

Volume 37  
Number 8  
January 2, 2020  
Pages 309 - 338

# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Kevin Stitt, Governor**  
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**Secretary of State**  
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ISSN 0030-1728

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

*[OAR Docket #19-907]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Purpose

40:10-1-1. Purpose [AMENDED]

Subchapter 3. Breath-Alcohol Analysts

40:10-3-8. Qualifications and requirements for Independent breath-alcohol operators (initial permits) [REVOKED]

40:10-3-10. Qualifications and requirements for Independent breath-alcohol operators (renewal permits) [REVOKED]

40:10-3-12. Reinstatement of expired independent breath-alcohol analysis permits [REVOKED]

40:10-3-13. Revocation of breath-alcohol operator permits [NEW]

40:10-3-14. Appeal process [NEW]

Subchapter 9. Blood Specimen Collectors

40:10-9-1. Persons authorized to withdraw blood [AMENDED]

### **SUMMARY:**

The proposed rule changes clarify intent/purpose of the chapter. The proposed rules revoke Independent Operator Permit language as breath testing device manufacturers no longer manufacture devices with additional breath sample collection technology. State statute requires independent breath tests to additionally provide a sample to the state at the time of such testing. The rule is obsolete due to the lack of instrumentation to fulfill statutory obligation. The proposed rule allows blood withdraw personnel licensed outside state jurisdiction who would otherwise be recognized professionally as appropriately licensed to conduct blood draws. The proposed rules clarify Board authority to revoke breath-alcohol operator permits and establish a formal appeal process to such actions against permits.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua

Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)

*[OAR Docket #19-907; filed 12-3-19]*

## Notices of Rulemaking Intent

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### **TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 15. LABORATORIES AND FACILITIES**

*[OAR Docket #19-908]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

40:15-1-1. Purpose [AMENDED]

40:15-1-2. Forensic alcohol analysis laboratories  
[AMENDED]

40:15-1-3. Forensic drug analysis laboratories  
[AMENDED]

#### **SUMMARY:**

The proposed rules clean up statutory reference and redefine laboratories recognized by the Board. The proposed rules add exemptions to Board administrative rule for laboratories that are ISO/IEC 17025 accredited and their location. The proposed rule provides a pathway for independent blood testing at laboratories outside the state of Oklahoma.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

#### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

#### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and

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

#### **RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

#### **CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)

*[OAR Docket #19-908; filed 12-3-19]*

### **TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 20. SPECIMENS**

*[OAR Docket #19-909]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

40:20-1-1. Purpose [AMENDED]

40:20-1-3. Collection, transfer, and retention of blood specimens [AMENDED]

#### **SUMMARY:**

The proposed rules clean up statutory reference and remove language pertaining to blood draws knowingly collected from persons with hemophilia or persons who are taking anticoagulant medications. The rule is obsolete, advances in medicine eliminate any risk to persons having blood withdrawn that are currently taking anticoagulant medications or whom have been diagnosed with hemophilia.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

#### **PUBLIC HEARING:**

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

rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, joshua.smith@bot.ok.gov

*[OAR Docket #19-909; filed 12-3-19]*

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE  
CHAPTER 25. APPARATUS, DEVICES,  
EQUIPMENT, AND MATERIAL**

*[OAR Docket #19-910]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:25-1-2. Approved evidential breath-alcohol measurement devices [AMENDED]

**SUMMARY:**

The proposed rule amendment appropriately defines the approved breath testing device as an automated analyzer as referenced in Title 47 O.S. §752 (F) that went into effect November 1, 2019 as a result of Senate Bill 712.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, joshua.smith@bot.ok.gov

*[OAR Docket #19-910; filed 12-3-19]*

## Notices of Rulemaking Intent

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

*[OAR Docket #19-911]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

40:30-1-3. Breath-alcohol analysis with Board approved devices [AMENDED]

40:30-1-3.1. Independent Breath-alcohol analysis with the Intoxilyzer Model 5000-D [REVOKED]

#### **SUMMARY:**

The proposed rule amendment corrects language that was intended to be removed during Administrative Rule session 2019. The proposed rule removes lingering language referencing "nitrogen-ethanol" dry gas canisters. The proposed rule revokes Independent breath-alcohol analysis with the Intoxilyzer model 5000-D. The Board has not received any records of maintenance from any entity for more than seven (7) years. The rule is obsolete and the Intoxilyzer 5000-D is not an approved instrument for evidential breath testing in the state.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

#### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

#### **COPIES OF PROPOSED RULES:**

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

#### **RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

#### **CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, [joshua.smith@bot.ok.gov](mailto:joshua.smith@bot.ok.gov)

*[OAR Docket #19-911; filed 12-3-19]*

### **TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 35. ANALYSIS OF ALCOHOL IN BLOOD**

*[OAR Docket #19-912]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

40:35-1-1. Purpose [AMENDED]

#### **SUMMARY:**

The proposed rules clean up statutory reference. The proposed rule adds an exemption to Board administrative rules for laboratories that are ISO/IEC 17025 accredited.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

#### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment

must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, joshua.smith@bot.ok.gov

*[OAR Docket #19-912; filed 12-3-19]*

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE  
CHAPTER 40. ANALYSIS OF OTHER INTOXICATING SUBSTANCES**

*[OAR Docket #19-913]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:40-1-1. Purpose [AMENDED]

**SUMMARY:**

The proposed rules clean up statutory reference. The proposed rule adds an exemption to Board administrative rules for laboratories that are ISO/IEC 17025 accredited.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, joshua.smith@bot.ok.gov

*[OAR Docket #19-913; filed 12-3-19]*

## Notices of Rulemaking Intent

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

*[OAR Docket #19-914]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

- 40:50-1-1.1. Definitions [AMENDED]
- 40:50-1-3. Standards and specifications [AMENDED]
- 40:50-1-3.1. Violation reset [AMENDED]
- 40:50-1-3.2. Reporting requirements [AMENDED]
- 40:50-1-4.1. Installation requirements [AMENDED]
- 40:50-1-5. Maintenance and calibration [AMENDED]
- 40:50-1-6.1. Removal requirements [AMENDED]
- 40:50-1-8. Ignition interlock technician [AMENDED]
- 40:50-1-8.1. Approval and denial [AMENDED]

#### **SUMMARY:**

The proposed rules update, add, and remove the definitions of various terms related to the ignition interlock device. The proposed rules provide for the creation of the Medical Accommodation Program for ignition interlock devices. The proposed rules amend device standards and specifications relating to activation of the vehicle's horn. The proposed rules amend device standards and specifications relating to the Medical Accommodation Program. The proposed rules clean up and correct language related to maintenance and calibration. The proposed rules update and define rules related to installations and removals. The proposed rules clarify qualified applicants for ignition interlock technician licensure and approval/denial procedures.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

#### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

#### **COPIES OF PROPOSED RULES:**

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

#### **RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

#### **CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, [Joshua.smith@bot.ok.gov](mailto:Joshua.smith@bot.ok.gov)

*[OAR Docket #19-914; filed 12-3-19]*

### TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 55. SCREENING DEVICES

*[OAR Docket #19-915]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

- Subchapter 2. Drug Screening Devices
- 40:55-2-2. Approved devices [AMENDED]

#### **SUMMARY:**

The proposed rule updates company and/or device names previously approved.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Persons may submit written comments to Joshua Smith, Interim State Director of Tests, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Joshua Smith, Interim State Director at 3600 North Martin Luther

