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**Kevin Stitt, Governor**  
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**Secretary of State**  
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# Table of Contents

<b>Agency/Action/Subject Index</b> .....	iii
<b>Rules Affected Index</b> .....	iv
<b>Agency Index (Title numbers assigned)</b> .....	vii
<b>Notices of Rulemaking Intent</b>	
Alcoholic Beverage Laws Enforcement Commission (Title 45) .....	339
Architects, Landscape Architects and Registered Interior Designers of Oklahoma, Board of Governors of the Licensed (Title 55) .....	340
Commerce, Oklahoma Department of (Title 150) .....	341
Education, State Department of (Title 210) .....	342, 343
Grand River Dam Authority (Title 300) .....	344
Health, Oklahoma State Department of (Title 310) .....	345, 347, 351, 352, 353, 354, 355, 356, 357
Health Care Authority, Oklahoma (Title 317) .....	359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380
Human Services, Department of (Title 340) .....	381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 393
Law Enforcement Education and Training, Council on (Title 390) .....	394, 396, 398, 399, 402
Medical Licensure and Supervision, State Board of (Title 435) .....	403
Motor Vehicle Commission, Oklahoma (Title 465) .....	403
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690) .....	404
Tax Commission, Oklahoma (Title 710) .....	405, 406, 407, 408, 409
Used Motor Vehicle and Parts Commission, Oklahoma (Title 765) .....	410, 411, 412
<b>Submissions to Governor and Legislature</b>	
Commerce, Oklahoma Department of (Title 150) .....	413
Corporation Commission (Title 165) .....	413, 414, 415
<b>Emergency Adoptions</b>	
Regents for Higher Education, State (Title 610) .....	417
Secretary of State (Title 655) .....	419, 429



# Agency/Action/Subject Index

## **ALCOHOLIC Beverage Laws Enforcement Commission (Title 45)**

- Notices of Rulemaking Intent*  
 Manufacturers, Wine and Spirits Wholesalers,  
 Brewers, Nonresident Sellers and Beer Distributors  
 (Chapter 30) ..... 339

## **ARCHITECTS, Landscape Architects and Registered Interior Designers of Oklahoma, Board of Governors of the Licensed (Title 55)**

- Notices of Rulemaking Intent*  
 Licensure and Practice of Architects, Landscape Architects  
 and Registration of Interior Designers (Chapter 10) ... 340

## **COMMERCE, Oklahoma Department of (Title 150)**

- Notices of Rulemaking Intent*  
 Oklahoma Quick Action Closing Fund (Chapter 140) .... 341  
*Submissions to Governor and Legislature*  
 General Rules of Practice and Procedure (Chapter 1) ..... 413

## **CORPORATION Commission (Title 165)**

- Submissions to Governor and Legislature*  
 Fuel Inspection (Chapter 15) ..... 413  
 Underground Storage Tanks (Chapter 25) ..... 413  
 Aboveground Storage Tanks (Chapter 26) ..... 414  
 Indemnity Fund (Chapter 27) ..... 414  
 Corrective Action of Petroleum Storage Tank Releases  
 (Chapter 29) ..... 415

## **EDUCATION, State Department of (Title 210)**

- Notices of Rulemaking Intent*  
 Curriculum and Instruction (Chapter 15) ..... 342  
 Staff (Chapter 20) ..... 342, 343

## **GRAND River Dam Authority (Title 300)**

- Notices of Rulemaking Intent*  
 Surplus Property (Chapter 15) ..... 344  
 License to Encroach (Chapter 25) ..... 344

## **HEALTH, Oklahoma State Department of (Title 310)**

- Notices of Rulemaking Intent*  
 Procedures of the State Department of Health  
 (Chapter 2) ..... 345  
 Vital Statistics (Chapter 105) ..... 347  
 Good Manufacturing Practice Regulations  
 (Chapter 260) ..... 347  
 Communicable Disease and Injury Reporting  
 (Chapter 515) ..... 351  
 Children First Eligibility Requirements (Chapter 528) ... 352  
 Vision Screening (Chapter 531) ..... 353  
 Immunization Regulations (Chapter 535) ..... 354  
 Infant Hearing Screening (Chapter 540) ..... 354  
 Drug and Alcohol Testing (Chapter 638) ..... 355  
 Emergency Medical Services (Chapter 641) ..... 356  
 Nursing and Specialized Facilities (Chapter 675) ..... 357  
 Medical Marijuana Control Program (Chapter 681) ..... 357

## **HEALTH Care Authority, Oklahoma (Title 317)**

- Notices of Rulemaking Intent*  
 Grievance Procedures and Process (Chapter 2) ..... 359, 360  
 Soonercare Choice (Chapter 25) ..... 360  
 Medical Providers-Fee for Service (Chapter 30) ..... 361,  
 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373,  
 374, 375  
 Medical Assistance for Adults and Children-Eligibility  
 (Chapter 35) ..... 376, 377, 378, 379  
 Developmental Disabilities Services (Chapter 40) ..... 379  
 Insure Oklahoma (Chapter 45) ..... 380

## **HUMAN Services, Department of (Title 340)**

- Notices of Rulemaking Intent*  
 Function and Structure of the Oklahoma Department of Human  
 Services (Chapter 1) ..... 381  
 Administrative Components (Chapter 2) ..... 382,  
 383, 384, 385  
 Temporary Assistance for Needy Families (TANF)  
 (Chapter 10) ..... 386  
 Child Support Services (Chapter 25) ..... 387  
 Child Care Subsidy Program (Chapter 40) ..... 388  
 Supplemental Nutrition Assistance Program  
 (Chapter 50) ..... 389  
 Child Welfare Services (Chapter 75) ..... 390  
 Developmental Disabilities Services (Chapter 100) ..... 393  
 Licensing Services (Chapter 110) ..... 393

## **LAW Enforcement Education and Training, Council on (Title 390)**

- Notices of Rulemaking Intent*  
 Agency Authority and Objectives (Chapter 1) ..... 394  
 Administrative Procedures (Chapter 2) ..... 396  
 Peace Officer Certification (Chapter 10) ..... 396  
 Basic Peace Officer Certification Training  
 (Chapter 15) ..... 398  
 Continuing Law Enforcement Education (Chapter 25) .... 398  
 Regulation of Private Security Industry (Chapter 35) ..... 399  
 Regulating Bail Enforcers (Chapter 60) ..... 402

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

- Notices of Rulemaking Intent*  
 Occupational Therapists and Assistants (Chapter 30) ..... 403

## **MOTOR Vehicle Commission, Oklahoma (Title 465)**

- Notices of Rulemaking Intent*  
 License (Chapter 10) ..... 403

## **REGENTS for Higher Education, State (Title 610)**

- Emergency Adoptions*  
 Student Financial Aid and Scholarships (Chapter 25) ..... 417

## **SECRETARY of State (Title 655)**

- Emergency Adoptions*  
 Notary Public (Chapter 25) ..... 419  
*Certification Authorities* (Chapter 35) ..... 429

## **SPEECH-LANGUAGE Pathology and Audiology, Board of Examiners for (Title 690)**

- Notices of Rulemaking Intent*  
 Administrative Operations (Chapter 1) ..... 404  
 Licensure and Fees (Chapter 10) ..... 404

## **TAX Commission, Oklahoma (Title 710)**

- Notices of Rulemaking Intent*  
 Ad Valorem (Chapter 10) ..... 405  
 Boats and Motors (Chapter 22) ..... 406  
 Income (Chapter 50) ..... 407  
 Motor Vehicles (Chapter 60) ..... 408  
 Withholding (Chapter 90) ..... 408  
 Miscellaneous Areas of Regulatory and Administrative  
 Authority (Chapter 95) ..... 409

## **USED Motor Vehicle and Parts Commission, Oklahoma (Title 765)**

- Notices of Rulemaking Intent*  
 Used Motor Vehicle Salespersons (Chapter 15) ..... 410  
 Manufactured Home Manufacturers (Chapter 36) ..... 411  
 Manufactured Home Installers (Chapter 37) ..... 411  
 Manufactured Home Salespersons (Chapter 38) ..... 412

# Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
10:15-27-16. ....	[NEW] (E) ..... 167	310:681-4-2. ....	[NEW] (E) ..... 183
10:15-37-11. ....	[AMENDED] (E) ..... 167	310:681-4-3. ....	[NEW] (E) ..... 183
120:10, App. A. ....	[REVOKED] (E) ..... 270	310:681-4-4. ....	[NEW] (E) ..... 185
120:10, App. A. ....	[NEW] (E) ..... 270	310:681-4-5. ....	[NEW] (E) ..... 185
165:35-45-2. ....	[AMENDED] (E) ..... 97	310:681-4-6. ....	[NEW] (E) ..... 187
165:35-45-4. ....	[AMENDED] (E) ..... 97	310:681-5-1. ....	[AMENDED] (E) ..... 25
165:35-45-5. ....	[AMENDED] (E) ..... 99	310:681-5-1. ....	[AMENDED] (E) ..... 187
310:9-1-2. ....	[AMENDED] (E) ..... 3	310:681-5-1.1. ....	[AMENDED] (E) ..... 25
310:9-3-1. ....	[AMENDED] (E) ..... 4	310:681-5-1.1. ....	[AMENDED] (E) ..... 187
310:9-3-2. ....	[AMENDED] (E) ..... 4	310:681-5-2. ....	[AMENDED] (E) ..... 26
310:9-3-3. ....	[AMENDED] (E) ..... 5	310:681-5-2. ....	[AMENDED] (E) ..... 188
310:9-5-2.1. ....	[AMENDED] (E) ..... 5	310:681-5-3. ....	[AMENDED] (E) ..... 27
310:9-5-3. ....	[REVOKED] (E) ..... 6	310:681-5-3. ....	[AMENDED] (E) ..... 189
310:681-1-1. ....	[AMENDED] (E) ..... 13	310:681-5-3.1. ....	[NEW] (E) ..... 28
310:681-1-1. ....	[AMENDED] (E) ..... 169	310:681-5-3.1. ....	[NEW] (E) ..... 190
310:681-1-2. ....	[AMENDED] (E) ..... 14	310:681-5-3.2. ....	[NEW] (E) ..... 28
310:681-1-2. ....	[AMENDED] (E) ..... 170	310:681-5-3.2. ....	[NEW] (E) ..... 190
310:681-1-3. ....	[AMENDED] (E) ..... 14	310:681-5-4. ....	[AMENDED] (E) ..... 28
310:681-1-3. ....	[AMENDED] (E) ..... 170	310:681-5-4. ....	[AMENDED] (E) ..... 190
310:681-1-4. ....	[AMENDED] (E) ..... 14	310:681-5-6. ....	[AMENDED] (E) ..... 29
310:681-1-4. ....	[AMENDED] (E) ..... 170	310:681-5-6. ....	[AMENDED] (E) ..... 191
310:681-1-5. ....	[AMENDED] (E) ..... 18	310:681-5-6.1. ....	[AMENDED] (E) ..... 31
310:681-1-5. ....	[AMENDED] (E) ..... 174	310:681-5-6.1. ....	[AMENDED] (E) ..... 193
310:681-1-6. ....	[AMENDED] (E) ..... 18	310:681-5-8. ....	[AMENDED] (E) ..... 31
310:681-1-6. ....	[AMENDED] (E) ..... 175	310:681-5-8. ....	[AMENDED] (E) ..... 194
310:681-1-7. ....	[AMENDED] (E) ..... 18	310:681-5-8.1. ....	[AMENDED] (E) ..... 32
310:681-1-7. ....	[AMENDED] (E) ..... 175	310:681-5-8.1. ....	[AMENDED] (E) ..... 194
310:681-1-9. ....	[AMENDED] (E) ..... 18	310:681-5-9. ....	[AMENDED] (E) ..... 34
310:681-1-9. ....	[AMENDED] (E) ..... 175	310:681-5-9. ....	[AMENDED] (E) ..... 196
310:681-1-9.1. ....	[AMENDED] (E) ..... 19	310:681-5-10. ....	[AMENDED] (E) ..... 34
310:681-1-9.1. ....	[AMENDED] (E) ..... 175	310:681-5-10. ....	[AMENDED] (E) ..... 196
310:681-2-1. ....	[AMENDED] (E) ..... 19	310:681-5-12. ....	[AMENDED] (E) ..... 34
310:681-2-1. ....	[AMENDED] (E) ..... 175	310:681-5-12. ....	[AMENDED] (E) ..... 196
310:681-2-2. ....	[AMENDED] (E) ..... 20	310:681-5-18. ....	[AMENDED] (E) ..... 34
310:681-2-2. ....	[AMENDED] (E) ..... 176	310:681-5-18. ....	[AMENDED] (E) ..... 196
310:681-2-3. ....	[AMENDED] (E) ..... 20	310:681-7-1. ....	[AMENDED] (E) ..... 35
310:681-2-3. ....	[AMENDED] (E) ..... 177	310:681-7-1. ....	[AMENDED] (E) ..... 197
310:681-2-3.1. ....	[AMENDED] (E) ..... 21	310:681-7-2. ....	[AMENDED] (E) ..... 35
310:681-2-3.1. ....	[AMENDED] (E) ..... 178	310:681-7-2. ....	[AMENDED] (E) ..... 198
310:681-2-4. ....	[AMENDED] (E) ..... 21	310:681-7-3. ....	[NEW] (E) ..... 35
310:681-2-4. ....	[AMENDED] (E) ..... 178	310:681-7-3. ....	[NEW] (E) ..... 198
310:681-2-5. ....	[AMENDED] (E) ..... 21	310:681-8-1. ....	[NEW] (E) ..... 36
310:681-2-5. ....	[AMENDED] (E) ..... 178	310:681-8-1. ....	[NEW] (E) ..... 198
310:681-2-8. ....	[NEW] (E) ..... 22	310:681-8-2. ....	[NEW] (E) ..... 199
310:681-2-8. ....	[NEW] (E) ..... 179	310:681-8-3. ....	[NEW] (E) ..... 201
310:681-2-9. ....	[NEW] (E) ..... 22	310:681-8-4. ....	[NEW] (E) ..... 203
310:681-2-9. ....	[NEW] (E) ..... 179	310:681-8-5. ....	[NEW] (E) ..... 204
310:681-3-1. ....	[AMENDED] (E) ..... 23	310:681-9-1. ....	[NEW] (E) ..... 204
310:681-3-1. ....	[AMENDED] (E) ..... 179	310:681-9-1.1. ....	[NEW] (E) ..... 205
310:681-3-2. ....	[AMENDED] (E) ..... 23	310:681-9-2. ....	[NEW] (E) ..... 205
310:681-3-2. ....	[AMENDED] (E) ..... 180	310:681-9-3. ....	[NEW] (E) ..... 205
310:681-3-3. ....	[NEW] (E) ..... 23	310:681-9-4. ....	[NEW] (E) ..... 206
310:681-3-3. ....	[NEW] (E) ..... 180	310:681-9-5. ....	[NEW] (E) ..... 207
310:681-3-4. ....	[NEW] (E) ..... 24	310:681-9-6. ....	[NEW] (E) ..... 207
310:681-3-4. ....	[NEW] (E) ..... 181	310:681-9-7. ....	[NEW] (E) ..... 208
310:681-3-5. ....	[NEW] (E) ..... 24	310:681-9-8. ....	[NEW] (E) ..... 209
310:681-3-5. ....	[NEW] (E) ..... 181	310:681-10-1. ....	[NEW] (E) ..... 209
310:681-3-6. ....	[NEW] (E) ..... 24	310:681-10-2. ....	[NEW] (E) ..... 210
310:681-3-6. ....	[NEW] (E) ..... 181	310:681-10-3. ....	[NEW] (E) ..... 210
310:681-4-1. ....	[NEW] (E) ..... 182	310:681-10-4. ....	[NEW] (E) ..... 210
310:681-4-1.1. ....	[NEW] (E) ..... 182	317:1-1-4. ....	[AMENDED] (E) ..... 100

317:1-1-6. . . . .	[AMENDED] (E) . . . . .	100	595:10-1-35. . . . .	[AMENDED] (E) . . . . .	281
317:1-1-7. . . . .	[AMENDED] (E) . . . . .	100	595:10-1-50. . . . .	[AMENDED] (E) . . . . .	281
317:2-1-17. . . . .	[NEW] (E) . . . . .	210	595:11-1-12. . . . .	[AMENDED] (E) . . . . .	283
317:30-3-27. . . . .	[AMENDED] (E) . . . . .	212	595:11-1-13. . . . .	[AMENDED] (E) . . . . .	283
317:30-5-22.1. . . . .	[AMENDED] (E) . . . . .	101	595:11-1-15. . . . .	[AMENDED] (E) . . . . .	284
317:30-5-42.11. . . . .	[AMENDED] (E) . . . . .	101	595:11-1-21. . . . .	[AMENDED] (E) . . . . .	287
317:30-5-132. . . . .	[AMENDED] (E) . . . . .	214	595:11-1-31. . . . .	[AMENDED] (E) . . . . .	288
317:30-5-132.1. . . . .	[NEW] (E) . . . . .	215	595:11-1-51. . . . .	[AMENDED] (E) . . . . .	289
317:30-5-132.2. . . . .	[NEW] (E) . . . . .	215	595:11-3-3. . . . .	[AMENDED] (E) . . . . .	284
317:30-5-136.1. . . . .	[AMENDED] (E) . . . . .	216	595:11-3-6. . . . .	[AMENDED] (E) . . . . .	285
317:30-5-241.6. . . . .	[AMENDED] (E) . . . . .	217	595:11-3-8. . . . .	[AMENDED] (E) . . . . .	286
317:30-5-740. . . . .	[AMENDED] (E) . . . . .	102	595:11-5-1. . . . .	[AMENDED] (E) . . . . .	290
317:30-5-740.1. . . . .	[AMENDED] (E) . . . . .	103	595:11-5-2. . . . .	[AMENDED] (E) . . . . .	290
317:30-5-740.2. . . . .	[AMENDED] (E) . . . . .	105	595:11-5-3. . . . .	[AMENDED] (E) . . . . .	290
317:30-5-741. . . . .	[AMENDED] (E) . . . . .	105	595:11-5-4. . . . .	[AMENDED] (E) . . . . .	291
317:30-5-742. . . . .	[AMENDED] (E) . . . . .	106	595:11-5-5. . . . .	[AMENDED] (E) . . . . .	292
317:30-5-742.1. . . . .	[AMENDED] (E) . . . . .	106	595:11-5-7. . . . .	[AMENDED] (E) . . . . .	293
317:30-5-742.2. . . . .	[AMENDED] (E) . . . . .	106	595:11-5-9. . . . .	[AMENDED] (E) . . . . .	294
317:30-5-743.1. . . . .	[AMENDED] (E) . . . . .	114	595:11-5-10. . . . .	[AMENDED] (E) . . . . .	294
317:30-5-744. . . . .	[AMENDED] (E) . . . . .	114	595:11-5-11. . . . .	[AMENDED] (E) . . . . .	295
317:30-5-745. . . . .	[AMENDED] (E) . . . . .	114	595:11-5-12. . . . .	[AMENDED] (E) . . . . .	295
317:30-5-746. . . . .	[AMENDED] (E) . . . . .	114	595:11-5-13. . . . .	[AMENDED] (E) . . . . .	296
317:30-5-750. . . . .	[NEW] (E) . . . . .	115	595:11-5-15. . . . .	[AMENDED] (E) . . . . .	297
317:30-5-750.1. . . . .	[NEW] (E) . . . . .	115	595:11-5-16. . . . .	[AMENDED] (E) . . . . .	299
317:30-5-750.2. . . . .	[NEW] (E) . . . . .	116	595:11-5-17. . . . .	[AMENDED] (E) . . . . .	299
317:30-5-751. . . . .	[NEW] (E) . . . . .	116	595:11-7-2. . . . .	[AMENDED] (E) . . . . .	299
317:30-5-752. . . . .	[NEW] (E) . . . . .	117	595:11-7-3. . . . .	[AMENDED] (E) . . . . .	299
317:30-5-753. . . . .	[NEW] (E) . . . . .	117	595:11-7-4. . . . .	[AMENDED] (E) . . . . .	301
317:30-5-754. . . . .	[NEW] (E) . . . . .	121	595:11-7-9. . . . .	[AMENDED] (E) . . . . .	301
317:30-5-755. . . . .	[NEW] (E) . . . . .	121	595:11-7-10. . . . .	[AMENDED] (E) . . . . .	302
317:30-5-756. . . . .	[NEW] (E) . . . . .	121	595:11-7-15. . . . .	[AMENDED] (E) . . . . .	303
317:30-5-757. . . . .	[NEW] (E) . . . . .	121	595:40-7-1. . . . .	[NEW] (E) . . . . .	304
340:50-5-29. . . . .	[AMENDED] (E) . . . . .	122	595:40-7-2. . . . .	[NEW] (E) . . . . .	304
340:50-5-45. . . . .	[AMENDED] (E) . . . . .	123	595:40-7-3. . . . .	[NEW] (E) . . . . .	304
340:50-5-101. . . . .	[AMENDED] (E) . . . . .	124	595:40-7-4. . . . .	[NEW] (E) . . . . .	305
340:50-7-1. . . . .	[AMENDED] (E) . . . . .	125	595:40-7-5. . . . .	[NEW] (E) . . . . .	305
340:50-7-29. . . . .	[AMENDED] (E) . . . . .	125	595:40-7-6. . . . .	[NEW] (E) . . . . .	305
340:50-7-31. . . . .	[AMENDED] (E) . . . . .	128	610:25-1-3. . . . .	[AMENDED] (E) . . . . .	417
340:50-9-5. . . . .	[AMENDED] (E) . . . . .	131	610:25-1-4. . . . .	[AMENDED] (E) . . . . .	418
340:100-18-1. . . . .	[AMENDED] (E) . . . . .	79	625:25-11-1. . . . .	[NEW] (E) . . . . .	421
365:25-29-1. . . . .	[AMENDED] (E) . . . . .	136	655:25-1-1.1. . . . .	[AMENDED] (E) . . . . .	420
365:25-29-2. . . . .	[AMENDED] (E) . . . . .	136	655:25-1-2. . . . .	[AMENDED] (E) . . . . .	420
365:25-29-3. . . . .	[AMENDED] (E) . . . . .	136	655:25-1-5. . . . .	[AMENDED] (E) . . . . .	420
365:25-29-4. . . . .	[AMENDED] (E) . . . . .	136	655:25-1-5.1. . . . .	[NEW] (E) . . . . .	420
365:25-29-5. . . . .	[AMENDED] (E) . . . . .	136	655:25-1-8. . . . .	[NEW] (E) . . . . .	420
365:25-29-6. . . . .	[AMENDED] (E) . . . . .	136	655:25-3-1. . . . .	[AMENDED] (E) . . . . .	420
365:25-29-7.1. . . . .	[NEW] (E) . . . . .	137	655:25-3-2. . . . .	[AMENDED] (E) . . . . .	421
365:25-29-9. . . . .	[AMENDED] (E) . . . . .	137	655:25-3-3. . . . .	[AMENDED] (E) . . . . .	421
365:25-29-10. . . . .	[AMENDED] (E) . . . . .	138	655:25-5-2. . . . .	[AMENDED] (E) . . . . .	421
365:25-29-13. . . . .	[NEW] (E) . . . . .	139	655:25-5-3. . . . .	[AMENDED] (E) . . . . .	421
365:25-29-14. . . . .	[NEW] (E) . . . . .	139	655:25-7-1. . . . .	[NEW] (E) . . . . .	421
365:25-29-15. . . . .	[NEW] (E) . . . . .	139	655:25-7-2. . . . .	[NEW] (E) . . . . .	421
365:25-29.12. . . . .	[NEW] (E) . . . . .	138	655:25-11-2. . . . .	[NEW] (E) . . . . .	421
465:10-3-1. . . . .	[AMENDED] (E) . . . . .	140	655:25-11-3. . . . .	[NEW] (E) . . . . .	422
465:10-3-3. . . . .	[AMENDED] (E) . . . . .	140	655:25-11-4. . . . .	[NEW] (E) . . . . .	423
465:10-3-5. . . . .	[AMENDED] (E) . . . . .	140	655:25-11-5. . . . .	[NEW] (E) . . . . .	423
465:10-3-6. . . . .	[NEW] (E) . . . . .	140	655:25-11-6. . . . .	[NEW] (E) . . . . .	424
485:10-11-4. . . . .	[NEW] (E) . . . . .	222	655:25-11-7. . . . .	[NEW] (E) . . . . .	424
485:10-16-6. . . . .	[AMENDED] (E) . . . . .	224	655:25-11-8. . . . .	[NEW] (E) . . . . .	424
590:10-1-21. . . . .	[NEW] (E) . . . . .	141	655:25, App. A. . . . .	[NEW] (E) . . . . .	426
590:10-1-22. . . . .	[NEW] (E) . . . . .	141	655:35-1-1. . . . .	[NEW] (E) . . . . .	429
590:40-5-1. . . . .	[AMENDED] (E) . . . . .	142	655:35-3-1. . . . .	[NEW] (E) . . . . .	429
595:10-1-3. . . . .	[AMENDED] (E) . . . . .	271	655:35-3-2. . . . .	[NEW] (E) . . . . .	429
595:10-1-10. . . . .	[AMENDED] (E) . . . . .	276	715:1-1-5. . . . .	[AMENDED] (E) . . . . .	37
595:10-1-25. . . . .	[AMENDED] (E) . . . . .	277	715:10-9-3. . . . .	[AMENDED] (E) . . . . .	38
595:10-1-26. . . . .	[AMENDED] (E) . . . . .	278	715:10-13-15. . . . .	[AMENDED] (E) . . . . .	38
595:10-1-27. . . . .	[AMENDED] (E) . . . . .	279	715:10-15-3. . . . .	[AMENDED] (E) . . . . .	38

## Rules Affected Index – *continued*

---

715:10-17-5. .... [AMENDED] (E) .....	39	765:38-1-5. .... [AMENDED] (E) .....	148
715:10-17-16. .... [NEW] (E) .....	39	765:38-1-6. .... [AMENDED] (E) .....	148
765:15-1-1. .... [AMENDED] (E) .....	143	765:38-3-1. .... [AMENDED] (E) .....	148
765:15-1-2. .... [AMENDED] (E) .....	143	765:38-5-1. .... [AMENDED] (E) .....	148
765:15-1-3. .... [AMENDED] (E) .....	143	765:38-5-2. .... [AMENDED] (E) .....	148
765:15-1-5. .... [AMENDED] (E) .....	143	770:15-7-1. .... [REVOKED] (E) .....	83
765:15-1-6. .... [AMENDED] (E) .....	144	770:15-7-2. .... [REVOKED] (E) .....	83
765:15-1-7. .... [AMENDED] (E) .....	144	770:15-7-3. .... [REVOKED] (E) .....	83
765:15-3-1. .... [AMENDED] (E) .....	144	770:15-7-4. .... [REVOKED] (E) .....	84
765:15-5-1. .... [AMENDED] (E) .....	144	800:10-1-5. .... [AMENDED] (E) .....	40
765:15-5-2. .... [AMENDED] (E) .....	145	800:25-7-140.1. .... [NEW] (E) .....	42
765:36-6-1. .... [NEW] (E) .....	145	800:25-41-1. .... [NEW] (E) .....	84
765:37-5-6. .... [NEW] (E) .....	146	800:25-41-2. .... [NEW] (E) .....	85
765:38-1-1. .... [AMENDED] (E) .....	147	800:25-41-3. .... [NEW] (E) .....	85
765:38-1-2. .... [AMENDED] (E) .....	147	800:30-1-4. .... [AMENDED] (E) .....	43
765:38-1-3. .... [AMENDED] (E) .....	147	800:30-1-20. .... [AMENDED] (E) .....	44
765:38-1-4. .... [AMENDED] (E) .....	147		

# Agency/Title Index

[Assigned as of 1-15-20]

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

## Agency/Title Index – *continued*

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

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



# Notices of Rulemaking Intent

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

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

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

## **TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 30. MANUFACTURERS, WINE AND SPIRITS WHOLESALERS, BREWERS, NONRESIDENT SELLERS AND BEER DISTRIBUTORS**

*[OAR Docket #19-929]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Manufacturers and Wine and Spirits  
Wholesalers

45:30-3-19. Procedures for determining top 25 brands  
[NEW]

45:30-3-20. Posting procedures for top 25 brands [NEW]

45:30-3-21. Example schedule for top 25 brands [NEW]

45:30-3-22. Brands no longer subject to top 25 distinction  
[NEW]

### **SUMMARY:**

During the 2019 legislative session, the Oklahoma Legislature passed Senate Bill 608, which Governor Stitt signed into law effective August 29, 2019. The Oklahoma ABLE Commission adopted emergency rules in response, which are set to expire September 19, 2020. Due to litigation pending before the Oklahoma Supreme Court, Senate Bill 608 is yet to be effective. Because a decision has not been handed down concerning the constitutionality of Senate Bill 608, the ABLE Commission believes it necessary to promulgate permanent rules for purposes of implementing Senate Bill 608 and replacing the emergency rules designed to do the same.

