suspend future eligibility of the applicant, and may refer unusual cases to the Attorney General for appropriate action.~~

(g) ~~The Oklahoma Department of Veterans Affairs Executive Director or his or her designee will establish internal operating procedures for the expeditious processing of the claim.~~

(h) ~~The Department of Veterans Affairs will accept the discharge or statement of service in determining eligibility for the claim. Honorable discharges are accepted without question. For discharge characterizations other than Honorable, or other irregularities regarding CFR 38 statutes, ODVA will ask the Veterans Administration for a determination as to whether or not the veteran meets all the eligibility criteria for all benefits as it pertains to interment.~~

(i) ~~The procedures in (a) through (h) of this section may include the development of forms, letters of instruction, checklists for the use of review panels, and correspondence to claimants.~~

[OAR Docket #19-765; filed 10-3-19]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 25. WILDLIFE RULES

[OAR Docket #19-766]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 41. Three-Day Special Use Permits [NEW]

800:25-41-1. Purpose [NEW]

800:25-41-2. Procedures and guidelines [NEW]

800:25-41-3. Applications and fees [NEW]

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401 and 4-113.2; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission

ADOPTION:

August 12, 2019

APPROVED BY GOVERNOR:

September 13, 2019

EFFECTIVE:

Immediately upon Governor's approval

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:

Legislation passed (SB 923) to create the 3-day special use permit will go into effect November 1, 2019. We do not currently have rules in place to appropriately administer and enforce these new permits, and nearly a year ahead of our permanent rule change process. We determined it was necessary and appropriate to request emergency rules for the administration and enforcement of these permits until permanent rules are in place.

GIST/ANALYSIS:

These rules provide the details for the application process and requirements for the newly created 3-day special use permits. The rules will also establish boundaries for use of the permits and guidance for law enforcement.

CONTACT PERSON:

Corey Jager, Legislative Liaison, Oklahoma Department of Wildlife Conservation, PO Box 53465, Oklahoma City, Ok 73152. Phone: 405/521-4651 or Rhonda Hurst, APA Liaison, phone: 405/522-6279.

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):

SUBCHAPTER 41. THREE-DAY SPECIAL USE PERMITS

800:25-41-1. Purpose

The Director of the Oklahoma Department of Wildlife Conservation will determine acceptability of applications and may issue three-day special use permits subject to the following rules pursuant to 29 O.S., Section 4-113.2.

800:25-41-2. Procedures and guidelines

- (a) The area where the hunting or fishing will occur during the three-day period shall be restricted to the property, land or area indicated on the permit application.
- (b) No more than two permits shall be issued per calendar year for a designated property, land, area, landowner, nonprofit or charitable organization.
- (c) Permits shall only be issued for hunting and fishing activities during designated seasons as specified in rules promulgated by the Department of Wildlife Conservation, and all statewide bag limits, size restrictions and other limitations shall apply, including check-in requirements.
- (d) Permits are not valid for hunting elk, antelope, or bear.
- (e) Participants are required to have appropriate federal permits and stamps for hunting migratory birds.
- (f) Event organizers cannot charge a fee for participation or otherwise profit from the event.
- (g) Law enforcement personnel shall have the authority to enter the property, land or area at any time.

800:25-41-3. Application and fees

- (a) The fee for a Three-Day Special Use Permit shall be:
 - (1) \$300 for up to ten participants.
 - (2) \$500 for ten to twenty participants.
- (b) Applications for permits must be submitted to the Department by the landowner no later than thirty (30) days prior

to the requested three-day event on forms prescribed by the Department.

- (1) Permits will be issued for a period of three consecutive days, for the specific dates requested by the applicant.
- (2) Permit applications must include a legal description of the property where the event will occur. Property must be a minimum of 200 contiguous acres.
- (3) The Customer ID or other required identifying information of the landowner and all of the participants must be submitted to the Department prior to the event.
- (4) If the event is for veterans, all participants must submit a DD-214, Certification of Release, Discharge from Active Duty Certification under Honorable Conditions documentation, or an affidavit of veteran status.
- (5) All non-profit and charitable organizations must submit documentation of Internal Revenue Service tax exempt status for verification, and their participants must relate to and be of the type to help fulfill the stated mission and purpose of the organization.
- (6) If individual participants are deemed ineligible, the permit may still be approved but limited to eligible individuals.

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