King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from January 3, 2020 through February 4, 2020.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on February 4, 2020 @ 10:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through February 4, 2020, to Joshua Smith, Interim State Director at P.O. Box 36307, Oklahoma City, OK 73136.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on January 10, 2020 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Joshua Smith, Interim State Director of Tests, 405-425-2460, joshua.smith@bot.ok.gov

*[OAR Docket #19-915; filed 12-3-19]*

**TITLE 85. STATE BANKING DEPARTMENT  
CHAPTER 10. SUPERVISION,  
REGULATION AND ADMINISTRATION OF  
BANKS, TRUST COMPANIES, AND THE  
OKLAHOMA BANKING CODE**

*[OAR Docket #19-919]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Requirements, Standards and Procedures for an Internal Control Program
- 85:10-5-2. Internal Control Program [AMENDED]
- 85:10-5-3. Minimum control elements for bank internal control program [AMENDED]
- 85:10-5-3.1. Internal control program for fiduciary activities of trust departments and trust companies [AMENDED]
- 85:10-5-4. Reports [AMENDED]
- Subchapter 9. New Banks, Branches, and Other Facilities
- 85:10-9-6. Branch closing [AMENDED]

**SUMMARY:**

The proposed rule changes are a result of suggestions from examination staff regarding how the rules for a financial institution's internal controls could be clarified and strengthened. The rules relating to internal controls became a focus after weaknesses were discovered at some regulated institutions. Additionally, a change to the branch closure rule is suggested for the purpose of creating consistency with federal requirements and to ease regulatory burden when a bank maintains branch facilities in the same area. The intended effect of the amended rules is to clarify the rules, eliminate obsolete language, strengthen an institution's internal controls, and to relieve regulatory burden associated with closing a branch facility under certain circumstances.

Subchapter 5. Proposed amendments to Subchapter 5 address the requirements of an Institution's internal control program. Many proposed changes are clarifying or typographical changes without substantive effect. The addition of subsection (g) to rule 85:10-5-2 codifies an existing interpretation of the State Banking Department. The proposed changes to rules 85:10-5-3, 85:10-5-3.1, and 85:10-5-4 are for the purpose of strengthening the internal controls at regulated institutions, eliminating obsolete or unnecessary requirements, and to clarify ambiguous terminology.

Subchapter 9. The proposed change to rule 85:10-9-6 removes the requirement for regulatory approval when a bank closes a branch but maintains another branch in the same local area. The proposed change is a result of an increase of merger activity whereby the surviving bank may have multiple branches in the same vicinity after the merger is complete. It also creates consistency with the approach by the FDIC which considers similar situations to be a "branch consolidation" rather than a branch closing.

**AUTHORITY:**

State Banking Board; 6 O.S., § 203

**COMMENT PERIOD:**

Interested persons may submit written comments during the period from January 2, 2020, through February 18, 2020, at: Oklahoma State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, Attn: Matt Mowdy

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Wednesday, February 19, 2020, at the State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105. Anyone

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who wishes to speak will be allowed a maximum of 5 minutes and must sign in at the door by 10:05 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rule amendments are requested to provide the Banking Department 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 during the period from January 2, 2020, through February 18, 2020, at: Oklahoma State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, Attn: Matt Mowdy.

### **COPIES OF PROPOSED RULES:**

The proposed rule amendments may be viewed on the Banking Department's website at <http://banking.ok.gov> and copies of the proposed rules may be obtained by contacting Angela Morris at the State Banking Department, 2900 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, (405) 521-2782.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and available at the State Banking Department office at the above address on and after January 10, 2020.

### **CONTACT PERSON:**

Matt Mowdy, Legal Counsel, State Banking Department, (405) 521-2782.

*[OAR Docket #19-919; filed 12-4-19]*

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

*[OAR Docket #19-921]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 9. Continuing Education
- 435:20-9-1. Definitions [AMENDED]
- 435:20-9-2. ~~Continuing~~ education ~~Professional~~ development requirements for renewal [AMENDED]
- 435:20-9-3. ~~Continuing~~ education ~~Professional~~ development categories [AMENDED]
- 435:20-9-3.1. Approval of providers [NEW]
- 435:20-9-4. Guidelines for the audit process [AMENDED]

### **SUMMARY:**

The proposed revisions realign the Physical Therapy administrative rules with national trend in the physical therapy profession moving from continuing education and competency to professional development, and they provide for and clarify certain definitions related to professional

development. The revisions also set forth a process wherein certain organizations' programs may automatically qualify as professional development. While the current rules separate continuing education and competency into two categories, the revisions eliminate these categories and instead distinguish between synchronous, asynchronous, and other educational and competency opportunities. The methods for earning professional development units have also been significantly expanded.

### **AUTHORITY:**

Title 59 O.S. §§ 887.1 et seq; Oklahoma Board of Medical Licensure and Supervision

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so by the close of business on February 2, 2020, at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or via email to [bsmith@okmedicalboard.org](mailto:bsmith@okmedicalboard.org).

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Friday, February 7, 2020, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision website at [www.okmedicalboard.org](http://www.okmedicalboard.org) or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address listed above and on the Board's website at [okmedicalboard.org](http://okmedicalboard.org) after January 17, 2020.

### **CONTACT PERSON:**

Lyle R. Kelsey, Executive Director, (405) 962-1400, [lkelsey@okmedicalboard.org](mailto:lkelsey@okmedicalboard.org).

*[OAR Docket #19-921; filed 12-4-19]*

### **TITLE 460. DEPARTMENT OF MINES CHAPTER 10. NON-COAL RULES AND REGULATIONS**

*[OAR Docket #19-925]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

Subchapter 13. Non-Coal Mining Permit Applications Requirements for Information on Environmental Resources

460:10-13-5. Permitting for non-coal mining within a Sensitive Basin [REVOKED]

460:10-13-5.1. Permitting for non-coal mining within a Sensitive Basin [NEW]

460:10-13-6. Operational requirements for non-coal mining within a Sensitive Basin [AMENDED]

Subchapter 19. Permit Revisions, Amendments, Renewals, and Transfers

460:10-19-4. Permit revisions and amendments [AMENDED]

**SUMMARY:**

This proposed amendment is for compliance with the statutory requirements of HB 2471, signed by the Governor on May 13, 2019, effective November 1, 2019. Language within the existing non-coal rules and regulations, OAC 460:10, conflicted with HB 2417, therefore to ensure statutory compliance with the changes outlined in the bill, the conflicting language was amended by emergency action. The emergency action was approved by gubernatorial signature on November 15, 2019. Pursuant to O.S. Title 75, Section 253 (H), because this emergency is continuing in nature, permanent rulemaking is required to supersede the emergency enactment with permanent rulemaking action.

The proposed changes to Chapter 10, Non-Coal Rules and Regulations, will eliminate the statutory conflicts. Both the HB 2471 and this amendment pertain to non-coal mines and mining located within a Sensitive Basin, or overlying a sensitive sole source groundwater basin or subbasin. The conflicting language being amended is within Subchapter 13, Non-Coal Mining Application Requirements for Information on Environmental Resources and Subchapter 19, Permit Revisions, Amendments, Renewals, and Transfers.