The proposed permanent additions to Chapter 30, Subchapter 3, Section 45:30-3-19 provide the alcohol industry as well as the Commission procedures to determine the Top 25 wine and spirit brands sold in the state. The proposed permanent additions to Chapter 30, Subchapter 3, Section 45:30-3-20 provide posting procedures for manufacturers of the state's Top 25 brands to follow in order to allow sale to all wholesalers desiring to purchase the same. The proposed permanent additions to Chapter 30, Subchapter 3, Section 45:30-3-21 provides the industry with an example schedule with further guidance to comply with Section 45:30-3-19 and 45:30-3-20 respectively. The proposed permanent additions to Chapter 30, Subchapter 3, Section 45:30-3-22 provide for sales procedures for brands which were subject to Top 25 brand designation but subsequently fall out of the Top 25 brands.

### **AUTHORITY:**

Oklahoma Alcoholic Beverage Control Act, 37A O.S. §1-101 et seq.; and Alcoholic Beverage Laws Enforcement Commission; 37A O.S. §1-107(2).

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 14, 2020, at the following address: Alcoholic Beverage Laws Enforcement Commission (ABLE Commission), 3812 N. Santa Fe, Suite 200, Oklahoma City, Oklahoma 73118, Attention: Kathy Sharp or to: Kathy Sharp at email [Kathy.Sharp@able.ok.gov](mailto:Kathy.Sharp@able.ok.gov).

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on February 21, 2020, at the Oklahoma ABLE Commission, 3812 N. Santa Fe Avenue, Suite 200, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door at least 15 minutes before the meeting is to begin.

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

The ABLE Commission requests that business entities affected by these proposed rules provide the ABLE Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs, such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, and/or professional services, the business entity anticipates due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Sharp at the above address, before the close of business on February 14, 2020.

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

Copies of the proposed rules may be obtained from the Alcoholic Beverage Laws Enforcement Commission at 3812 N. Santa Fe, Suite 200, Oklahoma City, Oklahoma 73118 or by calling 1 (405) 521-3484 or 1 (866) 894-3517. Copies of proposed rules may also be obtained by emailing [steven.barker@able.ok.gov](mailto:steven.barker@able.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the ABLE Commission at the above address beginning on January 10, 2020.

### **CONTACT PERSON:**

Steven Barker  
Deputy Director and General Counsel  
Alcoholic Beverage Laws Enforcement Commission  
3812 N. Santa Fe  
Suite 200  
Oklahoma City, Oklahoma 73118

# Notices of Rulemaking Intent

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(405) 521-3484  
Toll Free: (866) 894-3517  
email: steven.barker@able.ok.gov

*[OAR Docket #19-929; filed 12-12-19]*

## **TITLE 55. BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS, LANDSCAPE ARCHITECTS AND REGISTERED INTERIOR DESIGNERS OF OKLAHOMA CHAPTER 10. LICENSURE AND PRACTICE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND REGISTRATION OF INTERIOR DESIGNERS**

*[OAR Docket #19-930]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

#### Subchapter 1. General Provisions

55:10-1-2. [AMENDED]

55:10-1-3. [AMENDED]

#### Subchapter 3. Administrative Operations

55:10-3-11. [AMENDED]

55:10-3-13. [AMENDED]

#### Subchapter 5. Application and Eligibility for Licensing or Registration

55:10-5-2. [AMENDED]

55:10-5-4. [AMENDED]

55:10-5-5. [REVOKED]

55:10-5-6. [REVOKED]

55:10-5-7. [AMENDED]

55:10-5-8. [AMENDED]

55:10-5-10. [AMENDED]

55:10-5-11. [AMENDED]

#### Subchapter 7. Examination

55:10-7-1. [AMENDED]

55:10-7-2. [REVOKED]

55:10-7-3. [REVOKED]

55:10-7-4. [AMENDED]

55:10-7-5. [REVOKED]

55:10-7-6. [AMENDED]

55:10-7-7. [AMENDED]

#### Subchapter 9. Licensing and Registration

55:10-9-1. [AMENDED]

55:10-9-5. [AMENDED]

55:10-9-6. [AMENDED]

55:10-9-7. [AMENDED]

55:10-9-10. [AMENDED]

55:10-9-11. [AMENDED]

#### Subchapter 11. Rules of Professional Conduct

55:10-11-2. [REVOKED]

55:10-11-3. [AMENDED]

55:10-11-5. [AMENDED]

55:10-11-6. [AMENDED]

55:10-11-7. [AMENDED]

55:10-11-8. [AMENDED]

55:10-11-9. [AMENDED]

55:10-11-10. [AMENDED]

55:10-11-12. [AMENDED]

#### Subchapter 13. Organizational Practice

55:10-13-1. [AMENDED]

55:10-13-2. [REVOKED]

55:10-13-4. [REVOKED]

55:10-13-5. [AMENDED]

55:10-13-6. [AMENDED]

55:10-13-7. [AMENDED]

55:10-13-8. [AMENDED]

55:10-13-13. [AMENDED]

55:10-13-16. [AMENDED]

55:10-13-17. [AMENDED]

55:10-13-18. [AMENDED]

55:10-13-19. [AMENDED]

55:10-13-20. [AMENDED]

55:10-13-21. [AMENDED]

#### Subchapter 15. Violations

55:10-15-1. [AMENDED]

55:10-15-2. [AMENDED]

#### Subchapter 17. Continuing Education Requirements

55:10-17-3. [AMENDED]

### **SUMMARY:**

The proposed revisions to Subchapter 1 are expanding definitions and clean-up. Changes to Subchapter 3 include the additions of fee exemptions for active-duty military personnel and spouses (per SB670), and based on low income (per HB2933). Changes to Subchapter 5 include clean-up and updates to the current processes, as well as the deletion of "good moral character" (per HB1379). Changes in Subchapter 7 were made in order that the application and licensing processes by examination be better understood by the public. The changes in Subchapter 15 provide clarification for what constitutes a violation. All other Rule changes are simplification or clean-up items that do not change the interpretation or intent of the Rules.

### **AUTHORITY:**

O.S. 59, Section 46.7 Oklahoma State Architectural and Registered Interior Designers Act; Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma.

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on Friday, February 14, 2020 at the following address: 220 N.E. 28<sup>th</sup> Street, Suite 150, Oklahoma City, OK 73105, ATTN: Leslie Hanska, Executive Director, Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma.

### **PUBLIC HEARING:**

A public hearing may be requested before 4:30 p.m. on Friday, February 14, 2020, orally or in writing at the following address: 220 N.E. 28<sup>th</sup> Street Oklahoma City, OK 73105. Upon request, a formal hearing will then be held to provide an

opportunity for persons to present their views. Each person will be allowed a maximum of 5 minutes to speak.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma requests that business entities affected by these proposed amendments provide the Board, within the comment period, in dollar amounts if possible, any increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing, at the above address, before the close of the comment period before 4:30 p.m. on Friday, February 14, 2020 at the following address: 220 N.E. 28<sup>th</sup> Street, Suite 150, Oklahoma City, OK 73105, ATTN: Leslie Hanska, Executive Director.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma, from our website, [www.ok.gov/architects](http://www.ok.gov/architects), or directly from the office at 220 N.E. 28<sup>th</sup> Street, Suite 150, Oklahoma City, OK 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303 (D), a Rule Impact Statement (RIS) will be prepared and may be obtained from the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma at the above address beginning on January 30, 2020.

**CONTACT PERSON:**

Leslie Hanska, Executive Director, (405) 949-2383

*[OAR Docket #19-930; filed 12-13-19]*

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE  
CHAPTER 140. OKLAHOMA QUICK ACTION CLOSING FUND**

*[OAR Docket #19-945]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 150:140-1-1. Purpose and scope [AMENDED]
- 150:140-1-3. Application process [AMENDED]
- 150:140-1-4. Award process [AMENDED]
- 150:140-1-5. Award agreement [AMENDED]

**SUMMARY:**

This action is to amend the Quick Action Closing Fund rules to comport with statutory amendments allowing payment

of rebates to high impact productions in fiscal year 2019. This action further creates a short term set aside for projects in smaller communities.

**AUTHORITY:**

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq.; 62 O.S. §§48.2 (E),(F); the Oklahoma Department of Commerce

**COMMENT PERIOD:**

Written and oral comments will be accepted from January 15, 2020, through February 14, 2020, during regular business hours by contacting B. Joshua McGoldrick, Chief of Staff/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 815-5153, or [josh.mcgoldrick@okcommerce.gov](mailto:josh.mcgoldrick@okcommerce.gov).

**PUBLIC HEARING:**

A public hearing will be held on February 18, 2020, at 11:00 A.M. in Gallery 1-1, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the end of the comment period to B. Joshua McGoldrick, General Counsel, Oklahoma Department of Commerce at 900 North Stiles Avenue, Oklahoma City, OK 73104. The Department is unaware of any business entities affected by the proposed changes.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #19-945; filed 12-17-19]*

## Notices of Rulemaking Intent

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

*[OAR Docket #19-1019]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

- Subchapter 27. Reading Sufficiency Act
- 210:15-27-1. Reading Sufficiency Plans and Summer Academy Reading Programs [AMENDED]
- 210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act [AMENDED]
- 210:15-27-3. Standards for mid-year promotion of retained third graders [AMENDED]
- 210:15-27-4. Program of reading instruction [AMENDED]

#### **SUMMARY:**

The rules addressing the Reading Sufficiency Act (RSA) are being updated to reflect changes to the RSA statutes and other relevant education laws. Updates will include amended terminology to reflect language changes in the school accountability system, and to eliminate outdated references.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Monday, February 18, 2020.

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

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

#### **PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Monday, February 18, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

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

N/A

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

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education

Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

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

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

#### **CONTACT PERSON:**

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

*[OAR Docket #19-1019; filed 12-23-19]*

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

*[OAR Docket #19-1020]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

- Subchapter 9. Professional Standards: Teacher Education and Certification
- Part 9. Teacher Certification
- 210:20-9-96. Requirements for renewal or reissuance of certificates [AMENDED]

#### **SUMMARY:**

Provisions are being added to the rule governing the renewal of educator certificates issued by the State Department of Education, to provide for the availability of a due process hearing in the event a standard certificate is denied for renewal. The procedures will substantially align with the due process provisions that apply to the revocation of a teaching certificate.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Monday, February 18, 2020.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or

via regular mail to the individual at the address shown below under "Contact Person."

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

**PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Monday, February 18, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #19-1020; filed 12-23-19]*

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

*[OAR Docket #19-1021]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

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

**SUMMARY:**

The Teacher and Leader Effectiveness (TLE) Evaluation System rules are being updated to reflect changes to law since the rules' adoption. Terminology clarifications will be made to reflect current law and practice, including alignment with the current statutory definition of "Teacher". The governing statute also now authorizes career teachers to be evaluated every three (3) years if they receive a district evaluation rating of "Superior" or "Highly Effective", and the rules must be updated accordingly.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-101.16

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from January 15, 2019 until 4:30 p.m. on Monday, February 18, 2020.

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

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

**PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Monday, February 18, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### CONTACT PERSON:

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

*[OAR Docket #19-1021; filed 12-23-19]*

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

*[OAR Docket #19-1012]*

#### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

#### PROPOSED RULES:

Subchapter 1. General Provisions

300:15-1-1. [AMENDED]

300:15-1-2. [AMENDED]

300:15-1-3. [AMENDED]

Subchapter 3. Declaration and Approval of Surplus Property

300:15-3-1. [AMENDED]

300:15-3-2. [AMENDED]

Subchapter 5. Sale or Disposal of Surplus Property

300:15-5-1. [AMENDED]

300:15-5-2. [AMENDED]

300:15-5-4. [AMENDED]

#### SUMMARY:

The proposed amendments modify the general information and provisions relating to the transfer, disposal, and acquisition of surplus property. The Definitions section was modified to eliminate terms that are not used in the Surplus Property chapter. The absolute ban on donating property has been removed. Donations of surplus property will not be made to for-profit business entities or to individuals, but may be made to other state agencies. A streamlined process for the methods of disposal for surplus property has been proposed with the recommendation of the department Vice President, as approved by the CEO or designee, and by a vote of at least five members of the Board of Directors. A statement has been added to specify payments made by the public for purchased property via online auction shall be in accordance with the particular auction website's terms. Other general clarifications were made.

#### AUTHORITY:

Grand River Dam Authority; 82 O.S. 2011 § 861A(B)(1), 82 O.S. Supp. 2012 § 863.2(B).

#### COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2020 through 4:45 p.m. on February 18, 2020 at Grand River

Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Tamara Jahnke.

#### PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, February 19, 2020 at 10:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

#### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 16, 2020 through February 18, 2020, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2020 through 4:45 p.m. on February 18, 2020 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Tamara Jahnke.

#### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Tamara Jahnke at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-0633. The proposed amendments may also be viewed on the Grand River Dam Authority website at [www.grda.com](http://www.grda.com).

#### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at [www.grda.com](http://www.grda.com).

#### CONTACT PERSON:

Tamara Jahnke, Assistant General Counsel, (918) 256-0633

*[OAR Docket #19-1012; filed 12-20-19]*

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

*[OAR Docket #19-1013]*

#### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

#### PROPOSED RULES:

Subchapter 1. Purpose and Definitions

300:25-1-2. [AMENDED]

Subchapter 3. Policy, Issuance, Termination and Transfer

300:25-3-1. [AMENDED]

300:25-3-3. [AMENDED]  
Subchapter 5. Miscellaneous  
300:25-5-3. [AMENDED]  
300:25-5-4. [AMENDED]

**SUMMARY:**

The proposed revisions detail the procedures for obtaining a license to encroach on Grand River Dam Authority real property. The fair market value definition has been expanded to include a standardized fair market value. The rules have been revised to state an applicant may chose a standardized fair market value set by the Board of Directors or submit a fair market value appraisal to the Board of Directors in determining the fair market value. The fair market value of the license will be reviewed every 10 years. A License to Encroach may not be issued until such time as the Board has determined the fair market value of the encroachment and all applicable fees have been paid. The license term has been extended.

**AUTHORITY:**

Grand River Dam Authority; 82 O.S. 2019 § 861A(B)(1), 82 O.S..2019 § 863.2(B)

**COMMENT PERIOD:**

Written and oral comments will be accepted January 16, 2020 through 4:45 p.m. on February 18, 2020 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Tamara Jahnke.

**PUBLIC HEARING:**

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, February 19, 2020 at 10:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 16, 2020 through February 18, 2020, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2020 through 4:45 p.m. on February 18, 2020 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Tamara Jahnke.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Tamara Jahnke at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-0633. The proposed amendments may also be viewed on the Grand River Dam Authority website at www.grda.com.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand

River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at www.grda.com.

**CONTACT PERSON:**

Tamara Jahnke, Assistant General Counsel, (918) 256-0633

*[OAR Docket #19-1013; filed 12-20-19]*

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

*[OAR Docket #19-932]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 21. Rules of Procedure Governing Individual Proceedings

310:2-21-4. [AMENDED]

Subchapter 29. Criminal History Background Checks

310:2-29-1. [AMENDED]

310:2-29-5. [AMENDED]

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

310:2-37-1. [NEW]

310:2-37-2. [NEW]

310:2-37-3. [NEW]

Subchapter 39. Military Reciprocity Licensure [NEW]

310:2-39-1. [NEW]

310:2-39-2. [NEW]

310:2-39-3. [NEW]

310:2-39-4. [NEW]

**SUMMARY:**

Subchapter 21. Rules of Procedure Governing Individual Proceedings. The current rule establishes due process procedures for parties appearing before the Department consistent with the Oklahoma Administrative Procedures Act. The proposal modifies the requirements for legal service of instruments related to administrative proceedings before the Department. This change is necessary because experience in providing legal service of instruments has found that Respondents who are licensed by the Department have avoided legal service and delayed administrative proceedings by refusing or avoiding delivery of the service instrument. The effect of the Rule change will be expedited execution of legal service of instruments. The value of this change will be seen though the avoided costs of repeated efforts to obtain service of a legal instrument in a legal proceeding where the licensee was avoiding legal service of the instrument. This change will also provide benefit by removing delays in the administrative hearing process where sanction of a licensee is warranted and/or to remove threats to public health and/or safety.

## Notices of Rulemaking Intent

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Subchapter 29. Criminal History Background Checks. The current Rule sets forth parameters to implement the Long Term Care Security Act as established at 63 O.S. §§ 1-1944 et seq., and creates an administrative hearing process for applicants to request waivers from disqualifying employment eligibility determinations. This proposal modifies the purpose to include eligibility appellate procedures for those Chapters under Title 310, which provide for denials of eligibility for a license, certification, or permit based on criminal history. The period for requesting an employment eligibility waiver pursuant to 63 O.S. § 1-1947(T)(1) is amended to allow for extensions of the thirty (30) days allowed to appeal where good cause is shown. A new rule addresses individuals who have been found not eligible for a license, certification, or permit based on their criminal history, and establishes that they may file an appeal with the Department at any time following receipt of the notice of disqualification and may request a reconsideration twelve (12) months from the previous appeal of a determination of ineligibility. This change is necessary because experience in receiving and reviewing waiver requests has shown that various factors influence the timing for the submittal of a waiver request, including allowing adequate time to elapse to show evidence of rehabilitation. The effect of the Rule change will be a more equitable period for submitting waiver requests and to allow for reconsiderations.

Subchapter 37. Initial Determination on Criminal History as a Disqualification for License or Certification. This new Rule will implement 59 O.S. § 4000.1 relating to processes to request an initial determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license or certification. This process will apply to all occupational licenses, permits or certifications issued by the Oklahoma State Department of Health. The rule defines the process for requesting a determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license, permit, or certification consistent with 59 O.S. § 4000.1 and defines the fee at Ninety-five Dollars (\$95.00), consistent with the fee authorized at 59 O.S. § 4000.1(F). This change is necessary because of House Bill 1373, which created new law at 59 O.S. § 4000.1 establishing these requirements and was effective November 1, 2019. The effect of the rule change will be a rule implementing the law.

Subchapter 39. Military Reciprocity Licensure. This new Rule will implement 59 O.S. § 4100.8 relating to processes for active duty military personnel and their spouses to request an expedited temporary, reciprocal or comity license or certification for a currently held valid license or certification. This process will apply to all occupational licenses, permits or certifications issued by the Oklahoma State Department of Health. The rule defines the process for requesting a temporary, reciprocal or comity license consistent with 59 O.S. § 4108(B). The rule establishes that there will be no fee to request a reciprocity license and that there will be an appeal

procedure in the event the request is denied. This change is necessary because of Senate Bill 670, which created new law at 59 O.S. § 4100.8 establishing these requirements and was effective November 1, 2019. The effect of the rule change will be a rule implementing the law.

### **AUTHORITY:**

State Commissioner of Health; 63 O.S. § 1-104; 63 O.S. §§ 1-1944 et seq. and 59 O.S. §§ 4000.1 and 4100.8.

### **COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

### **PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

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

The proposed rules may be obtained for review from the contract person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10<sup>th</sup> Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail [KimB@health.ok.gov](mailto:KimB@health.ok.gov) or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10<sup>th</sup> Street,

Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

[OAR Docket #19-932; filed 12-13-19]

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

[OAR Docket #19-933]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

The current rule provides a requirement for identification and establishes fees for services. The proposed amendment will require the State Department of Health to provide a list of acceptable identification to include government issued photographic identification, alternative forms of identification, and an alternative electronic process. Additionally the Department is directed to provide the legal forms that shall be used to delegate personal powers related to birth records and attestation for identity. This is required to meet the requirement in law to maintain record integrity and establish that each applicant meets the requirements set in law for release of a record. There is no change to fees requested.

**AUTHORITY:**

Commissioner of Health; Title 63 O.S. § 1-104; Title 63 O.S. §1-304; and Title 63 O.S. §1-323.

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

[OAR Docket #19-933; filed 12-13-19]

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

[OAR Docket #19-934]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 310:260-1-1. Purpose; citation [AMENDED]
  - 310:260-1-2. Scope [AMENDED]
  - 310:260-1-3. Incorporation by reference [AMENDED]
  - 310:260-1-6. Definitions [AMENDED]
- Subchapter 3. Manufacturing, Processing, Packing or Holding Human Food
  - 310:260-3-1. Personnel [AMENDED]
  - 310:260-3-2. Grounds and plants [AMENDED]
  - 310:260-3-3. Sanitary operations [AMENDED]
  - 310:260-3-4. Sanitary facilities and controls [AMENDED]
  - 310:260-3-5. Equipment and utensils [AMENDED]
  - 310:260-3-6. Processes and controls [AMENDED]
- Subchapter 5. ~~Tree Nut~~Pecan Processing
  - 310:260-5-1. ~~Tree~~Nut~~Pecan~~ crackers/shellers [AMENDED]

## Notices of Rulemaking Intent

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310:260-5-2. Custom Tree ~~Nut~~pecan crackers [AMENDED]  
Subchapter 7. Salvageable and Salvaged Merchandise  
310:260-7-1. Merchandise protection [AMENDED]  
310:260-7-2. Movement of distressed merchandise [AMENDED]  
310:260-7-3. Reconditioning [AMENDED]  
310:260-7-4. Labeling [AMENDED]  
310:260-7-5. Handling of nonsalvageable merchandise [AMENDED]  
310:260-7-6. Record keeping [AMENDED]  
310:260-7-7. Salvage processors and distributors out-of-state [AMENDED]  
Subchapter 9. Food Storage Warehouses  
310:260-9-1.1. Warehousing and distribution [NEW]  
310:260-9-1. Lighting and ventilation [AMENDED]  
310:260-9-2. Dry storage [AMENDED]  
310:260-9-3. Cold and frozen storage [AMENDED]  
310:260-9-4. Protection of stored food [AMENDED]  
310:260-9-5. Morgue [AMENDED]  
310:260-9-6. Restroom ~~toilet~~Toilet and handwashing facilities [AMENDED]  
310:260-9-7. Waste storage and disposal [AMENDED]  
310:260-9-8. Exterior construction [AMENDED]  
310:260-9-9. Surroundings [AMENDED]  
310:260-9-10. Transportation and storage [AMENDED]  
310:260-9-11. Exemptions [AMENDED]  
Subchapter 11. Licensing, Inspections and Plan Review [REVOKED]  
310:260-11-1. Licensing [REVOKED]  
310:260-11-2. Inspections [REVOKED]  
310:260-11-3. Examination and condemnation of food [REVOKED]  
310:260-11-4. Plan review [REVOKED]  
Subchapter 13. Special Risk Situations [REVOKED]  
310:260-13-1. Emergency occurrences [REVOKED]  
310:260-13-2. Infection [REVOKED]  
Subchapter 15. Compliance and Enforcement [NEW]  
310:260-15-1. License Required [NEW]  
310:260-15-2. Examination and condemnation of food [NEW]  
310:260-15-3. Variance [NEW]  
310:260-15-4. Documentation of proposed variance and justification [NEW]  
310:260-15-5. When Plans are required [NEW]  
310:260-15-6. Contents of the Plans and Specifications [NEW]  
310:260-15-7. Preoperational inspections [NEW]  
310:260-15-8. Form of submission [NEW]  
310:260-15-9. Qualifications and responsibilities of applicants [NEW]  
310:260-15-10. Contents of the application [NEW]  
310:260-15-11. New, converted, or remodeled establishments [NEW]  
310:260-15-12. Issuance of license [NEW]

310:260-15-13. Denial of application for license, notice [NEW]  
310:260-15-14. Responsibilities of the license holder [NEW]  
310:260-15-15. Licenses not transferable [NEW]  
310:260-15-16. Competency of inspectors [NEW]  
310:260-15-17. Allowed at reasonable times after due notice [NEW]  
310:260-15-18. Refusal, notification of right to access, and final request for access [NEW]  
310:260-15-19. Refusal, reporting [NEW]  
310:260-15-20. Inspection order to gain access [NEW]  
310:260-15-21. Documenting information and observations [NEW]  
310:260-15-22. Specifying time frame for corrections [NEW]  
310:260-15-23. Issuing report and obtaining acknowledgment of receipt [NEW]  
310:260-15-24. Refusal to sign acknowledgment [NEW]  
310:260-15-25. Ceasing operations and reporting [NEW]  
310:260-15-26. Resumption of operations [NEW]  
310:260-15-27. Obtaining information: personal history of illness, medical examination, and specimen analysis [NEW]  
310:260-15-28. Restriction or exclusion of employee with infection [NEW]

### SUMMARY:

A brief summary of the contents and purpose of the rule are provided here.

310:260-1-1. Purpose; citation: The current rule declares a need to regulate food manufacturing to provide uniformity of inspections to protect consumers from adulterated or misbranded foods. The proposed rule implements 63 O.S. Section 1-1101 et seq to protect consumers from adulterated or misbranded foods, and establish definitions, set standards, provides for food establishment plan review, license issuance, inspection, employee restriction, and license suspension.

310:260-1-2. Scope: The current rule sets the criteria in subchapter 3 to determine if facilities, methods, and controls used to manufacture food products are in conformance with good manufacturing practices to ensure that food for human consumption is safe and has been prepared, packaged, salvaged, or held under sanitary conditions. The proposed rule states all criteria in the chapter shall apply to all food manufacturing, processing, packing, holding, transporting, or salvage operations conducted within the State of Oklahoma.

310:260-1-3. Incorporation by reference: The current rule incorporates CFR 21 part 70 through 73A, 74A, 80 through 82B, 100 through 197, 1210, 1220, and 1250, Code of Federal Regulations (CFR), as of April 1, 1991, issued under the Federal Food, Drug and Cosmetic Act of April 1, 1986 are hereby incorporated by reference into this regulation, except: Parts 104.19, 109.5, 170.15, and 171. The proposed rule incorporates by reference, as published on July 1, 2019, a detailed list of CFRs.