Within Subchapter 13, this amendment revokes Section 460:10-13-5 and proposes a new Section 460:10-13-5.1. The new section consists of the statutory language in defining a subject mine; establishing a legislative moratorium on issuing any permit that is overlying a sensitive sole source ground water basin or subbasin or where groundwater is emanating therefrom and collecting within a pit; or amending or revising an existing permit that adds additional land which extends initial boundaries: if the permit, amendment, or revision covers additional land which extends boundaries of the initial permit, if the permit amendment or revision increases the permit acreage by more than 100 percent or by 400 acres, whichever is less. The amendment allows the Department to issue amendments or revisions to cover additional land, changes to mining methods, reclamation operations contemplated by the original permits, or authorization to allow changes in mine ownership or bonding and states these permit amendments and revisions issued herein be deemed a subject mine or a new mining operation. In 460:10-13-6, Subsection (a) is amended to remove an obsolete deadline requirement.

In Subchapter 19, Section 460:10-19-4. Permit revisions, the amendment adds "and amendment" to the section tag line. Subsection (d) is amended requiring any extension of the initial boundaries be made by an amended permit application completed in compliance with 45 O.S, Section 724(J), since no new permit will/can be issued.

**AUTHORITY:**

45 O.S. Sections 1.5 et seq.; Oklahoma Mining Commission

**COMMENT PERIOD:**

From January 3, 2020 through February 3, 2020, the public may present their views, either orally or in writing, to the below listed contact person.

**PUBLIC HEARING:**

Public hearings will be held on February 4, 2020, at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, starting at 2:00 p.m. and on February 6, 2020, at the Department of Mines Tulsa Field Office, 4845 S. Sheridan, Suite 514, Tulsa, OK, starting at 2:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from January 3, 2020, through February 3, 2020, to the below listed contact person.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained from the below listed contact person after January 2, 2020.

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after January 17, 2020.

**CONTACT PERSON:**

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Tulsa Field Office, 4845 S. Sheridan, Suite 514, Tulsa, OK 74145-5719; (918) 295-3999

*[OAR Docket #19-925; filed 12-6-19]*

**TITLE 460. DEPARTMENT OF MINES  
CHAPTER 12. WATER QUALITY  
STANDARDS IMPLEMENTATION PLAN**

*[OAR Docket #19-926]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

Subchapter 1. General Provisions [NEW]

460:12-1-1. Purpose and scope [NEW]

460:12-1-2. Authority [NEW]

460:12-1-3. Definitions [NEW]

460:12-1-4. Oklahoma's Water Quality Standards [NEW]

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460:12-1-5. Required elements of the Water Quality Standards Implementation Plan [NEW]

460:12-1-6. Jurisdictional areas by statute [NEW]

469-12-1-7. Agency jurisdictional areas [NEW]

460:12-1-8. Regulation elements of Water Quality Standards Implementation Plan by jurisdictional area [NEW]

### **SUMMARY:**

This new Chapter 12, Water Quality Standards Implementation Plan is being proposed to comply with the statutory requirements of O.S. Title 27A, Section 1-1-202 (B), enacted through Senate Bill 549. In order to advance the state's water quality management, SB 549 mandated the Oklahoma Department of Mines (ODM), as a State Environmental Agency, to develop, a Water Quality Standards Implementation Plan (WQSIP), within the agency's jurisdictional responsibility areas, and once developed to promulgate the Plan. Pursuant to the Title 27A, Section 1-1-202, this amendment is the WQSIP and is being proposed for promulgation.

This proposed Chapter 12, incorporates the elements that SB 549 required in the each State Environmental Agency's Water Quality Standards Plan. These element are listed in Section 460:12-1-5. Since this new Chapter 12 is the WQSIP, it describes the processes, procedures, and methodologies that ODM utilizes to ensure that each program, within its jurisdictional areas of environmental responsibilities, complies with anti-degradation standards, including assessment procedures to be used in impairment determinations. Section 460:12-1-8, lists and describes ODM's programs affecting water quality, including technical information and the procedures used for implementing the WQSIP, and the methods used to intergrade the plan into the water quality management activities of each jurisdictional area of environmental responsibility.

### **AUTHORITY:**

45 O.S. Sections 1.5; Oklahoma Mining Commission

### **COMMENT PERIOD:**

From January 3, 2020 through February 3, 2020, the public may present their views, either orally or in writing, to the below listed contact person.

### **PUBLIC HEARING:**

Public hearings will be held on February 4, 2020, at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK starting at 3:00 p.m. and on February 6, 2020, at the Department of Mines, Tulsa Field Office, 4845 S. Sheridan, Suite 514, Tulsa, OK, starting at 3:00 p.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from January 3, 2020, through February 3, 2020, to the below listed contact person.

### **COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained from the below listed contact person after January 2, 2020.

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after January 17, 2020.

### **CONTACT PERSON:**

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Tulsa Field Office, 4845 S. Sheridan, Suite 514, Tulsa, OK 74145-5719; (918) 295-3999

*[OAR Docket #19-926; filed 12-6-19]*

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## **TITLE 460. DEPARTMENT OF MINES CHAPTER 25. OKLAHOMA EXPLOSIVES AND BLASTING RULES AND REGULATIONS**

*[OAR Docket #19-927]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULE:**

Subchapter 13. Performance Standards

460:25-13-19. Blasting Standards [AMENDED]

### **SUMMARY:**

At the request of the non-mining blasting industry, the Department of Mines (ODM) is proposing this amendment to OAC 460:25, Oklahoma Explosive and Blasting Rules and Regulations. This rulemaking proposal is to amend 460:25-13-19. Blasting standards, by deleting Subsection (g). The industry feels that this amendment needs to be enacted because Subsection (g) applies only to trench construction blasting, with no counter regulation within either the surface or underground mining blasting regulations or within the federal blasting regulations. They believe this makes Subsection (g) too restrictive in its application. Their argument is that in trench blasting a 25 ms delay is the standard between holes but this regulation only allows the denotation of 40 holes, at one time, in any one shot and this needlessly affects all construction within a blasting zone. The regulation adversely impedes a project's progress, especially in a state like Oklahoma where the oil and gas industry is so vital to the economy and can require hundreds of miles of ditchline excavation. The comparison argument was that unlike mine operations that are centrally located, construction projects such a pipelines, water lines or sewer projects, often extend over several miles of territory. The adverse effects of blasting to structures decreases with increased distance from the individual holes. In trench blasting the charges in the ditch blast are too far away from the effected structure for ground vibrations to be of concern. The scaled distance in the pounds per delay restriction in this regulation is more than adequate to provide the level of protection required to limit a structures response to construction blasting vibrations. Summarily, this proposed amendment is needed because the placement of the shot

duration limitation restriction is an undue financial burden on taxpayers paying for public and private projects in Oklahoma where blasting plays a vital role. The proposed amendment eliminates Subsection (g) from 460:25-13-19, because it does not provide a level of protection from blasting vibrations that are not already achieved with the scaled distance restrictions.

**AUTHORITY:**

45 O.S. §§1.5 et seq., Oklahoma Mining Commission; 63 O.S. §§123.1 et seq.

**COMMENT PERIOD:**

From January 3, 2020 through February 3, 2020, the public may present their views, orally or in writing, to the below listed contact person.

**PUBLIC HEARING:**

Public hearings will be held on February 4, 2020, at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK, starting at 1:00 p.m., and on February 6, 2020, at the Department of Mines, Tulsa Field Office, 4845 S. Sheridan, Suite 514, Tulsa, OK, starting at 1:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from January 3, 2020 through February 3, 2020, to the below listed contact person.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained from the below listed contact person after January 2, 2020.

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after January 17, 2020.

**CONTACT PERSON:**

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Tulsa Field Office, 4845 S. Sheridan, Suite 514, Tulsa, OK 74145-5719; (918) 295-3999

*[OAR Docket #19-927; filed 12-6-19]*

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

*[OAR Docket #19-903]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Regulations for Approved Nursing Education Programs  
485:10-3-2. [AMENDED]

485:10-3-5. [AMENDED]  
Subchapter 5. Minimum Standards for Approved Nursing Education Programs  
485:10-5-5.2. [AMENDED]  
Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse  
485:10-7-2. [AMENDED]  
Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse  
485:10-9-2. [AMENDED]  
Subchapter 10. Advanced Unlicensed Assistant  
485:10-10-9. [AMENDED]  
Subchapter 11. Disciplinary Action  
485:10-11-4. [NEW]  
Subchapter 15. Requirements for Practice as an Advanced Practice Registered Nurse  
485:10-15-4. [AMENDED]  
Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Registered Nurses  
485:10-16-6. [AMENDED]  
485:10-16-7. [AMENDED]

**SUMMARY:**

Proposed revisions include:  
Subchapters 3, 5, and 10 specify that a faculty qualification record is submitted only for the nursing education and/or AUA Nurse Administrator. All other faculty qualification records are maintained onsite by the education programs.

Subchapters 7, 9 and 15, in compliance with S.B. 670 effective November 1, 2019, allow for expedited licensure, within thirty days, of individuals active in the military or spouses of active military who are relocated to Oklahoma and hold a valid, unencumbered license or certificate at the same level in another state or territory.

The proposed new rules in 485:10-11-4, approved by the Governor as emergency rules on October 25, 2019 sets out a list of criminal offenses that disqualify one from becoming or remaining a licensed nurse or certified Advanced Unlicensed Assistant. In addition, it prescribes a method for a potential applicant with a criminal history to obtain an initial determination of eligibility for licensure or certification, including the required fee. The rule implements the requirements of 59 O.S. §§567.1 et seq. and new law codified in 59 O.S. § 4000.1 that became effective November 1, 2019.

The proposed new rules in 485-10-16-6 includes the additional two hours of education requirements for prescriptive authority for Advanced Practice Registered Nurses who hold a valid federal Drug Enforcement Administration registration number. S.B. 848, signed by the Governor on May 19, 2019 with an emergency clause, amended the ONPA prescriptive authority renewal requirements in 59 O.S. § 567.4a. The rule revisions in 485:10-16-6, approved as emergency rules by the Governor on October 25, 2019, are necessary to ensure prescriptive authority renewal requirements are in compliance with the law.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

Oklahoma Board of Nursing; 59 O.S. §§ 567.2(A); 567.4(F); 567.4a; 567.5(B)(5)(D); 567.5a(C); 567.6(B)(5)(D); 567.6a(B); 567.12; 567.4a; and 59 O.S. § 4100.8(F)

### **COMMENT PERIOD:**

Persons wishing to submit written comments must do so by February 3, 2020, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, Attn: Jackye Ward, MS, RN, NEA-BC, FRE.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, February 4, 2020, at 5:30 p.m., at The Sheraton Oklahoma City Downtown, 2nd floor Ballroom, 1 North Broadway Avenue, Oklahoma City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., February 4, 2020.

### **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 February 3, 2020, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC, FRE.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, FRE, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, FRE, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.nursing.ok.gov/rules.html>.

### **CONTACT PERSON:**

Jackye Ward, MS, RN, NEA-BC, FRE, (405) 962-1809.

*[OAR Docket #19-903; filed 12-3-19]*

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## **TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 10. PHARMACISTS; AND INTERNS, PRECEPTORS AND TRAINING AREAS**

*[OAR Docket #19-917]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 9. Pharmaceutical Care  
535:10-9-15. Naloxone [AMENDED]

### **SUMMARY:**

The revision in 535:10-9-15 (a) is to correct the citation from Title 63 OS 2-312.25 to Title 63 Section 2-312.2.

### **AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, 353.24 - 353.26, 364, Title 59 O.S. Sec. 6002 and Title 63 O.S. Section 2-312.25.

### **COMMENT PERIOD:**

The comment period will run from January 2, 2020 through February 20, 2020, at 4:00 p.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on February 26, 2020, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 20, 2020, at 4:00 p.m.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

### **COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after January 17, 2020, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

**CONTACT PERSON:**

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

*[OAR Docket #19-917; filed 12-4-19]*

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

*[OAR Docket #19-918]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Pharmacies
  - 535:15-3-2. Pharmacy responsibilities [AMENDED]
  - 535:15-3-9. Non-resident pharmacies [AMENDED]
  - 535:15-3-11. Prescription drugs [AMENDED]
  - 535:15-3-21. Prescription fill, refill and partial fill records and reports [AMENDED]
  - 535:15-3-22. Pharmacy refrigerator and freezer temperature logs [NEW]
- Subchapter 5. Hospital Pharmacies
  - 535:15-5-2. Definitions [AMENDED]
  - 535:15-5-7.4. Pharmacy technician tasks [AMENDED]
- Subchapter 6. Hospital Drug Room
  - 535:15-6-5. Drug room and PIC responsibilities and duties [AMENDED]
- Subchapter 10. Good Compounding Practices
- PART 5. Handling Hazardous Drugs in a Pharmacy [NEW]
  - 535:15-10-73. Purpose [NEW]
  - 535:15-10-74. Definitions [RESERVED]
  - 535:15-10-75. Categories of Involvement [NEW]
  - 535:15-10-76. Pharmacy list of hazardous drugs [NEW]
  - 535:15-10-77. Responsibilities of personnel handling hazardous drugs [NEW]
  - 535:15-10-78. Pharmacy and engineering controls [NEW]
  - 535:15-10-79. Personal protective equipment [NEW]
  - 535:15-10-80. Hazard communication program [NEW]
  - 535:15-10-81. Personnel training [NEW]
  - 535:15-10-82. Receiving and storage [NEW]
  - 535:15-10-83. Labeling, packaging, transport, and disposal [NEW]
  - 535:15-10-84. Dispensing final/finished dosage forms [NEW]
  - 535:15-10-85. Compounding, nonsterile [NEW]
  - 535:15-10-86. Compounding, sterile [NEW]
  - 535:15-10-87. Deactivating, decontaminating, cleaning, and disinfecting [NEW]
  - 535:15-10-88. Spill control [NEW]
  - 535:15-10-89. Documentation [NEW]
  - 535:15-10-90. Hazardous waste [NEW]

- 535:15-10-91. Medical surveillance [NEW]
- Subchapter 13. Pharmacy Supportive Personnel
  - 535:15-13-6. Duties [AMENDED]
  - 535:15-13-7. Prohibited duties [AMENDED]
- Subchapter 18. Customized Adherence Medication Package (CAMP)
  - 535:15-18-4. Labeling [AMENDED]

**SUMMARY:**

The revision in 535:15-3-2 (h) removes the word "plumbing". The revision in 535:15-3-9 (c) (3) adds to non-resident pharmacy rules that no pharmacist may serve as pharmacist in charge in more than one pharmacy at a time. The revision in 535:15-3-9 (g) adds a reference to Title 59 OS 353.20.2. The revision in 535:15-3-9 (i) adds pharmacy refrigerator and freezer temperature logs and requirements.