310:260-1-6. Definitions: The current rule has a list of definitions established in 1990. The proposed rule adds multiple definitions from the industry, the retail food code, and 21, CFR 110.

310:260-3-1. Personnel: The current rule addresses employee personal hygiene. The proposed rule adds descriptions of open wounds, use of gloves, and protection against allergen cross-contact.

310:260-3-2. Grounds and plants: The current rule provides basic construction standards for a food manufacturing plant. The proposed rule also addresses allergen cross-contact and clarifies shatter-resisting lighting.

310:260-3-3. Sanitary operations: The current rule addresses general sanitary operations, cleaning, use of toxics, pest control, sanitation and storage of food contact surfaces. The proposed rule clarifies language and also addresses allergen cross-contact and sanitation of non-food contact surfaces.

310:260-3-4. Sanitary facilities and controls: The current rule addresses approved water supply, plumbing, sewage disposal, toilet facilities, and trash disposal. The proposed rule clarifies language in regards to each topic.

310:260-3-5. Equipment and utensils: The current rule addresses equipment construction, installation, and use. The proposed rule clarifies language and addresses allergen cross-contact.

310:260-3-6. Processes and controls: The current rule addresses the general sanitation, raw materials, and food manufacturing operations. The proposed rule simplifies and clarifies language, and addresses allergen cross-contact.

Subchapter 5 - Tree Nut~~Pecan~~ Processing: The current rule describes pecan processors. The proposed rule describes tree nut processors.

310:260-5-1. Tree Nut~~Pecan~~ crackers/shellers: The current rule addresses the physical facilities of a pecan cracker establishment and the cleaning, sanitizing, and drying of pecans. The proposed rule allows for all tree nuts, corrects grammar, and eliminates redundant language.

310:260-5-2. Custom Tree Nut~~Pecan~~ crackers: The current rule describes signage and sales tickets required of a custom pecan cracker. The proposed rule expands the rule to custom tree nut processors and corrects language.

310:260-7-1. Merchandise protection: The current rule describes methods of protection from contamination for salvaged foods. The proposed rule corrects language and updates terminology.

310:260-7-2. Movement of distressed merchandise: The current rule addresses the notice to department of the creation or movement of salvaged food. The proposed rule corrects and simplifies language.

310:260-7-3. Reconditioning: The current rule describes what non-salvageable food items are. The proposed rule corrects and simplifies language.

310:260-7-4. Labeling: The current rule describes the label removal and relabeling process. The proposed rule simplifies and clarifies language.

310:260-7-5. Handling of nonsalvageable merchandise: The current rule describes non-salvageable food items and how they must be disposed of. The proposed rule removes the requirement for the Department to supervise the disposal.

310:260-7-6. Record keeping: The current rule describes the records retention process for the salvaged food establishments. The proposed rule changes the time limit from two years from the completion of transactions involving the products to 2 years from receipt of the product.

310:260-7-7. Salvage processors and distributors out-of-state: The current rule describes the requirements of out of state food salvage processors and distributors and requires a permit to be issued from the Department. The proposed rule removes the requirement of a permit from the Department.

310:260-9-1.1. Warehousing and distribution: There is no current rule. The proposed rule addresses the protection of food during storage and transportation against allergen cross-contact, biological, chemical, and physical contamination.

310:260-9-1. Lighting and ventilation: The current rule describes the lighting and ventilation requirements of a warehouse. The proposed rule corrects language.

310:260-9-2. Dry storage: The current rule describes the characteristics of the floors, walls, and ceilings of a dry storage area. The proposed rule corrects language.

310:260-9-3. Cold and Frozen storage: The current rule describes storage requirements for frozen and refrigerated foods. The proposed rule corrects language and updates terminology.

310:260-9-4. Protection of stored food: The current rule addresses pest control, use of rodenticides, storage of toxics, and storage of food items. The proposed rule removes approval of rodenticides and clarifies the storage of foods and toxics.

310:260-9-5. Morgue: The current rule describes the storage and disposal of returned wholesale food items. The proposed rule corrects language.

310:260-9-6. Restroom Toilet and handwashing facilities: The current rule describes the restroom and hand sink requirements of a warehouse establishment. The proposed rule corrects language.

310:260-9-7. Waste storage and disposal: The current rule describes the removal of liquid and physical waste from a warehouse facility. The proposed rule corrects language.

310:260-9-8. Exterior construction: The current rule describes the exterior construction of a warehouse establishment. The proposed rule corrects language.

310:260-9-9. Surroundings: The current rule describes the requirements for the outer premises of a warehouse facility. The proposed rule corrects language.

310:260-9-10. Transportation and storage:

The current rule describes the sanitation and food protection requirements of transport vehicles. The proposed rule corrects language.

## Notices of Rulemaking Intent

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310:260-9-11. Exemptions: The current rule exempts bin warehouses from restroom requirements. The proposed rule corrects language.

Subchapter 11 - Licensing, Inspections and Plan Review: The current rule outlines the plan review, licensing, and inspection process. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

310:260-11-1. Licensing: The current rule outlines the application process, license expiration, and suspension process. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

310:260-11-2. Inspections: The current rule outlines the inspection process. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

310:260-11-3. Examination and condemnation of food: The current rule allows the Department to sample and test food products. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

310:260-11-4. Plan review: The current rule outlines the plan review process. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

Subchapter 13 - Special Risk Situations: The current rule defines what is an emergency occurrence or infection of staff. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

310:260-13-1. Emergency occurrences: The current rule defines an emergency occurrence, what the owner must do, and what the Department must do. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

310:260-13-2. Infection: The current rule defines what an establishment must do when they determine an employee is infectious. There is no proposed rule as this section is revoked and replaced by Subchapter 15.

Subchapter 15 - Compliance and Enforcement: There is no current rule. The proposed rule sets forth plan review, licensing, inspection, enforcement, and variance requirements.

310:260-15-1. License Required: There is no current rule. The proposed rule sets forth the statutory requirement for possession of a license to manufacture or wholesale food and the expiration of the license.

310:260-15-2. Examination and condemnation of food: There is no current rule. The proposed rule allows the Department to sample and test food products.

310:260-15-3. Variance: There is no current rule. The proposed rule allows for a variance to be granted in regards to a section of this chapter.

310:260-15-4. Documentation of proposed variance and justification: There is no current rule. The proposed rule defines what is required in a variance application.

310:260-15-5. When Plans are required: There is no current rule. The proposed rule defines the stages at which a plan review must be conducted.

310:260-15-6. Contents of the Plans and Specifications: There is no current rule. The proposed rule describes what is to be included in a plan review application.

310:260-15-7. Preoperational inspections: There is no current rule. The proposed rule allows the Department to make preoperational inspections.

310:260-15-8. Form of submission: There is no current rule. The proposed rule defines how a prospective business owner must apply for a license.

310:260-15-9. Qualifications and responsibilities of applicants: There is no current rule. The proposed rule defines who may own an establishment regulated under this chapter.

310:260-15-10. Contents of the application: There is no current rule. The proposed rule describes what must be on the license application.

310:260-15-11. New, converted, or remodeled establishments: There is no current rule. The proposed rule describes what is required for a new, converted, or remodeled establishment to obtain a license.

310:260-15-12. Issuance of license: There is no current rule. The proposed rule describes who the Department will issue the license to.

310:260-15-13. Denial of application for license, notice: There is no current rule. The proposed rule describes how the Department will notify the applicant.

310:260-15-14. Responsibilities of the license holder: There is no current rule. The proposed rule describes what a license holder must do to remain in good standing.

310:260-15-15. Licenses not transferable: There is no current rule. The proposed rule forbids the transfer of a license between owners.

310:260-15-16. Competency of inspectors: There is no current rule. The proposed rule defines the professional licensing requirements of inspectors.

310:260-15-17. Allowed at reasonable times after due notice: There is no current rule. The proposed rule defines the times at which an inspection may be conducted.

310:260-15-18. Refusal, notification of right to access, and final request for access: There is no current rule. The proposed rule describes the process that begins when an inspection is denied.

310:260-15-19. Refusal, reporting: There is no current rule. The proposed rule describes how the inspector shall report the refusal of an inspection.

310:260-15-20. Inspection order to gain access: There is no current rule. The proposed rule allows the Department to issue an order to allow inspection.

310:260-15-21. Documenting information and observations: There is no current rule. The proposed rule describes what is recorded on the inspection sheet.

310:260-15-22. Specifying time frame for corrections: There is no current rule. The proposed rule allows the Department to specify a time frame for correction.

310:260-15-23. Issuing report and obtaining acknowledgment of receipt: There is no current rule. The proposed rule describes providing the establishment with a copy of the inspection.

310:260-15-24. Refusal to sign acknowledgment: There is no current rule. The proposed rule describes what happens when the person in charge refuses to sign the inspection sheet.

310:260-15-25. Ceasing operations and reporting: There is no current rule. The proposed rule defines situations in which an establishment shall cease food preparation activities.

310:260-15-26. Resumption of operations: There is no current rule. The proposed rule describes what the business owner must do prior to reopening after an imminent health hazard.

310:260-15-27. Obtaining information: personal history of illness, medical examination, and specimen analysis: There is no current rule. The proposed rule allows the Department to request information if an employee is suspected of being contagious.

310:260-15-28. Restriction or exclusion of employee with infection: There is no current rule. The proposed rule allows the Department to restrict the work activities of an employee who is contagious.

**AUTHORITY:**

Oklahoma State Commissioner of Health; Title 63 O.S. §1-104, Title 63 O.S. § 1-1101 et seq., and Title 63 O.S. § 1-1119.

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

*[OAR Docket #19-934; filed 12-13-19]*

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

*[OAR Docket #19-935]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Disease and Injury Reporting

310:515-1-1.1. Definitions [AMENDED]

310:515-1-4. Additional diseases, conditions, and injuries to be reported [AMENDED]

**SUMMARY:**

The proposal updates the existing rules in accordance with recommendations from the Council of State and Territorial Epidemiologists (CSTE), the Centers for Disease Control and Prevention, and local health care partners pertaining to reportable diseases and injuries. The proposal amends the lists of reportable diseases and injuries, in order to clarify those conditions and diseases that are required to be reported to the Department. The proposal revises the list of conditions of public health importance that require investigation and implementation of prevention activities and time frames for required reporting and requiring all laboratories and providers to report lymphogranuloma venereum (LGV) which is a type of chlamydia' bacteria that attacks the lymphatic system. The additional specification of LGV will ensure that Oklahoma can better describe the type of infections or outbreaks that are occurring within the state and monitor the trends.

These changes minimally increase the reporting burden placed upon clinicians and laboratories, and do not adversely affect the public health disease control and prevention activities. Not only do these reports allow us to identify cases which have not previously been reported, but it allows subject matter experts to provide information to providers

## Notices of Rulemaking Intent

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and/or parents regarding appropriate retesting, referral, and treatment options.

**AUTHORITY:**

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

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, beginning at 9AM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

[OAR Docket #19-935; filed 12-13-19]

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

[OAR Docket #19-936]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

310:528-1-3. Services [AMENDED]

310:528-1-4. Eligibility requirements [AMENDED]

**SUMMARY:**

310:528-1-3. Services: the Program requests to add bullet (g) which will state: "*Services will be prioritized to Children First Mothers whose household income is no greater than 185% of the federal poverty level. No more than 15% of a nurse home visitor's caseload should be above 185% of the federal poverty level.*"

310:528-1-4. Eligibility Requirements: the Program requests to strike "*have a household income no greater than 185% above the Federal Poverty Level*" in the introduction and add "*be within the prioritized services as set forth in 310:528-1-3, and*".

**AUTHORITY:**

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

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed

rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

*[OAR Docket #19-936; filed 12-13-19]*

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

*[OAR Docket #19-937]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 310:531-1-2. Authority [AMENDED]
- 310:531-1-3. Definitions [AMENDED]
- Subchapter 5. Vision Screening Standards for Children
- 310:531-5-2. Oklahoma Vision Screening Standards [AMENDED]
- 310:531-5-5. Re-approval of vision screening providers [AMENDED]
- 310:531-5-6. Approval of vision screening trainers [AMENDED]
- 310:531-5-7. Re-approval of vision screening trainers [AMENDED]
- 310:531-5-8. Approval of vision screening trainers of trainers [REVOKED]
- 310:531-5-9. Re-approval of vision screening trainers of trainers [REVOKED]

**SUMMARY:**

Revisions to this chapter are necessary to assure compliance with the latest recommended guidelines and national standards, and include removal of tools that are no longer recommended. Changes include allowing the use of photo screeners for children under 72 months of age. These rule changes also permit the Oklahoma State Department of Health (Department) to determine "any vision screening tool determined by the Department to be a comparably effective and efficient

screening tool" enabling the Department to approve use of future evidence-based screening technology or tool as new peer-reviewed research becomes available and tools are recommended by experts in the field.

**AUTHORITY:**

Commissioner of the Oklahoma State Department of Health; Title 63 O.S. § §1-103, 103a.1, 1-104 and 1-106 et seq.; 70 O.S. § 1210.284

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

## Notices of Rulemaking Intent

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Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

*[OAR Docket #19-937; filed 12-13-19]*

### **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 535. IMMUNIZATION REGULATIONS**

*[OAR Docket #19-938]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. Childhood Immunizations

310:535-1-2. Criteria for immunizations required [AMENDED]

310:535-1-3. Criteria for immunizations required for daychild care [AMENDED]

#### **SUMMARY:**

The proposed changes modify the process for obtaining and submitting religious and personal vaccine exemptions for children enrolled in Oklahoma schools or child care centers. Religious and personal exemptions may be obtained after receiving an approved brief educational presentation provided by any local county health department regarding the risks associated with not being vaccinated and the benefits vaccinations provide to the individual and the community. To be approved, the completed exemption form along with evidence of completed instruction is required.

The school shall maintain a copy of the approved exemption in the child's records. The proposed rule requires that exemptions submitted prior to a student entering 7<sup>th</sup> grade expire at the end of the student's 6<sup>th</sup> grade year. A new exemption is required to be completed and submitted to the Oklahoma State Department of Health by the parent or guardian prior to enrolling the child in 7<sup>th</sup> grade.

The proposed rule creates an expiration date to exemptions before entry to seventh grade and a new exemption form should be submitted to the department. Religious and personal exemptions may be obtained after submitting a completed exemption form and attending a brief instructional presentation regarding the value of vaccination and the risks of not being vaccinated.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

#### **PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 5, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 1 PM to 4 PM. The alternate date and time in the event of an office closure due to inclement weather is March 9, 2020, in room 1102, from 1 PM to 4 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

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

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

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

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

#### **CONTACT PERSONS:**

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

*[OAR Docket #19-938; filed 12-13-19]*

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

*[OAR Docket #19-939]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

310:540-1-2. Definitions [AMENDED]

310:540-1-3. Guidelines [AMENDED]

**SUMMARY:**

310:540-1-2. A few terms and definitions were added/revised for clarity and references. This includes "newborn screening filter paper", "other health care provider", "other qualified individual" and "subsequent hearing screening". 310:540-1-3. The current rule references "regional sites" for follow-up screenings. However, regional sites no longer exist due to the expansion of screening capabilities at local county health departments and other health care provider locations. This proposal expands screening options for Oklahoma families to assist infants in receiving recommended follow-up. This proposal sets forth parameters to ensure national guidelines are met for screening by one month of life and hearing loss diagnosis by three months of life. The proposal establishes the manner and timeframe deemed appropriate by the Oklahoma State Department of Health to report hearing screening and diagnostic results as reporting results can guide individualized case management needs of infants through the early hearing detection and early intervention process. The proposal updates the current rule regarding when a newborn can be referred to audiologist for diagnostic hearing evaluation so that language reflects recommendations by the national Joint Committee on Infant Hearing.

**AUTHORITY:**

Oklahoma State Commissioner of Health; Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1905(A)

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from to 9AM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed

rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

*[OAR Docket #19-939; filed 12-13-19]*

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

*[OAR Docket #19-940]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Drug Screen Testing Facilities  
310:638-5-2. Personnel [AMENDED]

**SUMMARY:**

An amendment is provided to update the minimum personnel qualifications of the Director of Drug Screen Testing Facilities. This action will expand eligibility requirements for this role to allow for varied education, experience, and professional certifications.

**AUTHORITY:**

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

**COMMENT PERIOD:**

February 3, 2020 through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. Section 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is

## Notices of Rulemaking Intent

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March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

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

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSONS:**

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

*[OAR Docket #19-940; filed 12-13-19]*

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

*[OAR Docket #19-941]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 17. Stretcher Aid Van Service
- 310:641-17-19. Sole source ordinances [AMENDED]
- 310:641-17-20. Suspension, revocation, probation, or non-renewal of a licensee [AMENDED]

### **SUMMARY:**

Throughout Subchapter 17, "Stretcher Aid Vans" is renamed to "Stretcher Vans" and "patient" is changed to "passenger" pursuant to current statutory definitions and nomenclature.

### **AUTHORITY:**

State Commissioner of Health; Title 63 O.S., §1-104; 63 O.S., §1-2511 (8)

### **COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

### **PUBLIC HEARING:**

Pursuant to 75 O.S., §303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

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

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSONS:**

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

*[OAR Docket #19-941; filed 12-13-19]*

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

[OAR Docket #19-942]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

The amendments impose a direct-care service ratio of staff to residents based on a twenty-four hour schedule.

**AUTHORITY:**

Commissioner of Health; Title 63 O.S. § 1-104 ; Nursing Home Care Act, Title 63 O.S. §§ 1900, 1-901 *et seq.*

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

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

[OAR Docket #19-942; filed 12-13-19]

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

[OAR Docket #19-943]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 310:681-1-1. Purpose [AMENDED]
- 310:681-1-2. Regulatory program established [AMENDED]
- 310:681-1-3. Limitations of licenses [AMENDED]
- 310:681-1-4. Definitions [AMENDED]
- 310:681-1-5. Criminal history screening [AMENDED]
- 310:681-1-6. Proof of residency [AMENDED]
- 310:681-1-7. Proof of identify [AMENDED]
- 310:681-1-8. Applicant photograph [AMENDED]
- 310:681-1-9. Recommending physician registration [AMENDED]
- 310:681-1-9.1. Recommending physician standards [AMENDED]
- Subchapter 2. Medical Marijuana Licenses
- 310:681-2-1. Application for patient license [AMENDED]
- 310:681-2-2. Application for patient license for persons under age eighteen (18) [AMENDED]
- 310:681-2-3. Application for caregiver's license [AMENDED]
- 310:681-2-3.1. Withdrawal of a caregiver's authorization [AMENDED]
- 310:681-2-4. Application for temporary patient license [AMENDED]
- 310:681-2-5. Term and renewal of medical marijuana license [AMENDED]
- 310:681-2-8. Possession limits [NEW]
- 310:681-2-9. Prohibited Acts and penalties [NEW]
- 310:681-2-10. Confidential patient information [NEW]
- Subchapter 3. Transportation License

## Notices of Rulemaking Intent

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310:681-3-1. License for transportation of medical marijuana [AMENDED]  
310:681-3-2. Requirements for transportation of marijuana [AMENDED]  
310:681-3-3. Transporter agent license [NEW]  
310:681-3-4. Employer deactivation of transporter agent license [NEW]  
310:681-3-5. Information contained on a transporter agent license [NEW]  
310:681-3-6. Inventory manifests [NEW]  
Subchapter 4. Medical Research License [NEW]  
310:681-4-1. License required [NEW]  
310:681-4-1.1. Responsibilities of the license holder [NEW]  
310:681-4-2. Licenses [NEW]  
310:681-4-3. Applications [NEW]  
310:681-4-4. Inspections [NEW]  
310:681-4-5. Inventory tracking, records, and reports [NEW]  
310:681-4-6. Penalties [NEW]  
Subchapter 5. Commercial Establishments  
310:681-5-1. License required [AMENDED]  
310:681-5-1.1. Responsibilities of the license holder [AMENDED]  
310:681-5-2. Licenses [AMENDED]  
310:681-5-3. Applications [AMENDED]  
310:681-5-3.1. Proof of residency for commercial licensees [NEW]  
310:681-5-3.2. Persons prohibited from holding a commercial license [NEW]  
310:681-5-4. Inspections [AMENDED]  
310:681-5-6. Inventory tracking, records, reports, and audits [AMENDED]  
310:681-5-6.1. Penalties [AMENDED]  
310:681-5-8. Composition of medical marijuana industry expert board/food safety standards board [AMENDED]  
310:681-5-8.1. Food safety standards for processors [AMENDED]  
310:681-5-9. Standards for handling and processing medical marijuana and medical marijuana products [AMENDED]  
310:681-5-10. Medical marijuana waste disposal [AMENDED]  
310:681-5-12. Marijuana transaction limitations [AMENDED]  
310:681-5-17. Entry to commercial establishments [AMENDED]  
310:681-5-18. Prohibited acts [AMENDED]  
Subchapter 6. Commercial Facilities  
310:681-6-1. General security requirements for commercial establishment [AMENDED]  
310:681-6-2. Construction of premises [AMENDED]  
Subchapter 7. Packaging and Labeling  
310:681-7-1. Labeling [AMENDED]  
310:681-7-2. Prohibited products [AMENDED]  
310:681-7-3. Advertising [NEW]

Subchapter 8. Laboratory Testing [NEW]  
310:681-8-1. Testing standards and thresholds [NEW]  
310:681-8-2. General operating requirements and procedures [NEW]  
310:681-8-3. Sampling requirements and procedures [NEW]  
310:681-8-4. Laboratory quality assurance and quality control [NEW]  
310:681-8-5. Quality assurance laboratory [NEW]  
Subchapter 9. Waste Disposal Facilities [NEW]  
310:681-9-1. License or permit required [NEW]  
310:681-9-1.1. Responsibilities of the license or permit holder [NEW]  
310:681-9-2. Licenses and permits [NEW]  
310:681-9-3. License applications [NEW]  
310:681-9-4. Permit applications [NEW]  
310:681-9-5. Inspections [NEW]  
310:681-9-6. Security requirements [NEW]  
310:681-9-7. Audits and inventory [NEW]  
310:681-9-8. Penalties [NEW]  
310:681-9-9. Waste disposal [NEW]  
Subchapter 10. Receivership [NEW]  
310:681-10-1. Certificate of Authority [NEW]  
310:681-10-2. Term and renewal of Certificate of Authority [NEW]  
310:681-10-3. Responsibilities of the Certificate of Authority holder [NEW]  
310:681-10-4. Revocation of Certificate of Authority [NEW]  
Appendix A. Testing Thresholds [NEW]  
Appendix B. Lab Quality Control Results [NEW]

### SUMMARY:

The proposed new and amended rules contain emergency rules that the Oklahoma State Department of Health proposes to adopt as permanent rules. The proposed rulemaking would make permanent the 2019 emergency rules at OAC 310:681 which the Department adopted to fulfill requirements and to provide procedures and processes necessary to implement legislative changes mandated by SB162, HB2612, HB2601, SB882, HB2613, SB 532, and SB1030, as codified under 63 O.S. §§ 420 *et seq.*, 63 O.S. §§ 427.1 *et seq.*, 63 O.S. §§ 427a *et seq.* Patient license changes include the removal of board certification as a requirement for physicians recommending medical marijuana, as well as the addition of physicians licensed by the Board of Podiatric Medical Examiners as physicians that can provide recommendations. The requirement that patients smile with their mouth closed in their picture has been removed. The processing time for patient licenses changed from 14 calendar days to 14 business days, and a reduced application fee for 100% disabled veterans has been established. Medical marijuana business changes that are addressed in the proposed permanent rules include adding a definition for business licensee to be consistent with 63 O.S. §427.14, the increased application processing timeline, renewal application process, new residency documentation requirements, and approved waste disposal method to destroy

root balls, stems, fan leaves, and seeds. Additionally, medical marijuana businesses will need to provide a certificate of compliance with zoning classifications, municipal ordinances, and all applicable safety, electrical, fire, plumbing, waste, construction, and building specification codes. The definition of school is modified to now include preschools for the purposes of the 1,000 feet requirement for dispensaries. The proposed rules establish new business compliance components that include the authority for certain business types to sell to other business types, the requirement to participate in a seed-to-sale inventory tracking system, to test harvest and product batches, and to comply with new packaging and labeling requirements. The proposed permanent rules address several new license categories: transporter, transporter agent, short-term patient, research facility, education facility, testing laboratory, and waste disposal facility (including waste disposal permits). The rule proposals include provisions for testing laboratory operating requirements and sampling requirements. It also modifies testing requirements and testing thresholds and provides provisions regarding remediation of medical marijuana and medical marijuana products. The proposed rules also include provisions related to a quality assurance laboratory for oversight of licensed testing laboratories and inventory management for current and new license.

**AUTHORITY:**

Commissioner of Health; Title 63 O.S. § 1-104, Title 63 O.S. §§ 420 *et seq.*, Title 63 O.S. §§ 427.1 *et seq.*, 63 O.S. §§ 427a *et seq.*

**COMMENT PERIOD:**

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 5, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 9, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional

services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from the contact person identified below or via the agency website at [www.ok.gov/health](http://www.ok.gov/health).

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSONS:**

Audrey C. Talley, Agency Rules Liaison, Oklahoma State Department of Health, 1000 N. E. 10<sup>th</sup> Street, Oklahoma City, OK 73117-1207; phone (405) 271-9444 ext. 56535, e-mail [AudreyT@health.ok.gov](mailto:AudreyT@health.ok.gov).

*[OAR Docket #19-943; filed 12-13-19]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS**

*[OAR Docket #19-953]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

317:2-1-17 [NEW]

(Reference APA WF # 19-13A)

**SUMMARY:**

The proposed revisions will implement an administrative appeals process for disputed long-term care facility cost reporting adjustments and streamline the audit process.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Senate Bill 280

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-953; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS

*[OAR Docket #19-958]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

317:2-1-2 [AMENDED]

317:2-1-6 [REVOKED]

317:2-1-13 [AMENDED]

317:2-1-18 [NEW]

(Reference APA WF # 19-19A)

### SUMMARY:

The proposed rule changes will comply with Oklahoma Senate Bill (SB) 509, which was signed into law on April 16, 2019. SB 509 directed the Oklahoma Health Care Authority (OHCA) to revise current step therapy protocols for medications approved by the Drug Utilization Review (DUR) Board and provide for exceptions to the drug step therapy protocol. The exception applies to cases when: the required prescribed drug will likely cause an adverse reaction or harm; the prescription drug will likely be ineffective; the patient has already tried the prescription drug and discontinued use; or the prescription drug is not in the best interest of the patient; or the patient is stable on another prescription drug. Further, revisions will establish an appeals process for step

therapy exception requests that have been denied. Other revisions are needed to correct outdated language.

### AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board, SB 509

### COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### PUBLIC HEARING:

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-958; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 25. SOONERCARE CHOICE

*[OAR Docket #19-970]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 7. SoonerCare
- Part 1. General Provisions
- 317:25-7-2 [AMENDED]
- 317:25-7-3 [AMENDED]
- 317:25-7-5 [AMENDED]
- Part 3. Enrollment Criteria
- 317:25-7-10 [AMENDED]
- 317:25-7-13 [AMENDED]
- Part 5. Enrollment Process
- 317:25-7-25 [AMENDED]
- 317:25-7-26 [AMENDED]
- 317:25-7-27 [AMENDED]
- 317:25-7-28 [AMENDED]
- Part 7. Coordination and Continuity of Care
- 317:25-7-29 [REVOKED]
- 317:25-7-30 [AMENDED]
- Part 9. Reimbursement
- 317:25-7-40 [AMENDED]
- Subchapter 9. Health Access Networks
- 317:25-9-1 [AMENDED]
- 317:25-9-2 [AMENDED]
- 317:25-9-3 [AMENDED]
- Subchapter 11. Health Management Program [NEW]
- 317:25-11-1 [NEW]
- 317:25-11-2 [NEW]
- 317:25-11-3 [NEW]

(Reference APA WF # 19-41A)

**SUMMARY:**

The proposed revisions to the 1115(a) waiver, rules, and the Medicaid State Plan establish new provider requirements as well as a new care coordination payment structure for Patient-Centered Medical Homes (PCMH). For I/T/Us, the proposed revisions will create a new care coordination monthly payment of \$10 per member per month. Further revisions update the Health Access Networks (HAN) policy and add a new subsection of policy to address the Health Management Program (HMP). Currently, the OHCA is working with stakeholders on additional recommendations and plans to have proposed changes implemented by October 2020. All proposed changes are contingent upon approval and funding from the Centers for Medicare and Medicaid Services (CMS).

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be

allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-970; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-947]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. General Provider Policies
- Part 4. Early and Periodic Screening, ~~Diagnosis~~ Diagnostic and Treatment (EPSDT) Program/Child-Health Services
- 317:30-3-65.12 [NEW]
- Subchapter 5. Individual Providers and Specialties
- Part 1. Physicians
- 317:30-5-2 [AMENDED]
- Part 35. Rural Health Clinics
- 317:30-5-355.1 [AMENDED]
- 317:30-5-357 [AMENDED]
- Part 37. Advanced Practice Registered Nurse
- 317:30-5-376 [AMENDED]
- Part 75. Federally Qualified Health Centers
- 317:30-5-664.1 [AMENDED]

## Notices of Rulemaking Intent

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Part 108. Nutrition Services

317:30-5-1076 [AMENDED]

Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us)

317:30-5-1090 [AMENDED]

Part 112. Public Health Clinic Services

317:30-5-1154 [AMENDED]

**(Reference APA WF # 19-03)**

### SUMMARY:

The proposed rule changes will establish coverage and reimbursement for ABA services as an Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit. The proposed language will define scope of service, medical necessity, intervention criteria, and extension requests for continued services. Additionally, the proposed rule changes will define provider criteria and credentialing requirements for Board Certified Behavior Analyst® (BCBA®), Board Certified Assistant Behavior Analyst® (BCaBA®), Registered Behavior Technician™ (RBT®) and human services professionals. Other revisions will involve limited rewriting aimed at clarifying text and updating outdated policy sections. Additionally, the proposed rule changes will clarify how Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us) obstetrical (OB) providers should bill for OB care. I/T/Us have the option of either billing for OB encounters or a bundled rate for total OB care. The clarification will require I/T/Us to be specific when choosing a billing method as they are only allowed to choose one of the billing methods. Finally, the proposed changes will establish new service limitations and requirements for OB services.

### AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

### COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

### PUBLIC HEARING:

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-947; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-948]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 83. ~~Residential~~ ~~Behavior~~ ~~Management~~  
Services Therapeutic Foster Care

317:30-5-740 [AMENDED]

317:30-5-740.1 [AMENDED]

317:30-5-740.2 [AMENDED]

317:30-5-741 [AMENDED]

317:30-5-742 [AMENDED]

317:30-5-742.1 [AMENDED]

317:30-5-742.2 [AMENDED]

317:30-5-743.1 [AMENDED]

317:30-5-744 [AMENDED]

317:30-5-745 [AMENDED]

317:30-5-746 [AMENDED]

Part 84. Intensive Treatment Family Care [NEW]

317:30-5-750 [NEW]

317:30-5-750.1 [NEW]

317:30-5-750.2 [NEW]

317:30-5-751 [NEW]

317:30-5-752 [NEW]

317:30-5-753 [NEW]

317:30-5-754 [NEW]

317:30-5-755 [NEW]

317:30-5-756 [NEW]

317:30-5-757 [NEW]

**(Reference APA WF # 19-05)**

**SUMMARY:**

The proposed rule changes will align the Therapeutic Foster Care policy with current practice. Revisions will also add new language establishing a more intensive treatment program for children in Oklahoma Department of Human Services and Oklahoma Juvenile Affairs custody known as Intensive Treatment Family Care (ITFC). ITFC is a Therapeutic Foster Care model that addresses children complex/severe behavioral and emotional health disorders. ITFC utilizes a team approach of professionals including therapists, care coordinators, and foster parents to provide the intensive treatment services in a family care setting. The proposed revisions will define ITFC, member criteria for the provision of ITFC services, provider participation and credentialing requirements, program coverage, and program limitations. Lastly, the proposed revisions will establish reimbursement methodology and applicable rates for ITFC services.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-948; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-949]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 3. Hospitals
- 317:30-5-42.1 [AMENDED]
- Part 109. Diabetes Self-Management Training [NEW]
- 317:30-5-1080 [NEW]
- 317:30-5-1081 [NEW]
- 317:30-5-1082 [NEW]
- 317:30-5-1083 [NEW]
- 317:30-5-1084 [NEW]

(Reference APA WF # 19-06)

**SUMMARY:**

The proposed rule changes will establish Diabetes Self-Management Training (DSMT) as a new benefit in the SoonerCare program. DSMT is an educational disease management benefit designed to teach members how to successfully manage and control his/her diabetes. The proposed rule changes will outline member eligibility, program coverage and limitations, provider requirements and reimbursement.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-949; filed 12-18-19]*

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### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-952]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-22.1 [AMENDED]

Part 3. Hospitals

317:30-5-42.11 [AMENDED]

(Reference APA WF # 19-12)

### SUMMARY:

The proposed rule revisions will allow Family Practice Physicians - Obstetrics (FPOB) to evaluate and treat a subset of diagnosis presently allowed to board certified/board eligible OBGYNs. The FP/OB will be required to meet certain criteria such as board certification, residency training in obstetrics, and be credentialed at a hospital for obstetrical care. This rule will expand access to care in rural areas of Oklahoma. In addition, revisions will include updating policy to reflect current business practices.

### AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003

through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

### COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### PUBLIC HEARING:

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-952; filed 12-18-19]*

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### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-954]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long-Term Care Facilities

317:30-5-132 [AMENDED]

317:30-5-132.1 [NEW]  
317:30-5-132.2 [NEW]  
317:30-5-136.1 [AMENDED]  
**(Reference APA WF # 19-13B)**

**SUMMARY:**

The proposed revisions will increase rates and recalculate the Quality of Care fee for regular long-term care facilities and long-term care facilities serving residents with Acquired Immune Deficiency Syndrome. Revisions will establish new quality measures and criteria as well as recalculate the incentive reimbursement rate plan for long-term care facilities participating in the Pay-for-Performance program. In addition, revisions will direct certain redistribution of funds; update staffing ratios; establish an advisory group; and increase the personal needs allowance for residents of long-term care facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs).

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Senate Bill 280

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-954; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-955]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 35. Rural Health Clinics  
317:30-5-359.1 [AMENDED]  
317:30-5-359.2 [AMENDED]  
**(Reference APA WF # 19-15)**

**SUMMARY:**

The proposed rule changes will update policy to come into compliance with the Benefits Improvement and Protection Act (BIPA) of 2000. This provision creates a revised Medicaid prospective payment system for Rural Health Clinics (RHCs). The revised payment methodology for RHCs will increase and expand access to care in rural areas. Further revisions will update policy to reflect current business practices.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; BIPA Act 2000

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

## Notices of Rulemaking Intent

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the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-955; filed 12-18-19]*

### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-956]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties  
Part 21. Outpatient Behavioral Health Agency Services  
317:30-5-241.6 [AMENDED]  
(Reference APA WF # 19-16)

### SUMMARY:

The proposed rule change, requested by the ODMHSAS, will increase the Behavioral Health Targeted Case Management (TCM) monthly limits that are reimbursable by SoonerCare. The TCM limits will be increased from sixteen (16) units per member per year to twelve (12) units per member per month. Other revisions will align case management policy with current practice and correct grammatical errors.

### AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

### COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### PUBLIC HEARING:

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care

Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-956; filed 12-18-19]*

### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-957]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties  
Part 5. Pharmacies  
317:30-5-86 [AMENDED]  
(Reference APA WF # 19-18)

### SUMMARY:

The proposed rule changes will comply with 42 USC § 1396a(oo), which requires State Medicaid agencies to implement newly-required Drug Utilization Review (DUR) Program activities to better monitor opioid prescribing and dispensing patterns. Opioid safety edits will be implemented to alert pharmacists of potential concerns with a medication prescribed for a member, that have to be resolved before it can be dispensed and safely taken by the member. Additionally, a claims review automated process will be in place to identify refills in excess of state limits and monitor concurrent prescribing of opioids and benzodiazepines and/or antipsychotics. Furthermore, the Oklahoma Health Care Authority (OHCA) will implement a program to monitor the

use of antipsychotic medications by members aged eighteen (18) and younger, including foster children. Lastly, the OHCA will implement a process to identify potential fraud and abuse of controlled substances by members, health care professionals prescribing drugs to members, and pharmacies dispensing drugs to members.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 USC § 1396a(o)

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

*[OAR Docket #19-957; filed 12-18-19]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #19-959]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 5. Pharmacies

317:30-5-77.2 [AMENDED]

317:30-5-77.3 [AMENDED]

317:30-5-77.4 [NEW]

**(Reference APA WF # 19-19B)**

**SUMMARY:**

The proposed rule changes will comply with Oklahoma Senate Bill (SB) 509, which was signed into law on April 16, 2019. SB 509 directed the Oklahoma Health Care Authority (OHCA) to revise current step therapy protocols for medications approved by the Drug Utilization Review (DUR) Board and provide for exceptions to the drug step therapy protocol. The exception applies to cases when: the required prescribed drug will likely cause an adverse reaction or harm; the prescription drug will likely be ineffective; the patient has already tried the prescription drug and discontinued use; or the prescription drug is not in the best interest of the patient; or the patient is stable on another prescription drug. Further, revisions will establish an appeals process for step therapy exception requests that have been denied. Other revisions are needed to correct outdated language.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board, SB 509

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred

## Notices of Rulemaking Intent

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by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-959; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-960]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. General Provider Policies  
Part 1. General Scope and Administration  
317:30-3-5 [AMENDED]  
Subchapter 5. Individual Providers and Specialties  
Part 5. Pharmacies  
317:30-5-72 [AMENDED]  
317:30-5-77.1 [AMENDED]  
(Reference APA WF # 19-20)

### SUMMARY:

The proposed rule changes will remove prescription limits of certain frequently monitored prescription drugs and Medication-Assisted Treatment (MAT) drugs for opioid use disorder. The proposed rule changes will also remove co-payments for MAT drugs. Additional rule changes will amend prescription quantity limits when a product is on the maintenance drug list. The proposed rule changes will allow certain products to be dispensed in quantities of up to a 90-day supply. Other revisions will align administrative rules regarding cost sharing exemptions for AI/AN members with Oklahoma's Medicaid State Plan language and Federal Regulation at 42 CFR § 447.56(a)(x). Lastly, revisions will align policy with current practice and correct grammatical errors.

### AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; and 42 CFR § 447.56(a)(1)(x)

### COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### PUBLIC HEARING:

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-960; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-961]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians

317:30-5-20 [AMENDED]  
317:30-5-20.1 [AMENDED]  
(Reference APA WF # 19-24)

**SUMMARY:**

The proposed revisions update urine drug screening policy by removing the word urine, in order to clarify that this policy applies to multiple specimens and not just urine specimens. Additionally, the proposed revisions update laboratory services policy to clarify that laboratory testing for routine diagnostic or screening tests are compensable when they are recommended by the clinical guidelines of nationally recognized medical professional academies or societies, and those sources meet medical necessity criteria, as outlined in Oklahoma Health Care Authority rules.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 42 CFR § 440.230; and 42 CFR § 411.15

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-961; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-962]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians  
317:30-5-20.2 [NEW]

(Reference APA WF # 19-25)

**SUMMARY:**

The proposed rule changes will establish guidelines to assure medical necessity and consistency in the prior authorization (PA) process for Polymerase Chain Reaction (PCR) testing. The guidelines include criteria to meet medical necessity and required documentation for approval of the PA.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; and 42 CFR § 440.230

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

## Notices of Rulemaking Intent

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in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-962; filed 12-18-19]*

### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-964]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 33. Transportation by Ambulance

317:30-5-344 [NEW]

(Reference APA WF # 19-27)

### SUMMARY:

The proposed rule changes will establish rules consistent with the Oklahoma State Plan which outlines the Ground Emergency Medical Transportation (GEMT) Supplemental Payment Program. The GEMT is a voluntary program which provides supplemental payments to eligible providers for specific allowable and uncompensated costs incurred for providing ground ambulance services to SoonerCare recipients and certified on an annual cost report. Payments are made in the form of an interim payment and a later reconciliation payment (i.e. settle-up payment).

### AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 42 C.F.R. § 414.605; and 63 O.S. § 3242

### COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### PUBLIC HEARING:

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-964; filed 12-18-19]*

### TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-966]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Services

317:30-5-94 [NEW]

317:30-5-95 [AMENDED]

317:30-5-95.4 [AMENDED]

317:30-5-95.14 [AMENDED]

317:30-5-95.22 [AMENDED]

317:30-5-95.24 [AMENDED]

317:30-5-95.29 [AMENDED]

317:30-5-95.30 [AMENDED]

317:30-5-95.31 [AMENDED]

317:30-5-95.33 [AMENDED]

317:30-5-95.34 [AMENDED]

317:30-5-95.35 [AMENDED]

317:30-5-95.37 [AMENDED]

- 317:30-5-95.38 [AMENDED]
- 317:30-5-95.40 [AMENDED]
- 317:30-5-95.41 [AMENDED]
- 317:30-5-95.42 [AMENDED]
- 317:30-5-96.2 [AMENDED]
- 317:30-5-96.3 [AMENDED]

(Reference APA WF # 19-32)

**SUMMARY:**

The proposed rule changes will amend Inpatient Psychiatric Services policy for members under twenty-one (21) years of age to reflect current practice, update obsolete references, and reorganize sections for consistent application of policy. Revisions will clarify levels of care such as Acute, Acute II, and PRTF. Furthermore, the proposed rule changes will address SQR findings of deficiency regarding Inpatient Psychiatric Facilities' compliance with Federal Regulations and OHCA administrative rules. These rule changes will assess a full or partial recoupment of paid claims, at the discretion of the OHCA, based on the severity of the deficiencies. Additionally, the proposed revisions will address corrective action plans and requests for reconsideration of deficiency/recoupment findings. Finally, the proposed rule changes will create a general specialty add-on payment for children and adolescents with specialized treatment needs who are being served in a PRTF, Acute II unit of a psychiatric hospital and general hospital with an Acute II psychiatric unit.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-966; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-969]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 80. Mobile and/or Portable Dental Treatment Facilities
- [NEW]
- 317:30-5-706 [NEW]
- 317:30-5-707 [NEW]
- 317:30-5-708 [NEW]
- 317:30-5-709 [NEW]
- 317:30-5-710 [NEW]
- 317:30-5-711 [NEW]

(Reference APA WF # 19-37)

**SUMMARY:**

The proposed revisions will add coverage and reimbursement for preventive dental services received through mobile and portable dental treatment facilities. Additionally, revisions will add provider participation requirements pursuant to the Oklahoma State Dentistry Act and the Oklahoma Health Care Authority contracting requirements, while also defining coverage and limitations for preventive dental services, billing requirements, basic consent form requirements, and follow-up care requirements.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007(C)(2) of Title 63 of Oklahoma Statutes; Title 42 of the Code of Federal Regulations (CFR), Part 441, Subpart B; Oklahoma State Dentistry Act and the Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

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

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### **CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-969; filed 12-18-19]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #19-972]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 8. Rehabilitation Hospitals

317:30-5-111 [AMENDED]

317:30-5-112 [AMENDED]

(Reference APA WF # 19-42)

### **SUMMARY:**

The proposed revisions will increase the number of covered inpatient rehabilitation hospital days for adult SoonerCare members from 24 days per state fiscal year to 90 days per state fiscal year. Changes are needed to meet the health care needs

of SoonerCare members by increasing access to stabilization services in an inpatient rehabilitation setting.

### **AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

### **COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

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

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### **CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-972; filed 12-18-19]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #19-973]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
317:30-1-3 [AMENDED]  
317:30-1-4 [NEW]

(Reference APA WF # 19-43A)

**SUMMARY:**

The proposed rule changes will add definitions to clarify what the OHCA views as a child and an adult, unless otherwise specified by federal and/or state law. Additional revisions will involve limited rewriting aimed at clarifying text; fixing any grammatical errors; and aligning rules with the current business practice.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-973; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-975]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Provider Policies  
Part 3. General Medical Program Information  
317:30-3-57 [AMENDED]  
Subchapter 5. Individual Providers and Specialties  
Part 3. Hospitals  
317:30-5-41.2 [AMENDED]

(Reference APA WF # 19-44)

**SUMMARY:**

The proposed rule changes will extend covered organ and tissue transplant procedures to include pancreas and intestinal transplants. Organ transplant requirements and guidelines will be updated to include donor search and procurement services and ensure that the methods used for organ acquisition are consistent with the Medicare program. These amendments are necessary to reflect current practice.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

# Notices of Rulemaking Intent

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## COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

## CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-975; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-976]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 62. Private Duty Nursing

317:30-5-555 [AMENDED]

317:30-5-556 [AMENDED]

317:30-5-557 [AMENDED]

317:30-5-558 [AMENDED]

317:30-5-559 [AMENDED]

317:30-5-560 [AMENDED]

317:30-5-560.1 [AMENDED]

(Reference APA WF # 19-45)

## SUMMARY:

The proposed rule changes will update and strengthen private duty nursing (PDN) policy by defining the place of services PDN is allowed. This will include adding language to allow for medically necessary PDN services outside of the home if certain requirements are met. Further revisions will clarify what PDN services will and will not be authorized. Finally, the proposed revisions will involve limited rewriting aimed at clarifying text; fixing any grammatical errors; and aligning rules with the current business practice.

## AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

## COMMENT PERIOD:

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

## PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be

allowed a maximum of two minutes to speak and must sign in at the door. A public hearing will be held as follows:

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

## COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

## CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-976; filed 12-18-19]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

*[OAR Docket #19-977]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 4. Early and Periodic Screening, ~~Diagnosis~~Diagnostic and Treatment (EPSDT) Program/Child-Health Services

317:30-3-65 [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 103. Qualified Schools as Providers of Health-Related Services

317:30-5-1022 [REVOKED]

317:30-5-1023 [AMENDED]

317:30-5-1024 [REVOKED]

317:30-5-1025 [REVOKED]

317:30-5-1026 [AMENDED]

317:30-5-1027 [AMENDED]

Part 104. School-Based Case Management Services  
[REVOKED]  
317:30-5-1030 [REVOKED]  
317:30-5-1031 [REVOKED]  
317:30-5-1032 [REVOKED]  
317:30-5-1033 [REVOKED]  
317:30-5-1034 [REVOKED]

(Reference APA WF # 19-46)

**SUMMARY:**

The proposed rule changes will cleanup the school-based policy to separate and differentiate between services provided in a school setting under Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit versus those school-based services that are pursuant to an Individual Education Plan (IEP). The proposed rule changes clarify that school based services are medically necessary health-related and rehabilitative services that are provided pursuant to an IEP. However, not all medically necessary services that the Oklahoma Health Care Authority will reimburse for and that are provided in a school setting are done pursuant to an IEP so those will be removed from Part 103, Qualified Schools as Providers of Health-Related Services, and referenced in Part 4, EPSDT. Finally, proposed rule changes revokes Part 104, School-Based Case Management Services, since this is something not being rendered and/or billed by the schools.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

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**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-977; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #19-978]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 79. Dentists

- 317:30-5-695 [AMENDED]
- 317:30-5-696 [AMENDED]
- 317:30-5-698 [AMENDED]
- 317:30-5-699 [AMENDED]
- 317:30-5-700 [AMENDED]
- 317:30-5-700.1 [AMENDED]
- 317:30-5-704 [AMENDED]
- 317:30-5-705 [AMENDED]

(Reference APA WF # 19-47)

**SUMMARY:**

The proposed rule changes will amend the rule that limits dental services for adults to "emergency" extractions only by changing it to "medically necessary" extractions. Additionally, the proposed rule revisions add definitions for medically necessary oral healthcare and medically necessary extractions. Finally, the proposed revisions will involve limited rewriting aimed at clarifying text; fixing any grammatical errors; and aligning rules with the current business practice.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

## Notices of Rulemaking Intent

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The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

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

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### **CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-978; filed 12-18-19]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #19-950]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 6. SoonerCare for Pregnant Women and Families With Children

Part 5. Determination of Eligibility for SoonerCare Health Benefits for Pregnant Women and Families With Children

317:35-6-45 [NEW]

(Reference APA WF # 19-09)

### **SUMMARY:**

The proposed revisions are in response to recent changes in federal law which require that individuals under the age of twenty-one (21), or individuals in the former foster care

eligibility group under the age of twenty-six (26), who become incarcerated, shall not have their Medicaid eligibility terminated. Eligibility for the aforementioned populations will instead be suspended for the duration of the incarceration. Additional revisions outline that a redetermination of eligibility, based on information known to the OHCA, will be conducted prior to the inmate's release without requiring a new SoonerCare application. Eligibility will be restored to the date the inmate is released from custody, if the individual meets all other eligibility requirements. The process of restoring eligibility to the date the individual is released from incarceration will involve collaboration between the OHCA, Oklahoma Department of Human Services (DHS), Oklahoma Office of Juvenile Affairs (OJA), and the Oklahoma Department of Corrections (DOC). Of note, coverage and reimbursement of inpatient services while an individual is incarcerated, will not change through these proposed changes.

### **AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 42 U.S.C. § 1396a(a)(84); 42 C.F.R. § 435.1009; and 42 C.F.R. § 435.1010

### **COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

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

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

*[OAR Docket #19-950; filed 12-18-19]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #19-963]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Eligibility and Countable Income
    - Part 5. Countable Income and Resources
      - 317:35-5-41.1 [AMENDED]
      - 317:35-5-42 [AMENDED]
  - Subchapter 7. Medical Services
    - Part 5. Determination of Eligibility for Medical Services
      - 317:35-7-40 [AMENDED]
- (Reference APA WF # 19-26)**

**SUMMARY:**

The proposed rule changes will update policy regarding the determination of countable income for ABD individuals. The rule changes incorporate federal SSI standards, including earned and unearned income which is to be excluded, and clarifies guidance on how income is deemed from certain individuals to another, for example, ineligible spouses to the applicant. Additional rule changes update policy, so that the value of a life estate may be established by a written estimate instead of a written appraisal. Additional rule changes update QMB Plus policy so that the intent of the rule regarding income and resource standards for individuals and couples is clearly stated and to align QMB Plus policy with the other Medicare savings programs.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 20 Code of Federal Regulations (C.F.R.) § 416.1210; 20 C.F.R. § 416.1222; 20 C.F.R § 416.1224; 20 C.F.R. § 416.1236; 20 C.F.R. § 416.1235; and 20 C.F.R. § 416.1245

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

*[OAR Docket #19-963; filed 12-18-19]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #19-965]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 9. ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals
    - Part 7. Determination of Financial Eligibility
      - 317:35-9-68 [AMENDED]
  - Subchapter 19. Nursing Facility Services
    - 317:35-19-21 [AMENDED]
- (Reference APA WF # 19-29)**

**SUMMARY:**

The proposed revisions will establish exclusions of and/or requirements on the amount of medical expenses that can be deducted from the post-eligibility income of individuals who are institutionalized in nursing facilities or receiving home or community-based services under a 1915 waiver, pursuant to federal regulation.

# Notices of Rulemaking Intent

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## **AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; and 42 C.F.R. § 435.832

## **COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

## **PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

## **COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

## **CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

*[OAR Docket #19-965; filed 12-18-19]*

## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #19-967]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 15. Personal Care Services

317:35-15-8.2 [NEW]

Subchapter 17. Advantage Waiver Services

317:35-17-1 [AMENDED]

317:35-17-3 [AMENDED]

**(Reference APA WF # 19-34)**

## **SUMMARY:**

The proposed revisions to the ADvantage Waiver policy will add new language addressing the State Plan Personal Care (SPPC) eligibility provider exception criteria, which allows for a spouse and legal guardian to be a program paid Personal Care Assistant. Revisions will also update existing policy that will clarify the criteria an applicant must meet to receive ADvantage services and the type of living arrangements that are not eligible for ADvantage members to receive services.

## **AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 56 O.S. §§ 162 and 1020

## **COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

## **PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

## **COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-967; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #19-974]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
317:35-1-2 [AMENDED]  
(Reference APA WF # 19-43B)

**SUMMARY:**

The proposed rule changes will add definitions to clarify what the OHCA views as a child and an adult, unless otherwise specified by federal and/or state law. Additional revisions will involve limited rewriting aimed at clarifying text; fixing any grammatical errors; and aligning rules with the current business practice.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-974; filed 12-18-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 40. DEVELOPMENTAL DISABILITIES SERVICES**

[OAR Docket #19-968]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
317:40-1-1 [AMENDED]  
Subchapter 9. Self-Directed Services  
317:40-9-1 [AMENDED]  
(Reference APA WF # 19-35)

**SUMMARY:**

The proposed revisions will allow for Self-Directed Services (SDS) as an option under the Community Waiver. Other revisions establish that nine (9) hours per day will be allowed as the average daily hourly limits on services provided by the Self-Directed Habilitation Training Specialist (SD-HTS). Further revisions will clarify that the employer of record must enroll and complete the DDS sanctioned self-directed training course within forty-five (45) calendar days of SDS training enrollment. Additional revisions will remove the requirement that restrictive or intrusive procedures are not implemented by SD-HTS. Finally, revisions will cleanup grammatical mistakes and formatting.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes (O.S.); The Oklahoma Health Care Authority Board; 56 O.S. § 162

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

## Notices of Rulemaking Intent

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Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

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

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### **CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-968; filed 12-18-19]*

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 45. INSURE OKLAHOMA**

*[OAR Docket #19-951]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 9. Insure Oklahoma ESI Employee Eligibility  
317:45-9-4 [AMENDED]

Subchapter 11. Insure Oklahoma IP

Part 5. Insure Oklahoma IP Member Eligibility  
317:45-11-24 [AMENDED]

(Reference APA WF # 19-10)

### **SUMMARY:**

The proposed rule changes align Oklahoma's administrative rules regarding cost sharing exemptions for AI/AN members with Oklahoma's Medicaid State Plan language and federal regulations at 42 CFR § 447.56(a)(x).