The revision in 535:15-3-11 (c) adds the words "shipping to a reverse distributor for" to "destruction or by being returned to the supplier" to clarify the rule. The revision 535:15-3-11 (d) adds a reference to 59 OS 353.20.2. The new 535:15-3-11 (e) are new rules required by 59 OS Section 353.20.2.

The three revisions in 535:15-3-21 (d) (1) (C), 535:15-3-21 (d) (2) (A) and 535:15-3-21 (d) (3) correct the CFR cite to CFR 1306.22.

The new 535:15-3-22 adds rules regarding pharmacy refrigerator and freezer temperature logs.

The revision in 535:15-5-2 removes the "Certified pharmacy technician" definition from the hospital pharmacy rules in pharmacy technician definition.

The revision in 535:15-5-7.4 (a) (10) cleanup removes (A), (B), and (C) describing functions/limitations that a pharmacy technician may perform in a hospital pharmacy since these requirements are replaced with the rule 535:15-10-52 (d).

The revision in 535:15-6-5 (a) (7) inserts a new (B) which states No more than 5 visits in any one month count toward the 52 visit total for the year, the old (B) is moved to (C), the old (C) is moved to (D) and the old (D) is moved to (E).

Add a new Part 5. Handling Hazardous Drugs in a Pharmacy to Subchapter 10 Good Compounding Practices.

Rule 535:15-10-73 describes the purpose for the rules for handling hazardous drugs in a pharmacy.

Rule 535:15-10-74 is reserved for definitions.

Rule 535:15-10-75 includes pharmacy rules for categories of involvement for handling hazardous drugs.

Rule 535:15-10-76 includes pharmacy rules for the pharmacy list of hazardous drugs and assessment of risk or containment strategies and work practices.

Rule 535:15-10-77 describe the responsibilities of personnel handling hazardous drugs in and for the pharmacy.

Rule 535:15-10-78 describe required pharmacy and engineering controls regarding hazardous drugs in a pharmacy.

Rule 535:15-10-79 describe personal protective equipment required in a pharmacy for hazardous drugs.

Rule 535:15-10-80 describe requirements for standard operating procedures to ensure worker safety and training during all aspects of hazardous drug handling. These rules

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describe requirements for hazardous drug communication. These rules describe SOP's for hazardous drug training.

Rule 535:15-10-81 describe training requirements for all personnel regarding hazardous drugs.

Rule 535:15-10-82 describe requirements for the pharmacy standard operating procedure for receiving and storage of hazardous drugs, including requirements if the shipping container appears damaged and/or such damaged container must be opened.

Rule 535:15-10-83 describe the requirements for pharmacies standard operating procedures regarding labeling packaging, transport, and disposal of hazardous drugs.

Rule 535:15-10-84 describe requirements for pharmacies dispensing final / finished dosage form of hazardous drug or hazardous drug products.

Rule 535:15-10-85 describe requirements for pharmacies compounding non-sterile hazardous drugs.

Rule 535:15-10-86 describe requirement for pharmacies compounding sterile hazardous drugs.

Rule 535:15-10-87 describe requirements for pharmacies regarding hazardous drugs regarding deactivating, decontamination, cleaning and disinfecting.

Rule 535:15-10-88 describe requirements for spill control standard operating procedures and spill kit requirements.

Rule 535:15-10-89 describe documentation in standard operating procedures and requirement for safety data sheets regarding hazardous drugs.

Rule 535:15-10-90 describe rules for disposal of hazardous drug waste and required standard operating procedures.

Rule 535:15-10-91 describe rules for medical surveillance regarding hazardous drugs and follow-up plans.

The revision in 535:15-13-6 (b) removes (7) since these requirements are replaced with the rule 535:15-10-52 (d), then rennumbers the old (8) to (7), the old (9) to (8), the old (10) to (9).

The revision in 535:15-13-7 (a) removes (5) these requirement have been replaced with the rules in 535:15-10 for sterile compounded preparations. Then 535:15-13-7 (a) (6) through 535:15-13-7 (a) (8) are renumbered to 535:15-13-7 (a) (5) through 535:15-13-7 (a) (7).

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

The comment period will run from January 2, 2020 through February 20, 2020, at 4:00 p.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on February 26, 2020, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than February 20, 2020, at 4:00 p.m.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

### **COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after January 17, 2020, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

### **CONTACT PERSON:**

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

*[OAR Docket #19-918; filed 12-4-19]*

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

*[OAR Docket #19-904]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

590:10-1-21 [NEW]

590:10-1-22 [NEW]

Subchapter 3. Credited Service

590:10-3-12 [AMENDED]

Subchapter 7. Retirement Benefits

590:10-7-5 [AMENDED]

Subchapter 10. Department of Corrections Death in Performance of Duty Benefits

590:10-10-8 [AMENDED]

### **SUMMARY:**

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Oklahoma Public Employees Retirement System more efficient and member service oriented. The

topics include clarifying legislation for positions at the Department of Public Safety and the State Department of Education, crediting of military service, and deleting the requirement for certified copies of vital documents.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 19, 2020, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2020, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 16, 2020, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov .

**CONTACT PERSON:**

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

*[OAR Docket #19-904; filed 12-3-19]*

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

*[OAR Docket #19-905]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9. Benefits  
590:25-9-1 [AMENDED]

**SUMMARY:**

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Deferred Compensation Plan more efficient and member service oriented. This amendment aligns the distribution requirements for the 457(b) plan with the 401(a) plan.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 19, 2020, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2020, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 16, 2020, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at www.opers.ok.gov .

**CONTACT PERSON:**

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

*[OAR Docket #19-905; filed 12-3-19]*

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 40. DEFINED CONTRIBUTION SYSTEM**

*[OAR Docket #19-906]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

# Notices of Rulemaking Intent

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## PROPOSED RULES:

Subchapter 5. Eligibility and Participation - Applicable to the 401(a) Plan and the 457(b) Plan

590:40-5-1 [AMENDED]

Subchapter 9. Defined Contribution 457(b) Plan

590:40-9-25 [AMENDED]

## SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Defined Contribution System more efficient and member service oriented. The topics include the clarification legislation regarding specific positions at the Department of Public Safety and the Department of Education and alignment of distribution requirements of the 457(b) plan with those of the 401(a) plan.

## AUTHORITY:

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

## COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 19, 2020, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112.

## PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 20, 2020, in the Board Room of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 135, Oklahoma City, Oklahoma 73112.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

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

## RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 16, 2020, at the offices of the Oklahoma Public Employees Retirement System, 5400 N. Grand Boulevard, Suite 400, Oklahoma City, Oklahoma 73112, or on the OPERS website at [www.opers.ok.gov](http://www.opers.ok.gov).

## CONTACT PERSON:

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

*[OAR Docket #19-906; filed 12-3-19]*

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## TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #19-922]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 7. Rules of Operation

610:1-7-14. Organization of agenda [AMENDED]

## SUMMARY:

State Regents' Administrative Rules, among other things, outline the procedures for creation of meeting agendas for each State Regents meeting. Section (e) of Rule 610:1-7-14 addresses the "Reports" section of the meeting agenda, which contains items of a general reporting nature. Current State Regents' policy requires that State Regents "accept" the reports listed under the "Reports" section of the agenda unless their consideration is essential to the understanding of subsequent action items. According to Section (e) of Rule 610:1-7-14, the "Reports" section shall include items such as, matters for study and consideration with action to be taken at some future meeting, routine periodic program/activity reports, special informational reports to the State Regents, published reports, and communications.

Furthermore, Section (f) of Rule 610:1-7-14 provides the Chairman with the authority to receive oral presentations on all reports prior to their acceptance or the authority to forego oral reports should additional clarification not be needed for the items listed in the "Reports" section of the agenda.

Upon discussion with the State Regents regarding terminology and legal definitions of the terms "accept" and "acceptance," the Regents decided that their actions under Sections (e) and (f) are more accurately defined and described as an acknowledgement of receipt. Therefore, in order to avoid confusion and mischaracterization of their actions, it is recommended that State Regents' Rule be revised as follows to more accurately reflect the action taken by the State Regents with regard to reports.

## AUTHORITY:

Oklahoma Constitution Article XIII-A §§ 1-4; 70 O.S. §§ 3206, 3228 and 3228.1 2401 through 2407; 70 O.S. Section 3206 (i); Oklahoma State Regents for Higher Education

## COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 3, 2020.

## PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher

Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 3, 2020.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 2, 2020.

**CONTACT PERSON:**

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

*[OAR Docket #19-922; filed 12-6-19]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

*[OAR Docket #19-923]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Academic Scholars Program
- 610:25-1-3. General Principles for Operation of Program [AMENDED]
- 610:25-1-4. Eligibility Requirements and Term of Scholarship Award [AMENDED]

**SUMMARY:**

The program provides participants a scholarship for up to four years of study at accredited institutions of higher education in Oklahoma. The State Regents recently modified the allocation of freshmen Institutional Nominee scholarship slots to more closely reflect the enrollment patterns of first-time entering freshmen at state system colleges and universities and have adjusted the award amount for Institutional Nominees commensurate with available funding. The proposed rule revisions address two issues. The first is adding a third minimum eligibility criterion option for Institutional Nominees that provides a stronger predictor of college success, addresses a disadvantage for students graduating from high schools that do not calculate class rank and provides more flexibility for institutions to select qualified applicants while maintaining high academic standards. The second is allowing consideration of ACT scores based on a recent change in ACT's testing and scoring policy. On October 8, 2019, ACT announced a change in the administration of the ACT test that will calculate a "superscore" if a student takes the test more than once. The new ACT policy will also allow

students to retest in one or more of the individual test sections without having to retake the entire test. These changes become effective in September 2020.

**AUTHORITY:**

70 O.S. Sections 2401 through 2407; 70 O.S. Section 3206 (i); Oklahoma State Regents for Higher Education

**COMMENT PERIOD:**

Interested persons may submit written and oral comments to David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 3, 2020.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 3, 2020.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 2, 2020.

**CONTACT PERSON:**

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

*[OAR Docket #19-923; filed 12-6-19]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

*[OAR Docket #19-924]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 23. Oklahoma Higher Learning Access Program
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-7. Payment of awards; policies and limitations [AMENDED]

**SUMMARY:**

The proposed permanent rule revisions are necessary for two reasons. The first is to incorporate recent changes in ACT's testing policy. On October 8, 2019, ACT announced that beginning in September 2020, ACT will calculate and

## Notices of Rulemaking Intent

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officially report a student's "superscore" if the student takes the test more than once. The "superscore" will be calculated based on the student's highest score on each individual section (English, math, reading, science) taken from the multiple tests. In addition, after a student has taken the complete test a first time, the student will be able to retest in one or more of the individual sections without having to retake the entire test. The Oklahoma's Promise statutes require that homeschool students and students graduating from a non-accredited high school achieve a composite score of 22 or higher on the ACT test. The proposed rule revision specifies that a student's "superscore" as reported by ACT will be considered for purposes of eligibility for the Oklahoma's Promise award.

The second reason is to correct a scrivener's error. In the most recent version of the Oklahoma's Promise rules published by the office of the Secretary of State, a phrase stating, "through a cooperative agreement between a public technology center and an institution of The Oklahoma State System of Higher Education," which was deleted in 2018 due to legislation passed in 2017, was inadvertently restored to the rules. Per discussions with the Office of Administrative Rules, the proposed amendment to delete this phrase in 610:25-23-7 is necessary to return the rule to its correct wording.

### **AUTHORITY:**

70 O.S. Section 2601 *et seq.*; 70 O.S. Section 3206 (i); Oklahoma State Regents for Higher Education

### **COMMENT PERIOD:**

Interested persons may submit written and oral comments to David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 3, 2020.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 3, 2020.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 2, 2020.

### **CONTACT PERSON:**

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

[OAR Docket #19-924; filed 12-6-19]

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

[OAR Docket #19-897]

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Administrative Components of the Department

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

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

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

Subchapter 5. Program Divisions within the Department

612:1-5-1. Overview of the department [AMENDED]

612:1-5-3. Division of ~~Visual Services for the Blind and Visually Impaired (DVS)~~ (DSBVI) [AMENDED]

612:1-5-4. Disability Determination ~~Division Services (DDD)~~ (DDS) [AMENDED]

Subchapter 15. Department Manual, Rules, and Declaratory Rulings

612:1-15-1. Purpose and distribution of the manual [AMENDED]

612:1-15-5. Definitions [NEW]

612:1-15-6. Revision of administrative rules and internal policy [NEW]

Subchapter 18. Process Improvement [NEW]

Part 1. General Provisions [NEW]

612:1-18-1. Purpose [NEW]

Part 3. Program Standards [NEW]

612:1-18-10. Program Standards [NEW]

Part 5. Case Review [NEW]

612:1-18-20. Case Review [NEW]

### **SUMMARY:**

Revisions to Chapter 1 consist of division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). New subchapter created to relocate the Process Improvement rules from Chapter 3, Management Services Division. Revised outdated citations.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written and oral comments will be accepted November 27, 2019 through February 4, 2020 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476.

### **PUBLIC HEARING:**

Monday, February 3, 2020

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

Department of Rehabilitation Services

2nd Floor Conference Room  
3535 N.W. 58th Street  
Oklahoma City, Oklahoma 73112  
Tuesday, February 4, 2020  
1:00 P.M. - 2:00 P.M.  
Total Source for Hearing-loss and Access (TSHA)  
Conference Room  
8740 East 11th Street  
Tulsa, Oklahoma 74112

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 3, 2020, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #19-897; filed 11-27-19]*

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

*[OAR Docket #19-898]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

612:3-5-35. Case Review [REVOKED]

**SUMMARY:**

Subchapter 5 is being revoked and relocated to Chapter 1 Administrative Operations, Subchapter 18 Process Improvement.

**AUTHORITY:**

Commission for Rehabilitation Services; 74 O.S.166.1 et seq; 70 O.S. 1724, 1733 and 1734

**COMMENT PERIOD:**

Written and oral comments will be accepted November 27, 2019 through February 4, 2020 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476.