### **AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 42 C.F.R. § 447.56(a)(1)(x); and

Section 5006 of the American Recovery and Reinvestment Act (ARRA)

### **COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

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

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

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

The proposed rules may be viewed on the agency's website at [www.okhca.org](http://www.okhca.org) and copies may be obtained by written request emailed to [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

### **CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or [Sandra.Puebla@okhca.org](mailto:Sandra.Puebla@okhca.org).

*[OAR Docket #19-951; filed 12-18-19]*

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 45. INSURE OKLAHOMA**

*[OAR Docket #19-971]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 9. Insure Oklahoma ESI Employee Eligibility  
317:45-9-1.1 [NEW]

Subchapter 11. Insure Oklahoma IP  
Part 1. Individual Plan Providers

317:45-11-2 [AMENDED]  
Part 5. Insure Oklahoma IP Member Eligibility  
317:45-11-21.1 [NEW]  
317:45-11-22 [AMENDED]  
(Reference APA WF # 19-41B)

**SUMMARY:**

The proposed revisions will add language to Insure Oklahoma IP and ESI policy on how a newborn child can be deemed eligible on their date of birth for SoonerCare benefits when the child is born to a member of Insure Oklahoma IP or ESI. Additionally, the proposed rule changes define all eligibility criteria for the newborn to receive SoonerCare benefits.

**AUTHORITY:**

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

**COMMENT PERIOD:**

Persons may submit written comments through February 18, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

**PUBLIC HEARING:**

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

Wednesday, February 19, 2020 at 1:00 p.m., in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on February 18, 2020.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning January 16, 2020.

**CONTACT PERSON:**

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-971; filed 12-18-19]

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

[OAR Docket #19-979]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 11. Civil Rights and Nondiscrimination  
Part 1. ~~Methods of Administration~~ Methods  
340:1-11-4. [AMENDED]

(Reference WF 20-1)

**SUMMARY:**

The proposed amendment removes the requirement that the person designated as the Oklahoma Department of Human Services (DHS) Office for Civil Rights (OCR) administrator not be organizationally related to DHS personnel administration.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162).

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #19-979; filed 12-18-19]*

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

*[OAR Docket #19-980]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 25. Legal Services

Part 1. Legal Services [NEW]

Part 3. Rulemaking [NEW]

340:2-25-11 [NEW]

Subchapter 31. Intergovernmental Relations and Policy [REVOKED]

Part 4. Intergovernmental Relations and Policy [REVOKED]

340:2-31-10 [REVOKED]

Part 5. Rulemaking Petition [REVOKED]

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

(Reference WF 20-2A)

### SUMMARY:

The proposed amendments are made to: (1) reflect reorganization within DHS; (2) clarify and simplify rules for clients, DHS staff, and the public; (3) remove unnecessary, incorrect, or obsolete information; (4) and update terminology.

Chapter 2, Subchapter 25 creates a rule to: (1) reflect reorganization within the Oklahoma Department of Human Service (DHS); and (2) reorganize and make non-substantive changes to improve rule clarity. Subchapter 31 is revoked to remove obsolete Sections.

### AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 75 O.S. §§ 250 through 323.

### COMMENT PERIOD:

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

### PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

### CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #19-980; filed 12-18-19]*

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

*[OAR Docket #19-981]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 33. Rates and Standards

340:2-33-1 [AMENDED]

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

(Reference WF 20-2B)

### SUMMARY:

The proposed amendments to Chapter 2, Subchapter 33 amend the rules to: (1) remove instructions to staff in the rules; (2) reorganize and make non-substantive changes to improve rule clarity; and (3) revoke obsolete Sections.

### AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 74 O.S. §§ 85.1 et seq.

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-981; filed 12-18-19]*

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

*[OAR Docket #19-982]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 39. ~~Planning, Research, and Statistics~~ Innovation Services  
Part 1. ~~Office of Planning, Research, and Statistics~~ Innovation Services  
340:2-39-1 [AMENDED]

Part 3. Oklahoma Department of Human Services

Institutional Review Board (DHSIRB)

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

340:2-39-11.1 [NEW]

340:2-39-12 [AMENDED]

340:2-39-12.1 [NEW]

340:2-39-12.2 [NEW]

340:2-39-13 [AMENDED]

**(Reference WF 20-2C)**

**SUMMARY:**

The proposed amendments to Chapter 2, Subchapter 39 are to: (1) change the Office of Planning, Research, and Statistics name to Innovation Services; (2) expand Oklahoma Administrative Code (OAC) 340:2-39-1 to include a function presently defined in OAC 340:2-39-6; and (3) provide that Innovation Services (IS) carries out Office of Planning, Research, and Statistics functions.

The proposed amendments to Subchapter 39, Chapter 2: (1) implement policy changes that conform to new federal regulations for the protection of human research subjects; and (2) improve the Oklahoma Department of Human Services (DHS) Institutional Review Board (DHSIRB) operations.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); C.F.R. § 46.108(a)(3); and 45 CFR § 46.116.

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

## Notices of Rulemaking Intent

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### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-982; filed 12-18-19]*

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

*[OAR Docket #19-983]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Human Resource Management

Part 5. Administrative Procedures

340:2-1-56 [AMENDED]

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

340:2-1-76 [AMENDED]

**(Reference WF 20-2D)**

### **SUMMARY:**

The proposed amendments to Chapter 2, Subchapter 1 amends the rule to comply with Senate Bill (SB) 830, effective November 1, 2018, Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162) and to add language regarding who within the Oklahoma Department of Human Services may waive the vacancy posting provisions for positions in the unclassified service.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

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

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct

costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

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

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-983; filed 12-18-19]*

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

*[OAR Docket #19-984]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 28. Office of Administrative Hearings: Child Support

340:2-28-3.1 [NEW]

340:2-28-11.1 [NEW]

340:2-28-17.2 [AMENDED]

340:2-28-22.1 [NEW]

340:2-28-25 [AMENDED]

340:2-28-25.1 [NEW]

340:2-28-25.2 [NEW]

340:2-28-55 [AMENDED]

**(Reference WF 20-2E)**

### **SUMMARY:**

The proposed rules are necessary, after review of state trial and appellate court rules in effect in Oklahoma, to update, modernize, and improve the rules which delineate, and provide transparency to, certain functional aspects of the Office of Administrative Hearings: Child Support's (OAH) operations. The administrative rules in Subchapter 28, as referenced, are OAH's administrative court rules. The requested new rules allow OAH's Administrative Law Judges (ALJ) the flexibility to prevent a manifest injustice in the application of OAH's court rules in a particular instance, when warranted; to provide examples of certain permissible types of *ex parte* communication; and to have the discretion to prevent personal

devices from detracting from court proceedings. Further, the proposed new rules define how sealing and redaction may be utilized, with regard to key personal identifiers, such as Social Security, tax identification, routing, or financial account numbers, or other sensitive information; provide a method for correcting filing errors by moving a document from the wrong case record and placing it into the correct case record; and deem the redaction of any original paper document maintained in OAH's case records to be permanent. In addition, the requested amendments refine the use of electronic signatures and documents; clarify which documents, in an appeal, will be included in the record submitted to the appellate court, and update OAH's appeal procedure consistent with recent legislative amendments, effective November 1, 2019, to the governing statute, Section 240.3 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.3).

**AUTHORITY:**

Director of Human Services; 56 O.S. §§ 162 and 237; 12 O.S. §§ 32.1 and 3226(C)(2); 51 O.S. §§ 24A.2, 24A.5, 24A.25, 24A.29, and 24A.30; 56 O.S. §§ 237.9a and 240.3; Code of Judicial Conduct, Rule 2.9, Appendix 4 of Title 5 of the Oklahoma Statutes; and OAC: 340:2-28-1, *et seq.*

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

[OAR Docket #19-984; filed 12-18-19]

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

[OAR Docket #19-985]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 4. The Office of the Public Guardian [NEW]  
340:2-4-1. [NEW]  
340:2-4-3. [NEW]  
340:2-4-5. [NEW]

(Reference WF 20-2F)

**SUMMARY:**

The proposed creation of Subchapter 4, implement rules to describe The Office of the Public Guardian and its purpose.

The proposed rules, detailing this legislatively created program all the Oklahoma Department of Human Services (DHS) follow and maintain records of the placement of a specifically cited group of citizens requiring assistance and their tenure with the State of Oklahoma.

**AUTHORITY:**

Director of Human Services; 56 O.S. §§ 162 and 1020.

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

# Notices of Rulemaking Intent

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Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

## CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-985; filed 12-18-19]*

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

*[OAR Docket #19-986]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 1. General Provisions

340:10-1-3. State Plan for Temporary Assistance for Needy Families (TANF)

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

340:10-2-4 through 340:10-2-5 [AMENDED]

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

Subchapter 3. Conditions of Eligibility - Need

Part 1. Resources

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

340:10-3-5 [AMENDED]

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

Part 3. Income

340:10-3-28 [AMENDED]

340:10-3-32 [AMENDED]

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

Part 5. Assistance Payments

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

Part 7. Transitional Benefits

340:10-3-75 [AMENDED]

Subchapter 4. Conditions of Eligibility - Mandatory Drug Screening

340:10-4-1 [AMENDED]

Subchapter 7. Conditions of Eligibility - Residence

340:10-7-1 [AMENDED]

Subchapter 10. Conditions of Eligibility - Deprivation

340:10-10-2 [AMENDED]

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

340:10-22-1 [AMENDED]

**(Reference WF 20-10)**

## SUMMARY:

The proposed amendment to Chapter 10, Subchapter 1 amends the rule to add information regarding programs that help reduce teen pregnancy.

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to: (1) clarify that the earned income disregard period available to working Temporary Assistance for Needy Families (TANF) clients runs concurrently with Subsidized Employment Program (SEP) disregards; (2) update Work Opportunity Tax Credit information; (3) remove reference to a form that is no longer used for job search; (4) add examples of in-demand occupations for training purposes; (5) remove career readiness certificates from allowed achievement bonus activities; (6) update terminology; and (7) add a policy citation.

The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) reorganize, simplify, and clarify information regarding resources, family relations, lump sum payments, and funds held in trust by the Bureau of Indian Affairs (BIA); (2) remove the resource limit amount and refer to an appendix for this information; (3) add information about how to consider funds deposited in charitable accounts; (4) remove retirement benefits from lump sum payment consideration; (5) clarify when rental income is considered as earned or unearned income and how business expenses are considered; (6) update profit sharing income to indicate how to consider profit sharing for shareholders in S corporations and partners in partnerships; (7) add S corporation income and distinguish when income from this source is considered as earned income or unearned profit-sharing income; (8) update legal citations regarding Title III and V funds excluded under the Older Americans Act and the organizations that receive the funds; (9) exclude military combat pay from income consideration; (10) update terminology; (11) add and update policy and legal citations; (12) change the date required information must be reported for continued medical benefits (CMB); and (13) clarify and simplify language.

The proposed amendments to Chapter 10, Subchapter 4 amend the rules to update: (1) terminology; and (2) when an observed urinalysis (UA) must be completed.

The proposed amendments to Chapter 10, Subchapter 7 amend the rules to: (1) clarify and simplify procedures to determine Oklahoma residence at application and when a TANF assistance unit member temporarily leaves Oklahoma after certification; (2) add that TANF Work participants may be sanctioned if they temporarily leave the state and do not participate in work activities during their absence unless good cause reason exists; and (3) add policy citations.

The proposed amendments to Chapter 10, Subchapter 10 amend the rules to: (1) update terminology and form numbers; (2) reorganize, simplify, and clarify information regarding procedures to determine incapacity at application and after certification; (3) remove obsolete information regarding a specialist's exam; and (4) add a policy citation.

The proposed amendment to Chapter 10, Subchapter 22 amends the rules to: (1) update TANF Supported Permanency Program (SPP) rules regarding guardianship and how a relative is referred to apply for TANF SSP; (2) update terminology; (3) add a policy citation and form; and (4) add clarifying language.

**AUTHORITY:**

Director of Human Services; Section 162. 165, 230.52, and 230.57 of Title 56 of the Oklahoma Statutes; and Sections 601, 602, and 608 of Title 42 of the United States Code.

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-986; filed 12-18-19]*

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

*[OAR Docket #19-987]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Scope and Applicability  
340:25-1-1.2 [AMENDED]
- Subchapter 5. Operational Policies  
Part 15. Case Initiation, Case Management, and Case Closure  
340:25-5-110.1 [AMENDED]  
340:25-5-117 [AMENDED]  
340:25-5-134 [AMENDED]
- Part 20. Medical Support  
340:25-5-168 [AMENDED]
- Part 21. Establishment  
340:25-5-176 [AMENDED]  
340:25-5-178 [AMENDED]  
340:25-5-179.1 [AMENDED]
- Part 33. Intergovernmental Cases  
340:25-5-270 [AMENDED]
- Part 39. Accounting and Distribution  
340:25-5-351. [AMENDED]

**(Reference WF 20-25)**

**SUMMARY:**

The proposed amendments to Subchapters 1 and 5 of Chapter 25 amend the rules to: (1) comply with Section 303.31(b)(2) of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.31(b)(2)) that mandates Child Support Services (CSS) include government medical assistance, such as SoonerCare (Medicaid), as qualifying health care coverage; (2) update the calculation for family share of child care costs in the child support guidelines in response to federal policy revisions required by the reauthorization of the Child Care and Development Block Grant; (3) implement rule changes recommended during the annual CSS policy review process; (4) amend legal authority as necessary; and (5) make non-substantive cleanup to improve rule clarity.

**AUTHORITY:**

Director of Human Services; 56 O.S. § 162; 43 O.S. §§ 601-101 through 901; 56 O.S. § 237; 12 O.S. § 2004; 10 O.S. §§ 7700-508 & 509; 43 O.S. § 118G. 45 C.F.R. § 303.7; 45 C.F.R. § 302.38; 45 C.F.R. § 302.33; 45 C.F.R. § 302.51; 45 CFR § 302.56; 42, C.F.R. § 433.152. Section 1603(12) of Title 25 of the United States Code (25 U.S.C. § 1603(12)); 42 U.S.C. §§ 652, 654, 654a, & 655.

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

# Notices of Rulemaking Intent

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## **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

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

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

## **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

## **CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #19-987; filed 12-18-19]*

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

*[OAR Docket #19-988]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

- Subchapter 1. General Provisions  
340:40-1-6 [AMENDED]
- Subchapter 3. Initial Application  
340:40-3-1 [AMENDED]
- Subchapter 5. Child Care Plan  
340:40-5-1 [AMENDED]
- Subchapter 7. Eligibility  
340:40-7-1 [AMENDED]  
340:40-7-2 [REVOKED]  
340:40-7-6 [AMENDED]  
340:40-7-7 [AMENDED]  
340:40-7-9 [AMENDED]

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

## **SUMMARY:**

The proposed amendments to Chapter 40, Subchapter 1 amend the rules to: (1) update and add clarifying language and terminology; (2) add child development as a goal of the child care subsidy program; and (3) remove a child care partnership that no longer exists.

The proposed revisions to Chapter 40, Subchapter 3 amend the rules to: (1) remove reference to an exit income threshold; and (2) update a rule citation.

The proposed revisions to Chapter 40 Subchapter 5 amend the rules to: (1) exempt Oklahoma Early Childhood Program (OECF) facilities from the requirement to charge all parents for the hours child care subsidy payment is requested to promote higher quality child care; and (2) remove reference to an entry and exit income threshold and that the number of children in child care affects the family share copayment amount.

The proposed revisions to Chapter 40 Subchapter 7 amend the rules to (1) remove a no longer applicable example regarding when a child is not predetermined income eligible for a zero copayment; (2) clarify when one parent or caretaker is not participating in Supplemental Nutrition Assistance Program (SNAP) Education and Training (E&T) activities, that parent must meet another need factor for child care during the same hours; and (3) approve children attending an OECF for a weekly unit type as long as the parent or caretaker meets a need for child care during some of the OECF care hours to promote higher quality care; (4) exempt household income when at least one child attends an OECF and the household meets income guidelines; (5) remove reference to an entry and exit income threshold (6) update legal citations regarding excluded income from programs under the Older Americans Act as reauthorized and remove specific organizations receiving these funds; (7) exclude military combat pay from income consideration; (8) update rule and legal citations; (9) remove rule citations; (10) revoke a section which is no longer needed; (11) remove the definition for adult non-relatives; (12) remove adult non-relatives acting in the role of a spouse and their children from household composition and income consideration; (13) remove reference to an adult non-relative's child from the child support pursuit rule; (14)

update and clarify language regarding requesting good cause to not pursue child support; (15) add information regarding when income received from an S corporation is considered as earned or unearned income; (16) update how profit sharing income from S corporations, general or limited partnerships, or limited liability companies (LLC) is considered; and (17) remove reference to income from a roomer or boarder who is acting in the roll of spouse..

The proposed revisions to Chapter 40 Subchapter 9 amend the rules to: (1) remove reference to an exit income threshold.

The proposed amendments to Chapter 40, Subchapter 10 amend rules to: (1) update and clarify language and terminology; and (2) remove a form that is no longer valid.

The proposed amendments to Chapter 40, Subchapter 13 amend rules to: (1) remove the county in which the provider provides care as a determining factor in the rate paid to that provider; (2) add proof of ownership verification as a requirement to obtain a contract; (3) add to the changes that a provider must report timely: (a) a change in the legal name of the business; (b) a change in the responsible person or legal name change of the person who is the authorized contract signor; (c) the provider's disqualification, suspension, or disbarment from any federal program; (d) when a person with ownership interest or a relationship with the provider is convicted of a criminal offense or fraud-related crime; and (e) a provider address change; (4) add that the provider must advise Child Care Subsidy staff of the expected date of return to the contracted facility when requesting a temporary change of location; and (5) update and clarify language and terminology.

The proposed amendment to Chapter 40, Subchapter 16 amends the rules to clarify the definition and purpose of the Improper Payments Error Rate Review process.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 658A of the Child Care Development Block Grant Act of 2014 [Public Law 113-186]; and Sections 98.11, 98.16, and 98.20 through 98.21 of Title 45 of the Code of Federal Regulations.

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct

costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-988; filed 12-18-19]*

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

*[OAR Docket #19-989]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Non-Financial Eligibility Criteria

Part 3. Special Households

340:50-5-29 [AMENDED]

Part 5. Students, Strikers, Resident Farm Laborers, Migrant

Households, Sponsored Aliens, and School Employees

340:50-5-45 [AMENDED]

Part 10. Able - Bodied Adults Without Dependents

340:50-5-101 [AMENDED]

Subchapter 7. Financial Eligibility Criteria

Part 1. Resources

340:50-7-1 [AMENDED]

Part 3. Income

340:50-7-29 [AMENDED]

340:50-7-31 [AMENDED]

Subchapter 9. Eligibility and Benefit Determination

Procedures

340:50-9-5 [AMENDED]

**(Reference WF 19-03)**

**SUMMARY:**

The proposed amendment to update shelter deduction information to allow for a new standard homeless shelter deduction or an excess shelter deduction for homeless households with shelter expenses is submitted as emergency

## Notices of Rulemaking Intent

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rules to comply with a United States Department of Agriculture (USDA) informational memo issued in February, 2019, regarding changes to Section 4004 of the Agriculture Improvement Act of 2018, Section 2014 of Title 7 of the United States Code (7 U.S.C. § 2014), to make the current option to provide a shelter deduction to homeless households that are not receiving free shelter throughout the month and do not opt to claim an excess shelter deduction mandatory for all states.

The following proposed amendments are submitted as emergency rules to comply with implementation of federal regulations issued in April, 2019, and a USDA Informational Memo Regarding Implementation of Section 4009 of the Agricultural Act of 2014 issued in June, 2019 to:

- (1) update employment and training programs in which students are exempt from student eligibility restrictions; and
- (2) define and count substantial lottery or gambling winnings as countable resources and explain how a household may regain resource eligibility following benefit closure and add a household requirement to report substantial lottery or gambling winnings within 10-calendar days of receipt and that such a verified change may close food benefits between renewal periods.

The proposed amendment to reduce the percentage of able-bodied adults without dependents that may be exempted from work requirements is submitted as an emergency rule to comply with a USDA informational memo regarding Section 4005 of the Agriculture Improvement Act of 2018, issued in March, 2019.

### **AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Sections 272.17, 273.5, 273.9, 273.11 and 273.12 of Title 7 of the Code of Federal Regulations (C.F.R.); 7 U.S.C. § 2014, Informational Memos Regarding Section 4009 of the Agricultural Act of 2014 and Sections 4004 and 4005 of the Agriculture Improvement Act of 2018

### **COMMENT PERIOD:**

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

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue

loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

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

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### **RULE IMPACT STATEMENT:**

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### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-989; filed 12-18-19]*

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

*[OAR Docket #19-990]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 1. General Provisions of Child Welfare Services
  - Part 1. Scope and Applicability
    - 340:75-1-9 [AMENDED]
  - Subchapter 3. Child Protective Services
    - Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol
      - 340:75-3-120 [AMENDED]
      - 340:75-3-140 [AMENDED]
    - Part 3. Child Safety Evaluation Criteria and Procedure
      - 340:75-3-300 [AMENDED]
    - Part 4. Specialized Investigative Protocols, Child Death or Near-Death Reporting Protocols
      - 340:75-3-400 [AMENDED]
      - 340:75-3-450 [AMENDED]
    - Part 5. Investigative Findings and Appeals
      - 340:75-3-530 [AMENDED]
  - Subchapter 4. Family-Centered and Community Services
    - Part 1. Family-Centered Services
      - 340:75-4-12.1 [AMENDED]
  - Subchapter 6. Permanency Planning
    - Part 1. General Provisions
      - 340:75-6-4 [AMENDED]
    - Part 5. Permanency Planning Services
      - 340:75-6-31.1 [AMENDED]
      - 340:75-6-31.4 [AMENDED]

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

340:75-15-7 [AMENDED]  
 Part 10. Family Assessment and Preparation Process  
 340:75-15-84.1 [AMENDED]  
 Part 14. Post-Adoption Services  
 340:75-15-128.2 [AMENDED]  
**(Reference WFs 19-01, 19-04, and 20-75)**

**SUMMARY:**

The proposed amendment to Chapter 75 Subchapter 1 amends the rule to include updated authorizations granted under Family First Prevention Services Act and achieves the Oklahoma Department of Human Services (DHS) goals by updating federal authorizations, which benefit children, parents, and staff.

The proposed amendments to Chapter 75 Subchapter 3: (1) clarifies examples presented in the eligibility criteria are not an exhaustive list and achieves DHS goals by providing clarity on appeals of substantiated findings of child abuse and neglect to benefit children, parents, and staff; (2) address changes to federal policy on fetal alcohol syndrome and development of plans of safe care for drug-endangered infants, per House Bill (HB) 3104 (2018); and (3) update guidance on human trafficking and victims, per Senate Bill (SB) 1005 (2018); and (4) require child abuse and neglect history searches for court-appointed special advocates (CASA), per Senate Bill (SB) 722 (2019).

The proposed amendment to Chapter 75 Subchapter 4 amends meeting process to align with permanency planning revisions and achieves DHS goals by updating family meetings (previously family team meetings) to align with permanency planning rules, which benefits children, parents, service providers, and staff.

The proposed amendments to Chapter 75 Subchapter 6: (1) clarify the purpose and process for family meetings (FMs) and assessment of child safety (AOCS) and achieve DHS goals by ensuring consistency in conducting FMs and assessing child safety, which benefits children, parents, placement providers, and staff; (2) update "sibling" definition to comply with federal regulations, per HB 3104 (2018); (3) implement Pinnacle Plan strategy to move more children to permanency; (4) comply with deadlines and requirements of Public Law (P.L.) 115-123, the Family First Prevention Services Act, regarding essential documents for foster youth aging out of care; (5) guardianship prohibition in HB 1036 (2019); (6) time frames for due diligence search for kin and any tribal connection per HB 1074 (2019); and (7) least restrictive placement in SB 1993 (2019).

The proposed amendments to Chapter 75 Subchapter 7: (1) clarify optional foster care training; (2) add intensive treatment foster care (ITFC); (3) remove military history background check requirement; (4) clarify timeframe for optional foster care maintenance and benefit payments and achieve DHS goals by simplifying resource parent requirements and guidance in applying foster care rules, which benefit children, parents, placement providers, and staff; and (5) make therapeutic foster care (TFC) homes eligible for child care subsidy to improve

## Notices of Rulemaking Intent

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TFC new home recruitment and meet Pinnacle Plan Metric 2.B target.

The proposed amendments to Chapter 75 Subchapter 8: (1) update therapeutic foster care (TFC) rules to include references to the statement of a child's rights, TFC home recruitment, and respite care and achieve DHS goals by updating rules to comply with other program rules and state statutes which benefit children, placement providers, and staff; and (2) make therapeutic foster care (TFC) homes eligible for child care subsidy to improve TFC new home recruitment and meet Pinnacle Plan Metric 2.B target.

The proposed amendments to Chapter 75 Subchapter 11 update the rule to include definitions for "family-style living program," per HB 1993 (2019) and "qualified residential treatment program," per SB318.

The proposed amendments to Chapter 75 Subchapter 13 amend rules to reflect administrative re-organization, business processes, and Social Security changes and achieve DHS goals by recognizing CWS organizational and business process changes, which benefits children, parents, placement providers, and staff.

The proposed creation of Chapter 75 Subchapter 14 policy is to: (1) memorialize the statement of foster child rights, per HB 2552 (2018); and (2) comply with deadlines and requirements of P.L. 115-123, the Family First Prevention Services Act, regarding maintaining a child's placement with a parent receiving substance abuse services at a family-based residential facility; (3) update screenings and functional assessment requirements for children in DHS custody.

The proposed amendments to Chapter 75 Subchapter 15 amend: (1) adoption rules to remove military service personnel background information search requirement and include ITFC in definitions and achieve DHS goals by ensuring consistency when assessing background information to benefit children, placement providers, and staff; and (2) eligibility for adoption assistance, per P.L. 115-123, the Family First Prevention Services Act.

### **AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162).

Chapter 75 Subchapter 1: 10A O.S. §§ 1-1-105 et seq.; Titles IV-B, IV-E, V, VI, XIX, and XX of the Social Security Act, as amended by the Multiethnic Placement Act of 1994, Interethnic Provisions of 1996, Adoption and Safe Families Act of 1997, Fostering Connections to Success and Increasing Adoptions Act of 2008, and Family First Prevention Services Act, P.L. 115-123.

Chapter 75 Subchapter 3: 10 O.S. §§ 175.20 and 402; 10A O.S. §§ 1-1-102, 1-1-105, 1-2-101, 1-2-102, 1-2-105, 1-2-108, 1-2-109, 1-3-102, 1-4-102, 1-4-201, 1-4-203, 1-4-204, 1-4-205, 1-4-806, 1-6-105, and 1-8-102; 21 O.S. §§ 748, 748.2, and 1040.13a; 22 §§ 20 and 60.14; 30 O.S. § 2-101; 70 O.S. § 10-106; and 42 United States Code (U.S.C.) § 671; Child Abuse Prevention and Treatment Act (CAPTA), Section 5101 et seq. of Title 42 U.S.C.

Chapter 75 Subchapter 4: 10A O.S. § 1-7-112.