**PUBLIC HEARING:**

Monday, February 3, 2020  
4:00 P.M. - 5:00 P.M.  
Department of Rehabilitation Services  
2nd Floor Conference Room  
3535 N.W. 58th Street  
Oklahoma City, Oklahoma 73112  
Tuesday, February 4, 2020  
1:00 P.M. - 2:00 P.M.  
Total Source for Hearing-loss and Access (TSHA)  
Conference Room  
8740 East 11th Street  
Tulsa, Oklahoma 74112

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 3, 2020, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #19-898; filed 11-27-19]*

## Notices of Rulemaking Intent

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

*[OAR Docket #19-899]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

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

612:10-1-2. Definitions [AMENDED]

612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]

612:10-1-3.1. Procedural exceptions [AMENDED]

612:10-1-3.2. Pilot projects [AMENDED]

612:10-1-5. Confidentiality [AMENDED]

612:10-1-6. Due Process [AMENDED]

612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]

Subchapter 3. Client Participation in Cost of Services

612:10-3-2. Consideration of comparable services and benefits [AMENDED]

612:10-3-3. Client participation in services cost and financial status determination [AMENDED]

612:10-3-4. Services exempt from client participation in service costs [AMENDED]

Subchapter 7. Vocational Rehabilitation and ~~Visual~~ Services for the Blind and Visually Impaired

Part 1. Scope of Vocational Rehabilitation and ~~Visual~~ Services for the Blind and Visually Impaired

612:10-7-1. Overview of Vocational Rehabilitation ~~and Visual~~ Services for the Blind and Visually Impaired [AMENDED]

612:10-7-2. Field staff responsibilities [AMENDED]

612:10-7-2.3.1. Work Experience [NEW]

612:10-7-3. Client responsibilities [AMENDED]

Part 3. Case Processing Requirements

612:10-7-21.1. Processing incoming referrals [AMENDED]

612:10-7-21.2. Information and referral system [AMENDED]

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]

612:10-7-24.2. Assessment for determining eligibility [AMENDED]

612:10-7-25.1. Order of selection [AMENDED]

612:10-7-31. Transfer of cases [AMENDED]

Part 5. Case Status and Classification System

612:10-7-50. Eligibility Status [AMENDED]

612:10-7-51. Individualized Plan for Employment [AMENDED]

612:10-7-55. Job Ready [AMENDED]

Part 9. Actions Requiring Review and Approval

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

Part 11. Physical and Mental Restoration Services

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

Part 13. Supportive Services

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

Part 15. Training

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

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

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

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

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

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

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

Part 17. Supportive Employment Services

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

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

Part 19. Special Services for Individuals who are Blind, Deaf, or have other Significant Severe Disabilities

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

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

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

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

Part 21. Purchase of Equipment, Occupational Licenses and Certifications

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

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

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

Part 23. Self-Employment Programs and Other Services

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

Part 25. Transition from School to Work Program

612:10-7-242. Pre-employment transition services [AMENDED]

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

Subchapter 9. Rehabilitation Teaching Services

Part 1. General Provisions

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

Part 5. Services

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

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

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

Part 1. Scope of Services  
612:10-11-1. Purpose [AMENDED]  
612:10-11-7. Administrative review [AMENDED]  
Subchapter 13. Special Services for the Deaf and Hard of Hearing  
Part 3. Certification of Interpreters  
612:10-13-21. Code of ethics [AMENDED]

**SUMMARY:**

Revisions to Chapter 10 consist of division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). New rule 612:10-7-2.3.1 Work Experience will assist Counselors in distinguishing between On the Job Training and Work Experience. Updates to definitions, citations and removal of antiquated language.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted November 27, 2019 through February 4, 2020 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476.

**PUBLIC HEARING:**

Monday, February 3, 2020  
4:00 P.M. - 5:00 P.M.  
Department of Rehabilitation Services  
2<sup>nd</sup> Floor Conference Room  
3535 N.W. 58<sup>th</sup> Street  
Oklahoma City, Oklahoma 73112  
Tuesday, February 4, 2020  
1:00 P.M. - 2:00 P.M.  
Total Source for Hearing-loss and Access (TSHA)  
Conference Room  
8740 East 11<sup>th</sup> Street  
Tulsa, Oklahoma 74112

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from: the DRS Web Site [www.okdrs.gov](http://www.okdrs.gov) by e-mail [policycomment@okdrs.gov](mailto:policycomment@okdrs.gov) by letter to the Process Improvement Unit, attention Tina Calloway, Department of

Rehabilitation Services, 3535 N.W. 58<sup>th</sup>, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 3, 2020, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #19-899; filed 11-27-19]*

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

*[OAR Docket #19-900]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Library Loan Policy  
612:15-5-2. Suspension procedures [AMENDED]

**SUMMARY:**

Revisions to Chapter 15 consist of division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

**AUTHORITY:**

Commission for Rehabilitation Services; 74 O.S.166.1 et seq; 70 O.S. 1724, 1733 and 1734

**COMMENT PERIOD:**

Written and oral comments will be accepted November 27, 2019 through February 4, 2020 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 B Toll free 1-800-845-8476.

**PUBLIC HEARING:**

Monday, February 3, 2020  
4:00 P.M. - 5:00 P.M.  
Department of Rehabilitation Services  
2<sup>nd</sup> Floor Conference Room  
3535 N.W. 58<sup>th</sup> Street  
Oklahoma City, Oklahoma 73112  
Tuesday, February 4, 2020  
1:00 P.M. - 2:00 P.M.  
Total Source for Hearing-loss and Access (TSHA)  
Conference Room  
8740 East 11<sup>th</sup> Street  
Tulsa, Oklahoma 74112

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS,

## Notices of Rulemaking Intent

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within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 3, 2020, at the Department of Rehabilitation Services office at the above address.

### CONTACT PERSON:

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

*[OAR Docket #19-900; filed 11-27-19]*

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

*[OAR Docket #19-901]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. General Operating Procedures for the Schools

Part 5. Standards of Conduct for all School Personnel

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

Subchapter 9. Service Programs

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

### SUMMARY:

Revisions to Chapter 20 consist of division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). New rule 612:20-9-2 implemented on Support Service Providers (SSP).

### AUTHORITY:

Commission for Rehabilitation Services; 74 O.S.166.1 et seq; 70 O.S. 1724, 1733 and 1734

### COMMENT PERIOD:

Written and oral comments will be accepted November 27, 2019 through February 4, 2020 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476.

### PUBLIC HEARING:

Monday, February 3, 2020

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

Department of Rehabilitation Services

2<sup>nd</sup> Floor Conference Room

3535 N.W. 58<sup>th</sup> Street

Oklahoma City, Oklahoma 73112

Tuesday, February 4, 2020

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

Total Source for Hearing-loss and Access (TSHA)

Conference Room

8740 East 11<sup>th</sup> Street

Tulsa, Oklahoma 74112

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 3, 2020, at the Department of Rehabilitation Services office at the above address.

### CONTACT PERSON:

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

*[OAR Docket #19-901; filed 11-27-19]*

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

*[OAR Docket #19-902]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 2. General Provisions

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

Subchapter 4. The State Licensing Agency

Part 3. Business Enterprise Program Training

- 612:25-4-14. Training for new or potential licensed managers [AMENDED]
- Part 5. State Licensing Agency Responsibility for Business Enterprise Operations
- 612:25-4-25. Management of BEP equipment and fixtures [AMENDED]
- 612:25-4-27. Initial inventory and supplies [AMENDED]
- Part 9. Assignment of Licensed Managers
- 612:25-4-53. Assignment, and transfer [AMENDED]
- 612:25-4-55. Qualifications [AMENDED]
- 612:25-4-57. Applicant Selection Committee [AMENDED]
- 612:25-4-58. Annual and Performance Evaluations [AMENDED]
- 612:25-4-59. Interview, Selection Process and Scoring [AMENDED]
- 612:25-4-61. Satellite business enterprise locations [AMENDED]
- Subchapter 6. Licensed Managers and Business Enterprise Operation
- Part 1. Licensed Managers
- 612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]
- 612:25-6-2. Standards for licensed managers [AMENDED]
- 612:25-6-2.1. Probation [AMENDED]
- 612:25-6-3. Grounds for suspension or termination of a license [AMENDED]
- Part 3. Business Enterprises
- 612:25-6-15. Setting aside of funds [AMENDED]
- 612:25-6-16. Criteria to establish a business enterprise [AMENDED]
- 612:25-6-18. Establishing new licensed managers in business enterprises [AMENDED]
- 612:25-6-20. Closing a business enterprise [AMENDED]
- 612:25-6-22. Monthly reports [AMENDED]
- Part 5. The Elected Committee of Licensed Managers
- 612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

**SUMMARY:**

Due to state and federal audits, minor changes to the Business Enterprise rules must be made as well as updating language. Addition revisions consist of division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted November 27, 2019 through February 4, 2020 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58<sup>th</sup> Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552 - Toll free 1-800-845-8476.

**PUBLIC HEARING:**

Monday, February 3, 2020  
 4:00 P.M. - 5:00 P.M.  
 Department of Rehabilitation Services  
 2<sup>nd</sup> Floor Conference Room  
 3535 N.W. 58<sup>th</sup> Street  
 Oklahoma City, Oklahoma 73112  
 Tuesday, February 4, 2020  
 1:00 P.M. - 2:00 P.M.  
 Total Source for Hearing-loss and Access (TSHA)  
 Conference Room  
 8740 East 11<sup>th</sup> Street  
 Tulsa, Oklahoma 74112

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 3, 2020, at the Department of Rehabilitation Services office at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #19-902; filed 11-27-19]*

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

*[OAR Docket #19-916]*

**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]

## Notices of Rulemaking Intent

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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]  
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 748:20-4-11]  
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

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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 Friday, January 3, 2020, and will be accepted through Friday, January 17, 2020, 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, 2401 NW 23rd St., Suite 2F, Oklahoma City, OK 73105 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, January 21, 2020 at a regular meeting of the Oklahoma Uniform Building Code Commission at the Construction Industries Board/OUBCC Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

### **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, January 17, 2020.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd St., Suite 2F, Oklahoma City, OK 73107. 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](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 #19-916; filed 12-3-19]*

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# Submissions to Governor and Legislature

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

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**TITLE 150. OKLAHOMA DEPARTMENT OF  
COMMERCE  
CHAPTER 145. OKLAHOMA ECONOMIC  
DEVELOPMENT POOLED FINANCE ACT**

*[OAR Docket #19-896]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General [NEW]
- 150:145-1-1. Purpose and scope [NEW]
- 150:145-1-2. Definitions [NEW]
- 150:145-1-3. Applications [NEW]
- Subchapter 2. Infrastructure pool [NEW]

- 150:145-2-1. Criteria [NEW]
- 150:145-2-2. Scoring system [NEW]
- Subchapter 3. Economic development pool [NEW]
- 150:145-3-1. Scoring system [NEW]
- Subchapter 4. Public-private partner development pool [NEW]
- 150:145-4-1. Criteria [NEW]
- 150:145-4-2. Scoring system [NEW]

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

November 25, 2019

*[OAR Docket #19-896; filed 11-26-19]*

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# Executive Orders

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

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

## TITLE 1. EXECUTIVE ORDERS

### 1:2019-22A.

#### AMENDED EXECUTIVE ORDER 2019-22

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby order the formation of the Criminal Justice Reentry, Supervision, Treatment and Opportunity Reform Task Force until January 31, 2020.

The Task Force shall study, evaluate, and make recommendations regarding policies, programs and proposed legislation that will:

1. Protect lives and property;
2. Respect and support victims of crime;
3. Deter criminal activity;
4. Enhance and establish diversion programs, including alternative sentencing, supervision, and treatment options for defendants who commit drug related crimes;
5. Reduce recidivism through expanded and enhanced post incarceration supervision and opportunities that foster successful reentry into society;
6. Reduce Oklahoma's incarceration rate and associated costs consistent with these goals; and
7. Improve any other aspects of Oklahoma's criminal justice system.

The Task Force shall submit to the Governor, the President Pro Tempore of the Oklahoma Senate, the Speaker of the Oklahoma House of Representatives, the Minority Leader of the Oklahoma Senate, and the Minority Leader of the Oklahoma House of Representatives a report on or before January 10, 2020, detailing its findings and recommendations.

The Task Force shall be composed of fifteen (15) members determined as follows:

1. The Secretary of Public Safety or designee;
2. The Oklahoma Attorney General or designee;
3. The Speaker of the Oklahoma House of Representatives or designee;
4. The President Pro Tempore of the Oklahoma Senate or designee;

5. The Director of the Oklahoma Department of Corrections or designee;
6. The Commissioner for the Oklahoma Department of Mental Health and Substance Abuse Services or designee;
7. A District Attorney selected by the Secretary of Public Safety;
8. A crime victims advocate selected by the Secretary of Public Safety;
9. The Administrative Director of the Administrative Office of the Courts or designee;
10. The Executive Director of the Oklahoma Office of Juvenile Affairs or designee;
11. The Director of the Oklahoma Department of Human Services or designee;
12. A County Sheriff selected by the Secretary of Public Safety;
13. A licensed attorney with criminal defense experience selected by the Secretary of Public Safety;
14. Someone with demonstrated knowledge of successful diversion programs selected by the Secretary of Public Safety; and
15. A member of the Oklahoma Pardon and Parole Board selected by the Secretary of Public Safety.

The Secretary of Public Safety or designee shall serve as the Chair of the Task Force and shall have the authority to create committees and name committee chairs to facilitate the work of the Task Force and shall have the authority to appoint Task Force members and non-members to serve on committees. The Task Force shall meet as often as deemed necessary by the Chair allowing for timely completion of its work. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Task Force. Members, including those appointed to committees who are not members of the Task Force, shall serve without compensation.

The Office of Management and Enterprise Services shall provide staff and administrative support for the Task Force. All Executive departments, officers, agencies, and employees of the State shall cooperate with the Task Force, including providing any information, data, records, and reports as may be requested.

This Executive Order shall be distributed to each member of the Task Force specifically identified herein and to each person appointed to a Task Force committee and to the Minority

## Executive Orders

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Leader of the Oklahoma Senate and the Minority Leader of the Oklahoma House of Representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 5<sup>th</sup> Day of December, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-928; filed 12-6-19]*  
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**1:2019-45.**

### EXECUTIVE ORDER 2019-45

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.10 of Title 25 of the Oklahoma Statutes, in recognition of Pearl Harbor Remembrance Day, hereby direct the appropriate steps be

taken to fly all American and Oklahoma flags on State property at half-staff on Saturday, December 7, 2019, to honor the many United States citizens who died or were injured on December 7, 1941, as a result of the Japanese attack on Pearl Harbor. On this 78<sup>th</sup> anniversary of the attack, Oklahomans remember anew that fateful day and the resultant courage America's brave crewmen showed in the face of grave danger.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 4th day of December, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-920; filed 12-4-19]*  
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