Chapter 75 Subchapter 6: 10 O.S. §§ 40.6, 7700-102 and 7700-204; 10A O.S. §§ 1-1-102, 1-1-105, 1-4-101, 1-4-105, 1-4-203, 1-4-204, 1-4-704, 1-4-705; 1-4-709 through 1-4-711, 10A O.S. §§ 1-4-810; 1-4-811, 1-4-901, 1-4-902, 1-4-904, 1-4-906 through 1-4-908, and 1-7-106, 1-9-107; 43 O.S. §§ 118 and 119; 70 O.S. §§ 2601 et seq. and § 3230; The Foster Care Independence Act of 1999 enacted as part of P.L. 106-169; Section 475 of the Social Security Act as amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008; and by the Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183; Section 471(a)(29) of Title IV-E of the Social Security Act 42 U.S.C. § 671(a)(29), and 42 U.S.C. 673(d)(3).

Chapter 75 Subchapter 7: 10A O.S. §§ 1-1-102, 1-1-105, 1-4-204, 1-4-705; 1-7-109, 1-7-111, 1-7-115, 1-9-106, and 1-9-119; 18 O.S. § 16; 21 O.S. § 692; 57 O.S. § 582; 68 O.S. § 2358.5-1; Section 901 et seq. of Title 28 of the Code of Federal Regulations (C.F.R.), Multiethnic Placement Act of 1994, Interethnic Provisions of 1996, Adoption and Safe Families Act of 1997, Fostering Connections to Success and Increasing Adoptions Act of 2008, and Family First Prevention Services Act, Public Law 115-123.

Chapter 75 Subchapter 8: 10A O.S. §§ 1-1-105, 1-2-101, 1-3-102, 1-6-102, 1-7-105, 1-9-119, and 1-9-119.1; Multiethnic Placement Act of 1994, and the Interethnic Provisions of 1996.

Chapter 75 Subchapter 11: 10A O.S. §§ 1-1-105, 1-7-103, and 1-9-110.

Chapter 75 Subchapter 13: 10A O.S. § 1-7-103; Title IV-E §§ 472 and 1615 of the Social Security Act; Omnibus Reconciliation Act of 1981, P.L. 97-35.

Chapter 75 Subchapter 14: 10A §§ 1-1-105, 1-7-105 1-9-107, and 1-9-119.1; and 42 U.S.C. §§ 672 and 675.

Chapter 75 Subchapter 15: 10 O.S. §§ 7501-1.1 et seq.; 10A O.S. § 1-4-705; 1-7-111; 21 O.S. § 692; 57 O.S. § 582; 18 U.S.C. 16; and 42 § U.S.C. 673; and 45 C.F.R. § 1356.30.

### **COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

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

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue

loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

*[OAR Docket #19-990; filed 12-18-19]*

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

*[OAR Docket #19-991]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Client Services

Part 3. Service Provisions

340:100-5-34 [AMENDED]

Subchapter 18. Licensing

340:100-18-1 [AMENDED]

**(Reference WFs 19-02 and 20-100)**

**SUMMARY:**

The proposed amendments to Chapter 100, Subchapter 5 amend the rule to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process.

The proposed amendments add eligibility criteria for Prader-Willi Syndrome (PWS) when an applicant provides documentation that he or she has a condition closely related to PWS, except mental illness; clarify when an applicant may be removed from the PWS waiting list; and clarify that an applicant may remain on the waiting list when he or she declines or is not 18 years of age.

The proposed amendment to OAC 340:100-18-1 adds registered behavior technician (RBT) service provisions to the rules. The amendment protects public health, safety, and welfare by ensuring individuals have adequate access to medically necessary applied behavior analysis (ABA) therapy.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to [Dena.Thayer@okdhs.org](mailto:Dena.Thayer@okdhs.org).

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*[OAR Docket #19-991; filed 12-18-19]*

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

*[OAR Docket #19-992]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-8.4 [AMENDED]

## Notices of Rulemaking Intent

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340:110-1-8.6 [AMENDED]  
340:110-1-8.8 through 340:110-1-8.10 [AMENDED]  
340:110-1-9.2 [AMENDED]  
340:110-1-10.1 [AMENDED]  
340:110-1-15 [AMENDED]  
Part 3. Licensing Services - Residential Care and Agencies  
340:110-1-47 through 340:110-1-47.1 [AMENDED]  
340:110-1-54 [AMENDED]  
Subchapter 3. Licensing Standards for Child Care Facilities  
Part 5. Requirements for Family Child Care Homes and Large Family Child Care Homes  
340:110-3-84 through 340:110-3-85 [AMENDED]  
340:110-3-91 through 340:110-3-91.1 [AMENDED]  
340:110-3-97.1 [AMENDED]  
Part 9. Requirements for Residential Child Care Facilities  
340:110-3-147 [AMENDED]  
340:110-3-153 through 340:110-3-153.1 [AMENDED]  
340:110-3-154.2 [AMENDED]  
340:110-3-154.4 [AMENDED]  
340:110-3-168 [AMENDED]  
Subchapter 5. Requirements for Child-Placing Agencies  
Part 1. Requirements for Child-Placing Agencies  
340:110-5-4 [AMENDED]  
340:110-5-6 through 340:110-5-7 [AMENDED]  
340:110-5-9 through 340:110-5-11 [AMENDED]  
340:110-5-12 [AMENDED]  
Part 3. Requirements for Adoption Agencies  
340:110-5-32 [AMENDED]  
Part 5. Requirements for Foster Homes Agencies  
340:110-5-63 [AMENDED]  
Part 9. Requirements for Independent Living Programs  
340:110-5-117 [AMENDED]

### (Reference WF 20-110)

#### SUMMARY:

The proposed amendments to Chapter 110, Subchapter 1, Part 1 and Part 3 amend Child Care Services (CCS) procedures for quality rating and improvement system (QRIS), complaint investigations, Restricted Registry, grievance policy, and case management. Subchapter 3, Part 5 and Part 9, amend licensing requirements for family child care homes, large child care homes, and residential facilities. Subchapter 5, Part 1, Part 3, Part 5, and Part 9 amend licensing requirements for child-placing agencies. Licensed child care programs impacted by the proposed amendments include: (1) family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; (7) programs for sick children; (8) residential child care facilities; and (9) child-placing agencies. Proposed amendments align residential and child-placing agency licensing requirements with federal statutes regarding mechanical restraints and adoption record retention. Proposed amendments to licensing requirements were reviewed and approved by Child Care Advisory Committee's standing subcommittees representing family child care homes, residential facilities, and child-placing agencies.

#### AUTHORITY:

Director of Human Services; 56 O.S. § 162; 10 O.S. §§ 404, 405.3, and 406 of the Oklahoma Child Care Facilities Licensing Act.

#### COMMENT PERIOD:

Written comments are accepted through February 14, 2020, during regular business hours by contacting Dena Thayer, Oklahoma Department of Human Services (DHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-521-4326 or by email to Dena.Thayer@okdhs.org.

#### PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on February 24, 2020, at DHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

#### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DHS requests that business entities affected by these proposed rules provide DHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer, at the above address, before the close of the comment period on February 14, 2020.

#### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to <http://www.okdhs.org/sites/searchcenter/Pages/okdhsproposedpolicyresults.aspx>.

#### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

#### CONTACT PERSON:

Dena Thayer, Programs Administrator, Legal Services - Policy, 405-521-4326, Dena.Thayer@okdhs.org.

*[OAR Docket #19-992; filed 12-18-19]*

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

*[OAR Docket #19-993]*

#### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

#### PROPOSED RULES:

390:1-1-4. [AMENDED]

390:1-1-14. [NEW]

**SUMMARY:**

Amendments to 390:1-1-4. Objectives of the Council. (1) (E) Appointing a larger Advisory Council, added (v) Annual quarterly meetings. Any Advisory Council member with more than two (2) absences from either regular or special meetings in a calendar year will be subject to review and possible removal from the Advisory Council by the Council.

(F) Appointing a Drug Dog Council

Amendments to (i) 70 O.S. 70 Section 3311 to remove L and add K.

Amendments to verbiage in (v) The Drug Dog Advisory Council shall report research, recommendations and other matters related to minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect controlled dangerous substances to the Council for action.

Amendments to add (vii) Annual quarterly meetings. Any DDAC member with more than two (2) absences from either regular or special meetings in a calendar year will be subject to review and possible removal from the DDAC by the Council.

(G) Appointing a Bomb Dog Advisory Council

Amendments to (i) 70 O.S. Section 3311 to remove M and add L.

Amendments to verbiage in (v) The Bomb Dog Advisory Council shall report research, recommendations and other matters related to minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device to the Council for action.

Amendments to add (vii) Annual quarterly meetings. Any BDAC member with more than two (2) absences from either regular or special meetings in a calendar year will be subject to review and possible removal from the BDAC by the Council.

(H) Appointing a Curriculum Review Board as provided in 70 O.S., Section 3311 (B) (16).

Amendments to add (i) Six Annual meetings. Any CRB member with more than three (3) absences from either regular or special meetings in a calendar year will be subject to review and possible removal from the CRB by the Council.

Amendments to (I) to remove (B) (20).

Amendments to (2) (D) (III) Removed the verbiage repeated absences and added Annual quarterly meetings. Any PSAC member with more than two (2) absences from either regular or special meetings in a calendar year will be subject to review and possible removal from the PSAC by the Council.

New Rule to 390:1-1-14. Employee performance recognition program.

Pursuant to the Incentive Awards for State Employees Act, 74 O.S. Section 4111 et seq., the Director may, at his or her discretion, establish an employee performance recognition

program from existing budget funds. Any such program shall comply with the provisions of applicable rules of the Office of Management and Enterprise Services.

(a) Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, challenge coins, or other awards.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 20 O.S., § 1313.2; 21 O.S., §§ 1289.8 and 1290.1; 51 O.S., §§ 24-A et seq.; 59 O.S., §§ 1350.1 et seq.; 59 O.S., §§ 1750.1 through 1750.14 and 1451 through 1476; 70 O.S., § 3311 et seq., § 3311.2 through 3311.13; 75 O.S., §§ 250 et seq. and 250.3

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to shelly.lowrance@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at www.ok.gov/cleet.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant, (405) 239-5152.

[OAR Docket #19-993; filed 12-19-19]

## Notices of Rulemaking Intent

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

*[OAR Docket #19-994]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

390:2-1-2. [AMENDED]

#### **SUMMARY:**

Amendments to 390:2-1-2. Denials, reprimands, suspensions, revocations, disciplinary penalties, fines, (a) (6) add Certified bomb dogs, handlers and applicants;

#### **AUTHORITY:**

Council on Law Enforcement Education and Training; 11 O.S., § 34-101 and § 34-102; 20 O.S., § 1313.2; 21 O.S., §§ 1289.8, 1290.1, and §§ 1290.14 through 1290.15; 59 O.S., §§ 1350.1 et seq.; 59 O.S., §§ 1750.1 through 1750.14 and 1451 through 1476; 70 O.S., § 3311 et seq.; 75 O.S., § 250 et seq., and § 250.3

#### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to shelly.lowrance@cleet.state.ok.us.

#### **PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

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

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

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

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

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

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

#### **CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant,  
(405) 239-5152.

*[OAR Docket #19-994; filed 12-19-19]*

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

*[OAR Docket #19-995]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

390:10-1-7. [AMENDED]

#### **SUMMARY:**

Amendments to 390:10-1-7. Withdrawal, voluntary withdraw, suspension, revocation and reinstatement of certification, added verbiage to (a) "Withdrawal" defined. A withdrawal of certification is the voluntary surrender of peace officer certification by an officer that has been certified pursuant to the provisions of 70 O.S. 3311 et seq. and who is the subject of an investigation into, or a pending or concluded proceeding involving, allegations of violation of any of the provisions of 70 O.S. 3311 et seq. or CLEET rules. "Withdrawal" does not include the voluntary surrender of peace officer certification by an officer who is in good standing with CLEET and is not the subject of such an investigation or proceeding.

Amendments to verbiage to (a) (1) an officer requesting a withdrawal of certification must notify CLEET of his or her intent in writing to voluntarily surrender peace officer certification and have his name withdrawn from the list of Oklahoma certified peace officers.

Amendments to verbiage to (a) (4) CLEET will enter a Final Order of Withdrawal which will include the peace officer's request to voluntarily surrender pending investigation or proceeding and documentation requiring the voluntary surrender of a certification. The Final Order must be signed by the Director and must include:

Amendments to (4) (B) and (D) to remove or surrender.

Amendments to add paragraph (b) Voluntary surrender. A peace officer who is in good standing with CLEET and who is not the subject of an investigation into, or a pending or concluded proceeding involving, allegations of violation of any of the provisions of 70 O.S. 3311 et seq. or CLEET rules, may voluntarily surrender such officer's peace officer certification.

(1) An officer wishing to voluntarily surrender certification must notify CLEET of his or her intent in writing to voluntarily surrender peace officer certification and have his or her name removed from the list of Oklahoma certified peace officers, provide a signed and notarized statement that such request is not made to avoid investigation or the outcome of a pending or

concluded proceeding involving allegations of violation of any of the provisions of 70 O.S. 3311 et seq. or CLEET rules, and return to CLEET his or her CLEET card.

(2) Upon receipt of the officer's written intent to voluntarily surrender and the officer's CLEET card, CLEET will enter a Final Order of Voluntary Surrender which will include the peace officer's request and statement described in subparagraph (1) above and will be signed by the Director.

(3) An officer who voluntarily surrendered his or her certification pursuant to this subsection may apply for reinstatement without regard to any particular time restriction.

Amendments to verbiage (c) Suspension. The certification of a peace officer may be suspended pursuant to the provisions of 70 O.S. Section 3311 et seq. and CLEET rules.

Amendments to adding paragraph (d) Revocation. The certification of a peace officer may be revoked pursuant to the provisions of 70 O.S. Section 3311 et seq. and CLEET rules.

Amendments to (c) Suspension to add and CLEET rules

Amendments to add (d) Revocation. The certification of a peace officer may be revoked pursuant to the provisions of 70 O.S. Section 3311 et seq. and CLEET rules.

(1) If any action against a peace officer results in the revocation of peace officer certification, the revoked officer shall immediately cease to engage in law enforcement activities of any type. Any peace officer found to be engaging in law enforcement activities of any kind may be subject to additional administrative or criminal actions.

(2) Administrative actions involving actions against a peace officer in which revocation of peace officer certification is provided by law, shall be conducted in accordance 70 O.S. 3311, the Administrative Procedures Act, OAC 390:2-1 et seq. and this chapter.

Amendments to (e) Reinstatement.

(1) An officer who has had peace officer certification withdrawn, suspended or revoked, who has voluntarily surrendered his or her certification, may have peace officer certification reinstated through the following procedures:

(3) (A) Circumstances surrounding the withdrawal, suspension, revocation or voluntary surrender of certification;

(B) Successful completion of any terms of suspension.

(C) Any pending charges or actions in this state or any other state; any convictions, including verdicts of guilt or entry of pleas of guilty or nolo contendere or an "Alford" plea or any plea other than not guilty to any felony, crime of domestic violence, or crime of moral turpitude in this state or any other state, and any final orders of protection entered against the applicant; and

(D) Activities of applicant during the period of suspension or following withdrawal, revocation, or voluntary surrender.

Add (4) Time for reinstatement applications:

(A) An applicant who voluntarily surrendered his or her certification while in good standing with CLEET and not the subject of an investigation into, or a pending or completed proceeding involving, allegations of violation of 70 O.S. 3311 et seq. or CLEET rules, may apply for reinstatement at any time;

(B) An applicant whose certification was suspended may apply for reinstatement upon the expiration of the suspension period;

(C) An applicant whose certification was revoked or who withdrew his or her certification while the subject of an investigation into, or a pending or completed proceeding involving, allegations of violation of 70 O.S. 3311 et seq. or CLEET rules, may apply for reinstatement after at least five (5) years have passed since the entry of the Final Order of Withdrawal or Revocation.

(D) That an applicant has waited the appropriate time period before applying for reinstatement does not guarantee that a reinstatement will be granted. Such application is subject to review as provided for in these rules.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O.S., § 3311.2 through 3311.13

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to shelly.lowrance@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant, (405) 239-5152.

*[OAR Docket #19-995; filed 12-19-19]*

## Notices of Rulemaking Intent

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

[OAR Docket #19-996]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. Basic Academy Programs  
390:15-1-13. [AMENDED]

#### **SUMMARY:**

Subchapter 1. Basic Academy Programs  
Amendments to 390:15-1-13. Academic requirements, verbiage to (e) and (f)

(e) Trainees who fail the certification examination will be permitted to retake the examination within ten (10) business days. A second failure will necessitate reenrollment into a basic academy. In accordance with 390:10-1-2 (d) for not completing basic certification according to 70 O.S., section 3311 (E) (4).

(f) If the trainee fails a proficiency test in the Custody Control block, the Law Enforcement Driver Training block or firearms block, the trainee will not be certified, and shall be required to obtain additional training through his/her employing agency; such training to be conducted by a CLEET certified instructor, discipline specific, within ninety (90) calendar days of the student's original academy completion date. Upon completion of such training, the student's employing agency administrator must, in writing, notify the Director of CLEET or the director's designee that the student is ready to be scheduled for remedial proficiency testing by CLEET staff. Such testing shall be completed by allowing the student up to three (3) attempts to attain the CLEET required proficiency in the skills area needed. If the trainee does not successfully complete remedial testing, no further testing will be allowed until the student has retaken the entire block of instruction.

#### **AUTHORITY:**

Council on Law Enforcement Education and Training; 20 O.S., §1313.2; 70 O.S., § 3311 through 3311.13

#### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to shelly.lowrance@cleet.state.ok.us.

#### **PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

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

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

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

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

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

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

#### **CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant,  
(405) 239-5152.

[OAR Docket #19-996; filed 12-19-19]

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

[OAR Docket #19-997]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

390:25-1-8. [AMENDED]  
390:25-1-10. [AMENDED]  
390:25-1-14. [AMENDED]

#### **SUMMARY:**

Amendments to 390:25-1-8. Outsides law enforcement schools and seminars, (b) Local training incentive, added cataloging and removed accreditation.

Amendments to verbiage (1) For the purposes of this, "CATALOGING" means that CLEET will assign a course catalog number and send a confirmation letter to the agency requesting such cataloging for a lesson plan submitted by that agency. It will be the responsibility of the agency requesting cataloging to retain the lesson plan and all supporting material. All lesson plans and supporting materials on file with the agency requesting a catalog number will be considered by CLEET to be copyrighted. Regarding any law enforcement concepts, practices, methods, techniques, products, or devices as might be taught, promoted, or otherwise espoused in outside

schools or seminars, there is no intent, expressed or implied, that "cataloging" indicates or in any way conveys "CLEET approval" of such concepts, practices, methods, techniques, products, or devices, unless such approval is explicitly stated by CLEET.

(2) For the purpose of qualifying for training or educational pay increases, or for other training incentives which might be initiated by law enforcement agencies, and for which CLEET cataloging is a requisite, the rules and procedures set forth in this subsection shall apply.

(3) Requests for local training incentive cataloging for any outside school or seminar, shall be made in writing in a format approved by CLEET and shall minimally contain the following information:

Amendments to 390: 25-1-10. Requirements for basic instructor certification, (a) add Qualification and add (b) Inactive Peace Officers. Any instructor who has been inactive as a peace officer for over five years shall not be allowed to use his/her Oklahoma Basic Instructor Development certification to teach CLEET courses. Instructors who are listed in an inactive status over five years must meet the requirements outlined for an adjunct instructor (390:25-1-13) if they intend to teach any CLEET course, including basic academy, reserve academy and continuing education. This provision is designed to insure students receive current subject matter expertise throughout the training.

Amendments to 390: 25-1-14. Mandatory Continuing Education, add (d) No full-time or reserve certified active peace officer may be both the instructor and an attendee at a program or course for which such peace officer seeks continuing education credit.

This rule does not prohibit a qualified instructor from attending for credit a course of like content to one he or she teaches so long as another qualified instructor is providing the instruction.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to shelly.lowrance@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor,

reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at www.ok.gov/cleet.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant, (405) 239-5152.

*[OAR Docket #19-997; filed 12-19-19]*

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

*[OAR Docket #19-998]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. License Requirements

390:35-5-1. [AMENDED]

390:35-5-2.1. [AMENDED]

390:35-5-3. [AMENDED]

Subchapter 7. Application Procedure

390:35-7-4. [AMENDED]

390:35-7-8. [AMENDED]

Subchapter 9. Violations and Investigations

390:35-9-1. [AMENDED]

Subchapter 15. Training Requirements

390:35-15-6. [AMENDED]

Appendix A [AMENDED]

**SUMMARY:**

Subchapter 5. License Requirements:

Amendments to 390: 35-5-1. Agency license requirements, (c) Agency licenses issued in the name of a corporation, limited liability company (LLC), or other non-natural person legal entity recognized by the State of Oklahoma remain with the corporation, LLC, or other non-natural person legal entity regardless of changes in ownership interests. Agency licenses issued in the name of an individual or in the name of a company which is not a corporation LLC, or other non-natural person legal entity, such as a "doing business as" (d/b/a) company, are not transferrable upon the sale of the company. Any agency

## Notices of Rulemaking Intent

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licensee shall notify CLEET in writing, with an original signature, of changes in agency head, security guard and/or private investigator supervisor, and/or branch manager and such substitutes must satisfy the requirements listed in (d) of this section and be approved by CLEET. Such notices must be made within ten (10) days of any changes and will not be accepted over the phone, by fax, or by email.

(d) Every applicant for an agency license, or in the case of a corporation, LLC, or other non-natural person legal entity, the agency head, security guard and/or private investigator supervisor, and /or branch manager shall meet the following qualifications before the agency may engage in any business licensed under this chapter:

Amendments to verbiage in (3) (4) (5)

(3) not have been convicted of a felony that substantially relates to the occupation of a security guard or private investigator and poses a reasonable threat to public safety or crimes enumerated in the Act or CLEET rules unless waived by the Council pursuant to O.S. Title 59, Section 1750.5 (H);

(4) not have had his or her license revoked or application for such license denied by CLEET or any other state and must provide a letter of good standing from any other state previously licensed;

(5) in the case of a corporation, be incorporated under the laws of this state, or shall be duly qualified to do business within this state.

Amendments in 390:35-5-2.1. Renewals and continuing education, (a) (1) (2) (3)

(1) Private Investigators must complete a minimum of sixteen (16) hours of continuing education training from an approved source, during the licensing period to maintain their license, pursuant to Title 59, O.S., § 1750.3.

(2) Security Guards must complete a minimum of eight (8) hours of continuing education training from an approved source, during the licensing period to maintain their pursuant to Title 59 O.S., § 1750.3.

(3) A person holding both a security guard license and private investigator license or a combination license must complete a total of sixteen (16) hours of continuing education training during the licensing period to maintain their license, pursuant to Title 59, O.S., § 1750.3.

Amendments to (C) CLEET approved or cataloged Schools, Seminars, and Conferences. One hour of mandate training credit will be granted for each hour of instruction. For approval to conduct mandate training, sponsors must:

(i) Submit a written request for program cataloging to CLEET;

(ii) Provide course information, including course objectives;

(iii) Provide resume for instructors; and

Amendments to (b) adding (1) Renewal applications will be accepted no more than sixty (60) days before the date of expiration of the applicant's license. If the renewal application is received more than sixty (60) days before the expiration date of the applicant's license, the payment received and a letter will be mailed to the applicant with instructions of when to submit a completed renewal application and licensing fee.

Amendments to 390:35-5-3. Conditional licenses. Add (e) If, after a conditional license has been issued, the employee-employer relationship under which the application was made ceases to exist, the conditional license will become null and void. The application approval process for a security guard license will continue, however, and upon final approval a regular security guard license may issue. The application process for a private investigator becomes null and void when the employee-employer relationship ends and no further action on the application will be taken.

Subchapter 7. Application Procedure

Amendments to 390:35-7-4. Background investigation of applicants.

(f) (1) A new license shall not be issued if a disqualifying charge is pending against the applicant in any court in this state, another state, tribal court, or pursuant to the United States Code.

(2) A new or renewal license shall not be issued if the applicant is subject to the provisions of a deferred sentence or deferred prosecution in any court in this state, another state, tribal court, or pursuant to federal authority for the commission of any disqualifying offense. The preclusive period shall be for five (5) years and shall begin upon the final determination of the matter.

Amendments to 390:35-7-8. Individual private security applicant requirements.

(a) (4) Have no final victim protection orders issued in any state in which applicant is the respondent / defendant;

(5) Have no record of a felony conviction or a deferred judgment or suspended sentence for a felony offense; that substantially relates to the occupation of a security guard or private investigator and poses a reasonable threat to public safety;

(A) If the applicant is the defendant in such a felony criminal prosecution that is pending, no license will be issued until final resolution of the criminal prosecution.

(B) If the applicant is the subject of an Order Deferring Imposition of Judgment and Sentence in such a felony case, no license will be issued until completion of the deferred sentence and dismissal of the criminal prosecution without a finding of guilt.

(C) If the Applicant was convicted of a felony that substantially relates to the occupation of a security guard or private investigator, and the sentence was completed more than five (5) years prior to the date of application, and the Applicant otherwise meets the licensing requirements, an Unarmed Security or Private Investigator License may be issued, but an Armed Security Guard or Armed Private Investigator license may not be issued to the Applicant if the felony involved the use of a firearm or was violent in nature. The Applicant must provide all documentation required by CLEET.

(6) Have no record of conviction for assault or assault and battery, aggravated assault and battery, larceny, theft, false pretense, fraud, embezzlement, false impersonation of an officer, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the

possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense as prescribed by the Council.

(b) If an applicant was convicted of a disqualifying crime, and the sentence was completed more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the conviction disqualification as provided for in this paragraph and issue an unarmed Security or Private Investigator license, but shall not issue an armed Security or Private Investigator license if the offense was a felony and involved the use of a firearm, or was violent in nature. The passage of five (5) years from completion of the sentence does not mean that the applicant is entitled to a license. The decision on whether the disqualifying conviction is waived is within the sole discretion of CLEET. The applicant must supply all documentation required by CLEET for consideration of a possible waiver.

(c) If it is discovered that a disqualifying conviction exists, other than one that was waived pursuant to this section, the Council shall immediately revoke or deny any license;

Add (r) An applicant who previously voluntarily surrendered an Unarmed Security Guard, Armed Security Guard, Unarmed Private Investigator, Armed Private Investigator license, any combination license, or an Agency license shall complete all application requirements, including paying the applicable licensing fee, as if he or she is a new applicant. If said applicant was in good standing with CLEET and was not the subject of an investigation into, or a pending or completed proceeding involving, allegations of violation of the Act or CLEET rules at the time of such voluntary surrender, no particular time requirement shall be imposed before such applicant can make a new application. If such applicant voluntarily surrendered his or her license(s) while a subject of an investigation into, or a pending or completed proceeding involving, allegations of violation of the Act or CLEET rules, such applicant will not be eligible to apply for another license under the Act until five (5) years have passed from the date of such voluntary surrender.

Subchapter 9. Violations and Investigations

Amendment to 390:35-9-1. Classifications of actions against licensees.

Pursuant to the Act, CLEET shall have the responsibility and authority to investigate alleged violations of the Act and of the rules of this Chapter.

Add (a) These investigations may result in one or more of the following classifications of actions to be taken against a licensee:

Add (b) A licensee may choose to voluntarily surrender his or her license(s) or identification card while subject to an investigation into, or a pending or concluded proceeding involving, allegations of violation of any of the provisions of the Act or CLEET rules. Such voluntary surrender will be treated as a revocation of said license(s) or identification card. Any licensee who voluntarily surrenders his or her license(s) or identification card under such circumstances shall not be

eligible to apply for a new license under the Act until five (5) years have passed from the date of such voluntary surrender.

Subchapter 15. Training Requirements

Amendments to 390:35-15-6. Psychological evaluations.

Add (f) No armed security guard license, armed private investigator license, armed bail enforcer license, or any other license permitting a person to carry a firearm or weapon may be issued or renewed by CLEET if the applicant has been involuntarily committed for a mental illness, condition or disorder as provided in the Act. The preclusive period shall be permanent unless the applicant has been granted relief from the disqualifying disability pursuant to 21 O.S. Section 1290.27.

APPENDIX A. DISQUALIFYING CONVICIONS.

Amending verbiage

1. Assault and battery
2. Theft (petty or grand)
3. Larceny (petty or grand)
4. Any sex offense - involving violence or a minor
18. Conspiracy to commit one of offenses listed herein
19. Accessory after the fact to one of the offenses listed herein
21. Receiving or possession of stolen property
30. Assault and battery upon police officer
36. Entry of a final order of protection against an applicant or licensee.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 59 O.S., §§ 1350.1 et seq. and 1750.1 through 1750.14; 70 O.S., § 3311 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to shelly.lowrance@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma

# Notices of Rulemaking Intent

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74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant, (405) 239-5152.

*[OAR Docket #19-998; filed 12-19-19]*

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

*[OAR Docket #19-999]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

390:60-1-6. [AMENDED]

Subchapter 7. Disciplinary Actions

390:60-7-3. [AMENDED]

**SUMMARY:**

Subchapter 1. General Provisions

Amendments to 390:60-1-6. Eligibility for licensing,

Adding (d) A licensee who is in good standing with CLEET and who is not subject to an investigation into, or a pending or concluded proceeding involving, allegations of violation of any of the provisions of the Act or CLEET rules, may voluntarily surrender his or her license by doing the following:

(1) A licensee wishing to voluntarily surrender his or her license must notify CLEET of his or her intent in writing, provide a signed and notarized statement that such request is not made to avoid investigation or the outcome of a pending or concluded proceeding involving allegations of violation of any of the provisions of the Act or CLEET rules, and return to CLEET his or her CLEET license and identification card.

(2) Upon receipt of the licensee's written intent to voluntarily surrender and the licensee's CLEET license and identification card, CLEET will enter a Final Order of Voluntary Surrender which will include the licensee's request and statement described in subparagraph (1) above and will be signed by the Director.

Subchapter 7. Disciplinary Actions

Amendments to 390:60-7-3. Possible disciplinary actions against licensees.

Add (b) A licensee may choose to voluntarily surrender his or her license while subject to an investigation into, or a

pending or concluded proceeding involving, allegations of violation of any of the provisions of the Act or CLEET rules. Such voluntary surrender will be treated as a revocation of said license. Any licensee who voluntarily surrenders his or her license under such circumstances shall not be eligible to be reinstated.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 59 O.S., §§ 1301, 1303, 1327, 1328, 1329, 1332, 1332.1.1, 1350.1 through 1350.20, and 1750.1 through 1750.14; 70 O.S., §§ 3311 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on February 14, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Shelly Lowrance, or by e-mail to [shelly.lowrance@cleet.state.ok.us](mailto:shelly.lowrance@cleet.state.ok.us).

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 2:00 p.m. on February 26, 2020 at CLEET, 2401 Egypt Road, Ada, Oklahoma, 74820.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, 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 labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Shelly Lowrance, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Shelly Lowrance at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, 405-239-5152, 405-306-2398 or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on January 30, 2020 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Shelly Lowrance, Executive Administrative Assistant, (405) 239-5152.

*[OAR Docket #19-999; filed 12-19-19]*

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

*[OAR Docket #19-944]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking intent

**PROPOSED RULES:**

- 435:30-1-2. Definitions [AMENDED]
- 435:30-1-4. Licensure by endorsement [AMENDED]
- 435:30-1-5. License renewal; late fees; continuing education; re-entry guidelines [AMENDED]
- 435:30-1-15. Supervision of students, new graduates, techs and aides [AMENDED]
- 435:30-1-18. Telehealth Regulations [NEW]

**SUMMARY:**

The Board of Medical Licensure and Supervision with the cooperation of the Occupational Therapy Advisory Committee intends to establish rules regulating the use of telemedicine while providing occupational therapy. In addition to establishing telemedicine rules, there are a number of amendments to a number of sections under Chapter 30 of Title 435. The first amendment allows an applicant for licensure by endorsement to get a temporary license for a period of not more than ninety (90) days once the Board has received an application for licensure. Secondly, another amendment clarifies the potential penalty for failing to comply with the continuing education requirements as well as ramifications for failing to produce records of continuing education. Third, the Occupational Therapy Advisory Committee will now have an audit process to ensure licensees are meeting the continuing education requirements. Finally, an amendment regarding the rule governing supervision makes clear that an occupational therapist is accountable and responsible for the use of unlicensed personnel during a therapy session or service delivery regardless of whether it is in person or by telehealth.

**AUTHORITY:**

Title 59 O.S. §§ 888.1 et seq; Oklahoma Board of Medical Licensure and Supervision

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so by close of business on February 18, 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.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Wednesday, February 19, 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 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 after January 30, 2020.

**CONTACT PERSON:**

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

*[OAR Docket #19-944; filed 12-13-19]*

**TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION  
CHAPTER 10. LICENSE**

*[OAR Docket #19-1022]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. ~~License~~ ~~Identification~~ Licenses and Changes Registration
- 465:10-3-1 [AMENDED]
- 465:10-3-3 [AMENDED]
- 465:10-3-5 [AMENDED]
- 465:10-3-6 [NEW]

**SUMMARY:**

HB1094 effective November 1, 2019, removed the statutory requirement for salesperson licensing and replaces with a requirement for salesperson registration. Emergency Rules were signed by the Governor, October 2, 2019 and now they need to become permanent. The first three amended sections remove any reference of salesperson "license", "licensing" and substituting with verbiage "registration" "registered" or "certificate of registration". The new section is required to comply with the Oklahoma Tax Commission's law, Title 47, Section 1128(A) concerning a licensed salesperson's exemption from the 72 hour limit on operating a motor vehicle with a dealer's tag affixed.

**AUTHORITY:**

Oklahoma Motor Vehicle Commission; Title 47, Section 563(F), 564, and Title 75, Section 302(A)(2)

**COMMENT PERIOD:**

Written comments will be accepted through February 18, 2020 at the Oklahoma Motor

## Notices of Rulemaking Intent

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Vehicle Commission, 4334 NW Expressway, Suite 183, Oklahoma City, OK 73116, or by email to: [email@omvc.ok.gov](mailto:email@omvc.ok.gov)

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" in writing to OMVC, 4334 NW Expressway, Suite 183, Oklahoma City, OK 73116, attention Brad Bailey; (405) 607-8227 or by email to [omvc.ok.gov](mailto:omvc.ok.gov). Requests must be received no later than 4:30pm on February 18, 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 to Brad Bailey at the address or email address above during the period from January 15, 2020 to February 18, 2020.

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

Copies of the rules may be obtained by contacting Marilyn Maxwell at the OMVC, 4334 NW Expressway, Suite 183, Oklahoma City, OK 73116, or by phone (405) 607-8227, or [email@omvc.ok.gov](mailto:email@omvc.ok.gov)

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. Section 303 (D), a rule impact statement will be prepared and available on or after the publication of this notice on January 15, 2020 at the same location listed above for obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Marilyn Maxwell, Deputy Director, (405) 607-8227, [email@omvc.ok.gov](mailto:email@omvc.ok.gov)

*[OAR Docket #19-1022; filed 12-23-19]*

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### **TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #19-1023]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Board Organization and Proceedings  
690:1-3-11. Executive Secretary and staff [AMENDED]

### **SUMMARY:**

The proposed amendments to Chapter 1 clarify that the position of Executive Secretary is considered the Agency Head or Executive Director for purposes of the OMES agency head salary schedule and the statutorily designated unclassified positions in the Oklahoma Personnel Act

### **AUTHORITY:**

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 1:00 p.m., February 14, 2020. Written comments may be mailed or hand delivered to the attention of Amy Hall, Executive Secretary, Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK 73118; facsimile, at (405) 524-4985; or by email at [amy.hall@obespa.ok.gov](mailto:amy.hall@obespa.ok.gov).

### **PUBLIC HEARING:**

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on February 14, 2020 at 1:00pm in Conference Room 105 at the address given above.

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

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Amy Hall, at the above address, before the close of the comment period on February 14, 2020.

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

Copies of the proposed rules may be obtained from Amy Hall, Executive Secretary, at the above address or through the OBESPA website at [www.obespa.ok.gov](http://www.obespa.ok.gov).

### **RULE IMPACT STATEMENT**

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

### **CONTACT PERSON:**

Amy Hall, Executive Secretary, (405) 524-4955, [amy.hall@obespa.ok.gov](mailto:amy.hall@obespa.ok.gov).

*[OAR Docket #19-1023; filed 12-23-19]*

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### **TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 10. LICENSURE AND FEES**

*[OAR Docket #19-1024]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Licensure of Speech-Language Pathologists and Audiologists  
690:10-3-3. Criteria considered for licensure [AMENDED]  
690:10-3-7. Examination requirement and exceptions [AMENDED]

Subchapter 5. Licensure of Speech-Language Pathology  
Clinical Fellows Completing Post-Graduate Clinical  
Fellowship

690:10-5-1. License to practice as a speech-language  
pathology clinical fellow [AMENDED]

690:10-5-4. Application form for clinical fellows  
[AMENDED]

690:10-5-5. Authorization period and extensions for  
clinical fellows [AMENDED]

690:10-5-6. Requirements for supervision of clinical  
fellows [AMENDED]

Subchapter 7. Licensure of Speech-Language Pathology  
Assistants and Audiology Assistants

690:10-7-3. Supervision required [AMENDED]

Subchapter 9. Fees

690:10-9-9. Criminal History Initial Determination Fee  
[NEW]

**SUMMARY:**

The proposed amendments to subchapter 3 of Chapter 10 implement HB 1373 regarding license applicants with a criminal history, and SB 670 regarding licensing procedures for military members and their spouses.

The proposed amendments to subchapters 5 and 7 of Chapter 10 clarify the scope of the supervision of a clinical fellow and speech-language pathology assistant. A new section will be added to the fee schedule in subchapter 9 to establish the \$95 fee authorized by HB 1373 to cover the cost of the criminal history initial determination.

**AUTHORITY:**

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 1:00 p.m., February 14, 2020. Written comments may be mailed or hand delivered to the attention of Amy Hall, Executive Secretary, Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK 73118; facsimile, at (405) 524-4985; or by email at amy.hall@obespa.ok.gov.

**PUBLIC HEARING:**

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on February 14, 2020 at 1:00pm in Conference Room 105 at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Amy Hall, at the above address, before the close of the comment period on February 14, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Amy Hall, Executive Secretary, at the above address or through the OBESPA website at www.obespa.ok.gov.

**RULE IMPACT STATEMENT**

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

**CONTACT PERSON:**

Amy Hall, Executive Secretary, (405) 524-4955, amy.hall@obespa.ok.gov.

*[OAR Docket #19-1024; filed 12-23-19]*

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

*[OAR Docket #19-1006]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Ad Valorem [AMENDED]

**SUMMARY:**

Sections 710:10-3-18 and 710:10-3-25 have been amended to clarify existing policy.

Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

**AUTHORITY:**

68 O.S. § 203; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 18, 2020, at the following address: Lisa Haws, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, or lhaws@tax.ok.gov.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:30 p.m. on Tuesday, February 18, 2020 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4<sup>th</sup> floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the

## Notices of Rulemaking Intent

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building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, 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 Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. The proposed rules are also available on the OTC website at [www.tax.ok.gov](http://www.tax.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

### **CONTACT PERSON:**

Lisa R. Haws, Agency Liaison, 405-521-3133, [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #19-1006; filed 12-19-19]*

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

*[OAR Docket #19-1007]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 22. Boats and Motors [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 57<sup>th</sup> Legislature (2019) unless otherwise indicated.

Section 710:22-1-3 has been amended to implement the provisions of HB 1156 which amends definitions and provides that canoes, kayaks or paddleboats when powered by any means other than human power, must be titled and registered. [64:4002, 4005]

Section 710:22-1-22 has been amended to update a reference to the Grand River Dam Authority.

Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

### **AUTHORITY:**

63 O.S. § 4004; 68 O.S. § 203; Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 18, 2020, at the following address: Lisa Haws, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, or [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov).

### **PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on Tuesday, February 18, 2020 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4<sup>th</sup> floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, 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 Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. The proposed rules are also available on the OTC website at [www.tax.ok.gov](http://www.tax.ok.gov).

### **RULE IMPACT STATEMENT:**

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

listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison, 405-521-3133, lhaws@tax.ok.gov

[OAR Docket #19-1007; filed 12-19-19]

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

[OAR Docket #19-1008]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 50. Income [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 57<sup>th</sup> Legislature (2019) unless otherwise indicated.

Section 710:50-15-32 has been amended to implement the provisions of SB 485 which eliminates the small business incubator sponsor income tax exemption and amends the small business incubator tenant income tax exemption by eliminating the 75% requirement. [(74:5072, 5075 and 5078)]

Section 710:50-15-51 has been amended in accordance with the Veterans Benefits and Transition Act of 2018; a spouse may elect to use the same residence for tax purposes as the servicemember for tax years beginning on or after January 1, 2018,

New Section 710:50-15-69 has been added to implement the provisions of SB 893 which reinstates the income tax deduction for expenses incurred to provide care for a foster child. [68:2358.5-1]

Section 710:50-15-81, which relates to the income tax credit for qualified clean-burning motor vehicle fuel property, has been amended to implement the provisions of HB 2095 which extended the sunset date from tax year 2019 to tax year 2027 and imposed a state wide cap of \$20,000,000 effective for tax year 2020. [68:2357.22]

Section 710:50-15-116, which relates to income tax credits for qualified employers and engineers in the vehicle manufacturing industry, has been amended to implement the provisions of HB 1884; automotive parts manufacturing entities are either eligible for the tax credit or as a qualifying industry for the tax credit, provided that the entity is first placed in service on or after November 1, 2019. Additionally, the definition of "motor vehicle" is expanded to include buses and truck-tractors. [68:2357.404]

New Section 710:50-15-117 has been added to implement the provisions of HB 2759 which enacted a non-refundable

income tax credit for individuals employed as qualified software or cybersecurity employees effective for tax years 2020 through 2029. [68:2357.405]

Sections 710:50-17-1 and 710:50-19-1 have been amended to require the electronic filing of Oklahoma corporate income tax returns and partnership income tax returns. [68:203]

Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

**AUTHORITY:**

68 O.S. §§ 203 and 2357.22; 74 O.S. §§ 5075 and 5078; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 18, 2020, at the following address: Lisa Haws, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, or lhaws@tax.ok.gov.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Tuesday, February 18, 2020 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4<sup>th</sup> floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, 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 Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard,

## Notices of Rulemaking Intent

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Oklahoma City, Oklahoma. The proposed rules are also available on the OTC website at [www.tax.ok.gov](http://www.tax.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

### **CONTACT PERSON:**

Lisa R. Haws, Agency Liaison, 405-521-3133, [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #19-1008; filed 12-19-19]*

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

*[OAR Docket #19-1009]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 60. Motor Vehicles [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 57<sup>th</sup> Legislature (2019) unless otherwise indicated.

Section 710:60-5-62 has been amended to implement the provisions of SB 125; any branding of a motor vehicle's certificate of title as a "Lemon Law Buyback" must remain permanently on the title. [15:901.1]

Sections 710:60-9-2 and 710:60-9-134 have been amended to implement the provisions of HB 2098, the 21<sup>st</sup> Century Motor Tag Agent Act. [47:1140]

Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

### **AUTHORITY:**

68 O.S. §203; 47 O.S. §1140; Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 18, 2020, at the following address: Lisa Haws, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, or [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov).

### **PUBLIC HEARING:**

A public hearing is scheduled for 9:00 a.m. on Tuesday, February 18, 2020 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4<sup>th</sup> floor. Those wishing to make oral comments at the public hearing should request placement

on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, 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 Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. The proposed rules are also available on the OTC website at [www.tax.ok.gov](http://www.tax.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

### **CONTACT PERSON:**

Lisa R. Haws, Agency Liaison, 405-521-3133, [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #19-1009; filed 12-19-19]*

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### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING**

*[OAR Docket #19-1010]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 90. Withholding [AMENDED]

**SUMMARY:**

Sections 710:90-1-2, 710:90-1-3, 710:90-1-8, 710:90-1-13, 710:90-5-1 and 710:90-5-2 have been amended, and other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

**AUTHORITY:**

68 O.S. § 203; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 18, 2020, at the following address: Lisa Haws, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, or lhaws@tax.ok.gov.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Tuesday, February 18, 2020, at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4<sup>th</sup> floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, 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 Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. The proposed rules are also available on the OTC website at www.tax.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison, 405-521-3133, lhaws@tax.ok.gov

[OAR Docket #19-1010; filed 12-19-19]

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

[OAR Docket #19-1011]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 95. Miscellaneous Areas of Regulatory and Administrative Authority [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 57<sup>th</sup> Legislature (2019) unless otherwise indicated.

Sections 710:95-5-2 and 710:95-5-3 have been revised consistent with the passage of SB 878 which amended 27A O.S. § 2-11-401.1, providing a definition of automobile for purposes of the Oklahoma Used Tire Recycling Act and set, regardless of tire rim size, the applicable used tire fee for automobiles.

Section 710:95-5-9 has been amended to implement the provisions of SB 426 [2017] which imposed additional used tire fees on the first titling in Oklahoma of certain vehicles including trailers, semitrailers and motor vehicles to be registered under the International Registration Plan. [27A:2-11-401.2]

Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

**AUTHORITY:**

68 O.S. § 203 and 27A O.S. §2-11-401.6; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 4:30 p.m. on February 18, 2020, at the following address: Lisa Haws, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, or lhaws@tax.ok.gov.

## Notices of Rulemaking Intent

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### **PUBLIC HEARING:**

A public hearing is scheduled for 3:00 p.m. on Tuesday, February 18, 2020 at the Oklahoma Tax Commission, 2501 North Lincoln Blvd., Oklahoma City, Oklahoma, in the Conference Room on the 4<sup>th</sup> floor. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Lakesha Mackie at (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

In order to facilitate entry into the building, those wishing to appear should contact Lakesha Mackie at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, 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 Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. The proposed rules are also available on the OTC website at [www.tax.ok.gov](http://www.tax.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review from the same source listed above for obtaining copies of proposed rules on and after the date of publication of this Notice of Rulemaking Intent.

### **CONTACT PERSON:**

Lisa R. Haws, Agency Liaison, 405-521-3133, [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #19-1011; filed 12-19-19]*

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

*[OAR Docket #19-1002]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:15-1-1 [AMENDED]

765:15-1-2 [AMENDED]

765:15-1-3 [AMENDED]

765:15-1-5 [AMENDED]

765:15-1-6 [AMENDED]

765:15-1-7 [AMENDED]

Subchapter 3. Authority of Salespersons

765:15-3-1 [AMENDED]

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

765:15-5-1 [AMENDED]

765:15-5-2 [AMENDED]

### **SUMMARY:**

The Rules conform to HB 1094 (2019) and establish reasonable ground for denial, suspension, or revocation of the certificate of registration.

### **AUTHORITY:**

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)(1)

75 O.S. Section 583 B.3.

75 O.S. Section 302 et.seq

### **COMMENT PERIOD:**

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103, by March 9<sup>th</sup>, 2020 at 4:00 p.m.

### **PUBLIC HEARING:**

The public hearing will be held on Tuesday, March 10<sup>th</sup>, 2020, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 100, Oklahoma City, Oklahoma.

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

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 9<sup>th</sup>, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and be available after January 2nd, 2020, at the office of the Used Motor Vehicle and Parts Commission.

**CONTACT PERSON:**

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 421, NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

*[OAR Docket #19-1002; filed 12-19-19]*

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

*[OAR Docket #19-1003]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 6. Manufactured Home Inspection Fees [NEW] 765:36-6-1 [NEW]

**SUMMARY:**

The Rule Amendments relate to the assessment and collection of inspection fees that were established in SB716 (2019).

**AUTHORITY:**

Oklahoma Used Motor Vehicle and Parts Commission  
47 O.S. Section 582(E)(1)  
75 O.S. Section 583 B.3.  
75 O.S. Section 302 et.seq

**COMMENT PERIOD:**

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103, by March 9<sup>th</sup>, 2020 at 4:00 p.m.

**PUBLIC HEARING:**

The public hearing will be held on Tuesday, March 10<sup>th</sup>, 2020, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 100, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W.

Maile, at the above address, before the close of the comment period on March 9<sup>th</sup>, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and be available after January 2nd, 2020, at the office of the Used Motor Vehicle and Parts Commission.

**CONTACT PERSON:**

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 421, NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

*[OAR Docket #19-1003; filed 12-19-19]*

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

*[OAR Docket #19-1004]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Operation 765:37-5-6 [NEW]

**SUMMARY:**

The Rule Amendments relate to the assessment and collection of inspection fees that were established in SB716 (2019).

**AUTHORITY:**

Oklahoma Used Motor Vehicle and Parts Commission  
47 O.S. Section 582(E)(1)  
75 O.S. Section 583 B.3.  
75 O.S. Section 302 et.seq

**COMMENT PERIOD:**

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103, by March 9<sup>th</sup>, 2020 at 4:00 p.m.

**PUBLIC HEARING:**

The public hearing will be held on Tuesday, March 10<sup>th</sup>, 2020, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 100, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business

## Notices of Rulemaking Intent

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entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 9<sup>th</sup>, 2020.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 2<sup>nd</sup>, 2020, at the office of the Used Motor Vehicle and Parts Commission.

### CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 421, NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

*[OAR Docket #19-1004; filed 12-19-19]*

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

*[OAR Docket #19-1005]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:38-1-1 [AMENDED]

765:38-1-2 [AMENDED]

765:38-1-3 [AMENDED]

765:38-1-4 [AMENDED]

765:38-1-5 [AMENDED]

765:38-1-6 [AMENDED]

Subchapter 3. Authority of Salespersons

765:38-3-1 [AMENDED]

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

765:38-5-1 [AMENDED]

765:38-5-2 [AMENDED]

### SUMMARY:

The Rules conform to HB 1094 (2019) and establish reasonable ground for denial, suspension, or revocation of the certificate of registration.

### AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)(1)

75 O.S. Section 583 B.3.

75 O.S. Section 302 et.seq

### COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103, by March 9<sup>th</sup>, 2020 at 4:00 p.m.

### PUBLIC HEARING:

The public hearing will be held on Tuesday, March 10<sup>th</sup>, 2020, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 100, Oklahoma City, Oklahoma.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 9<sup>th</sup>, 2020.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 421 NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 2<sup>nd</sup>, 2020, at the office of the Used Motor Vehicle and Parts Commission.

### CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 421, NW 13<sup>th</sup>, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

*[OAR Docket #19-1005; filed 12-19-19]*

# Submissions to Governor and Legislature

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

## **TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 1. GENERAL RULES OF PRACTICE AND PROCEDURE**

*[OAR Docket #19-931]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 19. Actual and Necessary Travel Reimbursements

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

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

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

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

December 13, 2019

*[OAR Docket #19-931; filed 12-13-19]*

## **TITLE 165. CORPORATION COMMISSION CHAPTER 15. FUEL INSPECTION**

*[OAR Docket #19-1014]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions

165:15-1-2. Definitions [AMENDED]

Subchapter 3. Fuel Specialists, Testing, Accessibility, and Assistance

Part 11. Accessibility and Assistance

165:15-3-32. Retail ~~outlet~~ facility with aboveground storage tanks [AMENDED]

Subchapter 13. Labeling of Tanks and Product Lines

165:15-13-1. General identification and color coding requirements [AMENDED]

Subchapter 15. Liquid Measuring Devices

Part 7. Money Values and Volumes Dispensed

165:15-15-35. Money value display and computation [AMENDED]

Subchapter 19. Inspections, Notices of Violation, Field Citations, and Formal Enforcement Actions

165:15-19-3. Notices of Violation [AMENDED]

165:15-19-4. Re-inspection, Formal Enforcement and Field Citation [AMENDED]

165:15-19-5. Issuance of a Field Citation and payment of fine or hearing [AMENDED]

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

December 20, 2019

*[OAR Docket #19-1014; filed 12-20-19]*

## **TITLE 165. CORPORATION COMMISSION CHAPTER 25. UNDERGROUND STORAGE TANKS**

*[OAR Docket #19-1015]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions

Part 3. Definitions

165:25-1-11. Definitions [AMENDED]

Part 6. Administrative Provisions

165:25-1-26.1. Hearings, orders and ~~appeals~~ exceptions [AMENDED]

Part 9. Notification and Reporting Requirements

165:25-1-41. General reporting requirements [AMENDED]

165:25-1-42. New tank systems [AMENDED]

Part 17. Licensing Procedures

165:25-1-107. License penalties [AMENDED]

Subchapter 2. General Requirements for Underground Storage Tank Systems

Part 1. Codes and Standards

165:25-2-2. Incorporated codes and standards [AMENDED]

Part 5. Protection Against Corrosion

165:25-2-53.1. Underground storage tank internal lining requirements [AMENDED]

Part 6. Piping

165:25-2-55.2. Vent piping requirements [AMENDED]

Part 7. Dispensers

165:25-2-75.1 Display on dispenser [NEW]

Part 13. Removal and Closure of Underground Storage Tank Systems

165:25-2-135. Permanent closure [AMENDED]

Subchapter 3. Release Prevention and Detection Requirements

Part 2. Release Detection Requirements and Methods

165:25-3-6.25. Interstitial monitoring [AMENDED]

Part 3. Release Investigation Requirements

165:25-3-7.1. Release reporting [AMENDED]

## Submissions to Governor and Legislature

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Subchapter 5. Upgrades  
165:25-5-1. Alternatives allowed [AMENDED]  
Subchapter 8. Special Requirements for Underground Storage Tank Systems Utilized by Marinas  
Part 5. Dispenser Requirements  
165:25-8-15. Nozzles [AMENDED]  
Subchapter 18. Inspections, Notices of Violation, Field Citations, and Formal Enforcement Actions  
Part 3. Notices of Violation, Field Citations, and Formal Enforcement Actions  
165:25-18-11. Notices of Violation [AMENDED]  
165:25-18-12. Re-inspection, Field Citation and Formal Enforcement Action [AMENDED]  
165:25-18-13. Issuance of a Field Citation and payment of fine or hearing [AMENDED]  
Part 5. Penalties  
165:25-18-19. Penalties [AMENDED]  
Appendix S. Field Citations Table [REVOKED]  
Appendix S. Field Citations Table [NEW]  
**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**  
December 20, 2019

*[OAR Docket #19-1015; filed 12-20-19]*

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### **TITLE 165. CORPORATION COMMISSION CHAPTER 26. ABOVEGROUND STORAGE TANKS**

*[OAR Docket #19-1016]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions  
Part 1. Purpose and Definitions  
165:26-1-2. Definitions [AMENDED]  
Part 3. Scope of Rules  
165:26-1-22. Exclusions [AMENDED]  
Part 4. Administrative Provisions  
165:26-1-26. Hearings, orders and ~~appeals~~exceptions [AMENDED]  
Part 7. Notification and Reporting Requirements  
165:26-1-41. General reporting requirements [AMENDED]  
165:26-1-42. New tank systems [AMENDED]  
Part 15. Licensing Procedures  
165:26-1-113. License penalties [AMENDED]  
Subchapter 2. General Requirements for Aboveground Storage Tank Systems  
Part 1. Design and Installation  
165:26-2-3. Aboveground storage tank spacing [AMENDED]

165:26-2-4. Distance to be kept around tanks [AMENDED]  
165:26-2-5.1. General spill and overflow prevention requirements [AMENDED]  
165:26-2-7. Collision barriers [AMENDED]  
Part 9. Dispenser Requirements  
165:26-2-91.1. Display on dispenser [NEW]  
Subchapter 3. Release Prevention and Detection  
Part 14. Release Reporting Requirements  
165:26-3-77. Release reporting [AMENDED]  
Subchapter 4. Inspections, Notices of Violation, Field Citations and Formal Enforcement Actions  
Part 5. Notices of Violation, Field Citations, and Formal Enforcement Actions  
165:26-4-16. Notices of Violation [AMENDED]  
165:26-4-17. Re-inspection, Field Citation and Formal Enforcement Actions [AMENDED]  
165:26-4-18. Issuance of a Field Citation and payment of fine or hearing [AMENDED]  
Part 7. Penalties  
165:26-4-21. Penalties [AMENDED]  
Subchapter 8. Requirements for Aboveground Storage Tank Systems Utilized by Marinas  
Part 15. Dispenser Requirements  
165:26-8-62. Nozzles [AMENDED]  
Appendix G. Field Citations Table [REVOKED]  
Appendix G. Field Citations Table [NEW]  
**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**  
December 20, 2019

*[OAR Docket #19-1016; filed 12-20-19]*

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### **TITLE 165. CORPORATION COMMISSION CHAPTER 27. INDEMNITY FUND**

*[OAR Docket #19-1017]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions  
165:27-1-2. Definitions [AMENDED]  
165:27-1-6. Prescribed forms [AMENDED]  
Subchapter 9. Administrative Provisions  
165:27-9-1. Hearing, orders, and ~~appeals~~exceptions [AMENDED]

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

December 20, 2019

*[OAR Docket #19-1017; filed 12-20-19]*

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 29. CORRECTIVE ACTION OF  
PETROLEUM STORAGE TANK RELEASES**

*[OAR Docket #19-1018]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions

Part 3. Definitions

165:29-1-11. Definitions [AMENDED]

Part 7. National Industry Codes

165:29-1-32. Incorporated codes and standards  
[AMENDED]

Subchapter 3. Release Prevention, Detection and  
Correction

Part 1. Release Prohibition, Reporting, and Investigation

165:29-3-2. Release reporting [AMENDED]

Part 5. Corrective Action Requirements

165:29-3-71. General applicability; exception  
[AMENDED]

165:29-3-76. Tier 1A ORBCA [AMENDED]

165:29-3-80. Remedial Action Plan [AMENDED]

165:29-3-81. Property owners affected by releases; notice  
[AMENDED]

Part 7. Licensing Procedures for Environmental  
Consultants

165:29-3-92. License penalties [AMENDED]

Subchapter 5. Administrative Provisions

165:29-5-1. Hearings, orders and ~~appeals~~ exceptions  
[AMENDED]

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

December 20, 2019

*[OAR Docket #19-1018; filed 12-20-19]*

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# Emergency Adoptions

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

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

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

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

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

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

[OAR Docket #19-946]

### RULEMAKING ACTION:

EMERGENCY adoption

### 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]

### AUTHORITY:

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

### ADOPTION:

October 24, 2019

### EFFECTIVE:

Effective February 10, 2020

### APPROVED BY GOVERNOR:

December 9, 2019

### EXPIRATION:

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

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The State Regents for Higher Education find that a compelling public interest requires the passage of this emergency rule. The proposed amendments to the Academic Scholars Program rules must be addressed now in order to provide appropriate formal guidance to students graduating high school in the spring of 2020, for those currently using the program and for school officials working with current and prospective students. The changes will make the program fiscally more effective and efficient and provide a more equitable distribution of scholarships.

### GIST/ANALYSIS:

The program provides participants a scholarship for up to four years of study at accredited institutions of higher education in Oklahoma. Due to reductions in program funding between FY2012 - FY2020 of twenty-seven percent (27%), or \$2.3 million, the State Regents reduced the funding for non-resident students to zero. The State Regents propose that the policy of no state funding for awards to nonresident students should be continued. The State Regents have also 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 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 retake in one or more of the individual test sections without having to retake the entire test. These changes become effective in September 2020.

The proposed rule revisions are submitted as emergency rule revisions so that the changes can be effective for students graduating high school in the spring of 2020. Due to timeline scheduling requirements, the normal permanent rule revision process will not allow the changes to be approved in time for those students and school officials.

Similar permanent rule amendments will be sought during the regular 2020 legislative session.

### CONTACT PERSON:

David B. Harting, Associate General Counsel, OSRHE, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9289.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F), WITH A LATER EFFECTIVE DATE OF FEBRUARY 10, 2020:**

## SUBCHAPTER 1. ACADEMIC SCHOLARS PROGRAM

### 610:25-1-3. General principles for operation of program

- (a) Recipients of award must attend a regionally or State Regents accredited public, independent or proprietary higher education institution in Oklahoma.
- (b) The program is designed to adhere to the State Regents' Policy on Social Justice by encouraging all potential applicants to the Oklahoma State Regents' Academic Scholars Program to enter national scholarship competition.
- (c) Concurrently enrolled high school students are not eligible for this program.
- (d) Only ACT test scores reported ~~on an official test report issued~~ by ACT prior to college entry, excluding concurrently

## Emergency Adoptions

enrolled students and students enrolled for the summer term following high school graduation, will be considered for admission to the program. Scores from ACT residual tests will not be considered. SAT test scores will be considered in a manner comparable to ACT test scores. Qualifying test scores obtained after college enrollment are invalid for applying to the program. Until August 31, 2020, partial ~~Partial~~ scores from more than one examination will not be considered. Beginning September 1, 2020, all test scores reported by ACT, including "superscores" as defined by ACT, will be considered.

(e) A student must enter the program the fall semester immediately after his/her class graduates from high school, except for students admitted under the State Regents' Opportunity Admission Category. The Chancellor may approve exceptions to this requirement for extraordinary circumstances.

(f) Disability Provision. Provisions contained in this section are consistent with 70 O.S. 1991, Section 2403, as amended, and federal legislation affecting disabled persons. If a person identifies himself or herself as a student with a disability and requests consideration for a scholarship under the Academic Scholars Program by means other than standard testing procedures, the State Regents shall permit the student to be examined under the special testing arrangements provided by either ACT or The College Board provided that he or she meets the qualifications specified by ACT and SAT respectively to be examined. Performance percentile requirements for participation in the Academic Scholars Program remain the same as for other students. Students taking such tests and receiving Academic Scholarship awards will be expected to meet the same retention standards as other students. Special provisions may be considered in determining full-time enrollment for students falling in this category.

### 610:25-1-4. Eligibility Requirements and Term of Scholarship Award

(a) There are five avenues by which to qualify for the Academic Scholars Program. Each is defined below:

- (1) An Individual Applicant Qualified Student, which shall mean a student who is a resident of the State of Oklahoma whose ACT test score or whose Scholastic Aptitude Test score falls within the 99.5 to 100.0 percentile levels as administered in the State of Oklahoma and whose grade-point average and/or class rank is exceptional, as determined by the State Regents,
- (2) A Presidential Scholar, which shall mean a student selected by the Commission on Presidential Scholars pursuant to the Presidential Scholars Program administered by the United States Department of Education,
- (3) A National Merit Scholar, which shall mean a student designated as a National Merit Scholar by the National Merit Scholarship Corporation,
- (4) A National Merit Finalist, which shall mean a student designated as a National Merit Finalist by the National Merit Scholarship Corporation.
- (5) An Institutional Nominee, which shall mean a student nominated by an institution in The Oklahoma State System of Higher Education whose ACT test score or whose Scholastic Aptitude Test score falls within the

95.0 to 99.49 percentile levels, or who shows exceptional academic achievement as evidenced by factors including but not limited to grade point average, class rank, national awards, scholastic achievements, honors, and who shows exceptional promise based on documentation that may include but not be limited to teacher recommendations, extracurricular activities, and evidence of overcoming economic and social obstacles as determined by the State Regents. The State Regents shall ensure that standards of high academic ability are documented. Scholarship awards to institutional nominees become effective when appropriate documentation is verified by the State Regents.

(A) Effective with the Fall ~~2006~~2020 semester, Institutional Nominees are required to meet at least one of the ~~two~~three minimum criteria outlined below to be considered eligible for application as an Institutional Nominee:

(i) Research universities:

- (I) ACT: 32 or SAT equivalent
- (II) GPA 3.9 and either Top 2% Class Rank or rank of first or second in their graduating class
- (III) GPA 3.9 and 30 ACT or SAT equivalent

(ii) Regional universities:

- (I) ACT: 30 or SAT equivalent
- (II) GPA 3.8 and either Top 4% Class Rank or rank of first or second in their graduating class
- (III) GPA 3.8 and 28 ACT or SAT equivalent

(iii) Two-year colleges: ~~4% Class Rank or rank of first or second in their graduating class~~

- (I) ACT: 29 or SAT equivalent
- (II) GPA 3.7 and either Top 5% Class Rank or rank of first or second in their graduating class
- (III) GPA 3.7 and 26 ACT or SAT equivalent

(B) ~~Students graduating from high schools that do not provide class rank and home educated~~Home-educated students shall be considered for eligibility as an Institutional nominee based on their ACT or SAT test scores.

(C) Students are eligible for consideration as an Institutional Nominee no later than the fall semester immediately following the graduation of their high school class. The Chancellor may approve exceptions to this requirement for extraordinary circumstances.

(D) Institutional Nominees may be Oklahoma residents or nonresidents.

(E) Students receiving the scholarship as an Institutional Nominee of a two-year college are eligible for transfer to a four-year public or private Oklahoma institution after completion of an associate's degree or the accumulation of at least 48 credit hours. In addition, the Institutional Nominee of a two-year college

must attend the nominating institution for the first year.

(F) Students receiving the scholarship as an Institutional Nominee of a four-year university are eligible for transfer to another Oklahoma institution after one year of attendance at the nominating institution.

(G) For any year that the State Regents provide less than full funding of the total cost of all awards for nonresident students participating in the program, nonresident students may transfer the scholarship to another institution only upon approval of the institution to which they intend to transfer.

(H) Students who fail to enroll the first semester upon nomination forfeit their scholarship eligibility.

(I) Institutions may not replace students who forfeit their scholarship or are removed from the program due to failure to meet continuing eligibility requirements with another nominee.

(b) Students receiving the scholarship are eligible for eight semesters of scholarship at Oklahoma colleges and universities. Additional semesters of award, up to ten semesters, are available upon approval by the President or appropriate academic officer of the institution and the Chancellor. Additional semesters are intended only for extraordinary circumstances or for undergraduate academic programs that cannot be completed within eight semesters.

*[OAR Docket #19-946; filed 12-17-19]*

**TITLE 655. SECRETARY OF STATE  
CHAPTER 25. NOTARY PUBLIC**

*[OAR Docket #19-1000]*

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

- Subchapter 1. General Provisions
  - 655:25-1-1.1. Availability of forms and instructions [AMENDED]
  - 655:25-1-2. Application for commission as a notary public; renewal [AMENDED]
  - 655:25-1-5. Bond, oaths, signatures, and seal; failure to file [AMENDED]
  - 655:25-1-5.1. Term of notary commission [NEW]
  - 655:25-1-8. Electronic notarization and seal [NEW]
- Subchapter 3. Revocation, Resignation, and Death
  - 655:25-3-1. Revocation [AMENDED]
  - 655:25-3-2. Resignation [AMENDED]
  - 655:25-3-3. Death [AMENDED]
- Subchapter 5. Seal
  - 655:25-5-2. Official seal [AMENDED]
  - 655:25-5-3. Lost, ~~journal~~ or stolen seal [AMENDED]
- Subchapter 7. Change of Name or Address [NEW]
  - 655:25-7-1. Change of address [NEW]
  - 655:25-7-2. Change of name [NEW]
- Subchapter 11. Remote Online Notarization [NEW]
  - 655:25-11-1. Purpose [NEW]
  - 655:25-11-2. Definitions [NEW]
  - 655:25-11-3. Registration to perform remote online notarizations [NEW]
  - 655:25-11-4. Electronic signatures and electronic seals [NEW]
  - 655:25-11-5. Standards for identity verification [NEW]
  - 655:25-11-6. Standards for communication technology [NEW]
  - 655:25-11-7. Certificate of notarial act for remote online notarizations [NEW]
  - 655:25-11-8. Record retention and depositories [NEW]

Appendix A. Contents and Sufficiency of Certificates of Remote Online Notarial Acts [NEW]

**AUTHORITY:**

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

**COMMENT PERIOD:**

Although not required for proposed emergency rules, as set forth in 75 O.S., § 253(J)(1), the Secretary of State held an abbreviated comment period from October 15, 2019 through October 31, 2019.

**ADOPTION:**

November 7, 2019

**EFFECTIVE:**

Effective January 1, 2020

**APPROVED BY GOVERNOR:**

December 18, 2019

**EXPIRATION:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

**Incorporated standards:**

X.509 standard, as adopted by the International Telecommunication Union on October 14, 2016

**Incorporating rules:**

655:25-11-4

**Availability:**

8:00 a.m. to 5:00 p.m., Monday through Friday, Oklahoma Secretary of State, 421 NW 13th St., Suite 220, Oklahoma City, OK 73103.

**FINDING OF EMERGENCY:**

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

SB 915 requires the Secretary of State to promulgate rules to implement and ensure the effective administration of the Remote Online Notary Act.

**GIST/ANALYSIS:**

Outdated provisions, related to the commissioning of traditional notaries, are amended to comply with SB 915 (2019) and Title 49 of the Oklahoma Statutes.

A new provision is added to allow electronic notarizations, aligning notary public rules with SB 915 (2019) and the Oklahoma Uniform Electronic Transactions Act (UETA), 12A O.S., § 15-111.

References relating to the format of the official seal are being amended to allow electronic, official seals, as authorized in SB 915 (2019).

Registration requirements for performing a remote online notarization are outlined, including a requirement that the applicant provide detailed information on his or her service provider.

Tamper-evident technology standards are added to safeguard the notary's digital certificate, which is used during the remote online notarization process.

A new provision requiring multi-factor authentication is being added to ensure the principal's identity is verified prior to any remote online notarization.

Standards for communication technology are added to ensure integrity and security of audio/video feeds during remote online notarizations.

A new provision requiring electronic journals for remote online notarizations is added, including language detailing storage and retention requirements for journals and audio-visual feeds.

A new Appendix A has been added that includes versions of sufficient forms of notarial certificates for remote online notarizations.

**CONTACT PERSON:**

Chris Coffman, Rules Liaison, 421 NW 13<sup>th</sup> St., Suite 220, Oklahoma City, OK 73103, (405) 521-4911 or chris.coffman@sos.ok.gov.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF JANUARY 1, 2020:**

**SUBCHAPTER 1. GENERAL PROVISIONS**

## Emergency Adoptions

### 655:25-1-1.1. Availability of forms and instructions

The following forms and instructions related to this Chapter are available for public use and may be obtained by contacting the Notary Department or from the Secretary of State website at [www.sos.state.ok.us](http://www.sos.state.ok.us):

- (1) Application for Notary Public Commission;
  - (2) Notarial Bond, with Oath of Office and Loyalty Oath; and
  - (3) Application for Remote Online Notarization Authorization.
- (3) Guidebook

### 655:25-1-2. Application for commission as a notary public; renewal

(a) **Application contents.** Every application for a notarial commission must include:

- (1) the printed name of the applicant exactly as he/she will sign documents as a notary;
- (2) former ~~names~~, complete only if applicant has been previously commissioned as an Oklahoma notary under a different name ~~the notary's name has changed since the last commission~~;
- (3) if a resident of this state, the county of residence and street address (see also (d) of this Section);
- (4) if a resident of another state, the county and street address of employment in Oklahoma and applicant's residence address (see also (d) of this Section);
- (5) ~~a statement~~ statements that the applicant:
  - (A) is at least 18 years of age;
  - (B) has never been convicted of a felony; and
  - (C) is able to read and write in English and a citizen of the United States;
- (6) a designation of new, renewal, or expired commission, including an expiration date if applicable;
- (7) ~~the mailing address where the applicant's commission is to be mailed~~;
- (8) a daytime telephone number; ~~and~~
- (9) a valid email address for the applicant;
- (9) the signature of the applicant, which must match the printed name required in paragraph (1) of this subsection; and
- (10) an application fee of \$25.00 for a new or expired application and \$20.00 for a renewal application [49 O.S., §1.1].

(b) **Renewal period.** Renewal applications must be filed and accepted prior to the expiration of the commission being renewed. However, renewal applications will only not be accepted during the earlier than six (6) weeks prior to the expiration date of the commission.

(c) **New commission required.** The applicant ~~will~~ must apply for a new commission if:

- (1) The applicant has never been an Oklahoma notary public;
- (2) The applicant has been an Oklahoma notary public but has let the commission expire; or
- (3) The applicant is a current Oklahoma notary public and wishes to make changes on the current commission [see also 655:25-7-2].

(d) **Post office boxes not allowed; ACP exception.** A post office box number cannot be accepted in lieu of a residence or employment address on the application. If no street address exists, a route number or directions to the Oklahoma residence or place of Oklahoma employment of the applicant must be provided. An exception to this requirement will be granted for individuals participating in the Address Confidentiality Program [22 O.S., § 60.14 and OAC 75:20].

### 655:25-1-5. Bond, oaths, signature, and seal; failure to file

(a) **Filing.** Prior to performing the duties as a notary public and not more than sixty (60) days after issuance of a notary commission, the following must be filed with the ~~court clerk in the county in which the notary resides or if a non-resident, the county employed~~ Secretary of State:

- (1) ~~the commission~~;
- (2) ~~the notary's~~ an oath of office and loyalty oath;
- (3) ~~the notary's~~ official signature;
- (4) an impression of the notary's official seal;
- (5) a bond in the sum of One Thousand Dollars (\$1,000.00), to be approved by the court clerk ~~Secretary of State~~; and
- (6) a filing fee of \$10.00 [49 O.S., §2].

(b) ~~The bond reflecting the commission number and oath of office shall be transmitted by the court clerk to the Secretary of State for filing and recording.~~

(b) **Term of bond.** The notarial bond must be valid from the bond's effective date until the expiration date of the notary's current commission.

(c) **Failure to file.** Failure to file the notarial bond, as set forth in this Section, will result in revocation of the notary's commission.

### 655:25-1-5.1. Term of notary commission

Each person appointed and commissioned as a notary public shall hold office for a term of four (4) years from the effective date of the notary's commission, unless a commission is resigned or revoked prior to the end of the four year term.

### 655:25-1-8. Electronic notarization and seal

As authorized by 12A O.S., §15-111, Oklahoma Uniform Electronic Transactions Act, an Oklahoma notary may perform an electronic notarization. An electronic notarization must meet all of the requirements of a traditional notarization, including the requirement that the principal appear in person before the notary. The notary's electronic seal must reproduce the required elements of the notary seal, as set forth in 49 O.S., §5.

## SUBCHAPTER 3. REVOCATION, RESIGNATION AND DEATH

### 655:25-3-1. Revocation

(a) A notary commission ~~may~~ will be revoked by the Secretary of State upon ~~receipt of the following~~:

- (1) ~~a court order issued for such purpose;~~
- (2) ~~conviction of any felony by an official notice by a county court clerk; or~~
- (3) ~~failure to comply with Section 2 of Title 49 of the Oklahoma Statutes, requiring the notary to file a notarial bond within sixty (60) days after issuance of notary's commission [49 O.S., § 12(A)]~~
- (4) ~~an official notice by a public official in a position to order such suspension; or~~
- (4) ~~failure to tender the statutory notary fees to the Secretary of State.~~

(b) A notary commission shall be revoked by the Secretary of State:

- (1) upon receipt of a final judgment from a district court in this state or its equivalent in a foreign jurisdiction against a notary public in this state for performing a false or fraudulent notarial act [49 O.S., § 12(B)]; or
- (2) for a period of eight (8), years upon receipt of a final judgment against a notary public for a violation of 49 O.S., § 6(B) from a district court of this state or its equivalent from a foreign jurisdiction [49 O.S., § 6.1].

(bc) Upon revocation of a notary's commission, notice of such action will be mailed to the party ordering such revocation, the county court clerk of the county in which the notary's bond is filed and said the address currently on file for the notary.

**655:25-3-2. Resignation**

- (a) A notary who resigns ~~their~~ notarial commission shall ~~submit~~deliver to the Secretary of State a written notice of resignation and the effective date of such resignation.
- (b) Notaries who cease to reside or work in this state shall resign their commission.
- (c) When a notarial commission is resigned, the notary shall destroy the official ~~seal~~seal(s).

**655:25-3-3. Death**

If a notary dies during the term of commission, the notary's heirs or personal representative, as soon as reasonably practicable after death, shall:

- (1) destroy the official ~~seal~~seal(s); and
- (2) deliver~~submit~~ a signed~~written~~ notice of the date of death to the Secretary of State, signed by an heir or personal representative of the deceased notary.

**SUBCHAPTER 5. SEAL**

**655:25-5-2. Official seal**

- (a) A notary shall keep an official notarial seal that is the exclusive property of the notary and that may not be used by any other person. At the end of a notary's employment, an employer may not require the notary to surrender the seal.
- (b) The seal may be either a metal seal which leaves an embossed impression, ~~or a rubber stamp,~~ or an electronic seal, as defined in 49 O.S., § 5 and OAC 655:25-1-8.

(c) A notary shall authenticate all official acts with this seal. The seal ~~impression~~ shall appear near the notary's official signature on a notarial certificate.

**655:25-5-3. Lost journal or stolen seal**

- (a) **Notification.** ~~Within 10 days after~~Upon the loss or theft of ~~the journal or~~ seal, the notary shall ~~deliver~~submit to the Secretary of State a written notice of the loss or theft and the date the seal was first discovered missing, and inform the appropriate law enforcement agency in the case of theft.
- (b) **Replacement.** When purchasing a replacement seal, it is advisable to have a character or symbol added to the seal to distinguish it from the missing one. ~~Within 10 days after~~After purchasing a new seal, the notary shall ~~deliver~~submit to the Secretary of State a written notice advising that a replacement seal has been purchased, the date of purchase, and, if applicable, the distinguishing character or symbol added.

**SUBCHAPTER 7. CHANGE OF NAME OR ADDRESS**

**655:25-7-1. Change of address**

Within 30 days after the change of a notary's Oklahoma residence address or Oklahoma employment address if a non-resident, the notary shall submit to the Secretary of State written notification of the new address [49 O.S., §11].

**655:25-7-2. Change of name**

- If a notary's name changes in the middle of the commission term, the notary may:
  - (1) continue to use the former name until the current commission expires; or
  - (2) apply for a new commission, obtain and file a new bond and seal, along with official signature and oaths, and pay applicable fees [49 O.S., §11 and this Chapter].

**SUBCHAPTER 11. REMOTE ONLINE NOTARIZATION**

**625:25-11-1. Purpose**

The purpose of this Subchapter is to establish the procedures necessary to implement the Oklahoma Remote Online Notary Act, 49 O.S., §§ 201 through 214.

**655:25-11-2. Definitions**

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

"Communication technology" means an electronic device or process that allows a notary public and a remotely located individual to communicate with each other by sight and sound [49 O.S., § 202(1)].

## Emergency Adoptions

**"Credential analysis"** means a process or service that meets the standards under Section 655:25-11-5(a)(1), through which a third person affirms the validity of an identification credential through review of public or private data sources [49 O.S., § 202(2)].

**"Dynamic knowledge-based authentication assessment"** means an identity assessment of a remotely located individual that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer.

**"Electronic"** means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities [49 O.S., § 202(3)].

**"Electronic record"** means information that is created, generated, sent, communicated, received or stored by electronic means [49 O.S., § 202(4)].

**"Electronic seal"** means an electronic image attached to or logically associated with an electronic record that conforms to the requirements of Section 655:25-11-4(b).

**"Electronic signature"** means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record [49 O.S., § 202(6)].

**"Identification credential"** means a non-expired passport, driver's license, or form of government-issued identification document that contains the signature and photograph of the individual.

**"Identity proofing"** means a process or service that meets the standards under Section 655:25-11-5(a)(2) by which a third person provides a notary public with the means to verify the identity of a remotely located individual through review of personal information from public or private data sources.

**"Notary public"** means an individual commissioned to perform notarial acts by the Secretary of State.

**"Person"** means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity [49 O.S., § 202(11)].

**"Personal knowledge"** means through dealings sufficient to provide reasonable certainty that the individual has the identity claimed, and "personally known" and "personally knows" have corresponding meanings [49 O.S., § 202(12)].

**"Principal"** means a remotely located individual whose electronic signature is notarized in a remote online notarization, whether in an individual or representative capacity, or who makes an oath, affirmation or acknowledgment in a remote online notarization, other than in the capacity of a witness [49 O.S., § 202(13)].

**"Remote online notarization"** or **"remote online notarial act"** means a notarial act performed for a remotely located individual facilitated by communication technology under this Subchapter.

**"Remote presentation"** means transmission to a notary public through communication technology of an image of a remotely located individual's identification credential that is of

sufficient quality to enable the notary public to identify the individual and to perform credential analysis [49 O.S., § 202(15)].

**"Remotely located individual"** means an individual who is not in the physical presence of the notary public who performs a remote online notarization [49 O.S., § 202(16)].

### **655:25-11-3. Registration to perform remote online notarizations**

(a) A notary public is authorized to perform remote online notarizations during the term of the notary public's commission if the notary public has registered under subsection (b) of this Section and received written authorization from the Secretary of State under subsection (f) of this Section.

(b) Registration under this section shall be by written application to the Secretary of State that includes the following information:

- (1) the applicant's full legal name;
- (2) the exact name under which the applicant is commissioned as a notary public, if different from the legal name;
- (3) the applicant's commission number as a notary public;
- (4) a description of the technologies or devices that the applicant intends to use to perform remote online notarizations;
- (5) the name, address, and website URL of any vendors or other persons that will directly supply to the notary public the technologies that the notary public intends to use; and
- (6) a statement that the technologies identified in the application are compliant with 49 O.S., § 201 through 214 and with this subchapter.

(c) The application must be submitted electronically to the Secretary of State as provided by information posted on the Secretary of State's website.

(d) If, during the term of a notary public's commission, the notary public intends to use the technologies of another vendor or person than those identified in subsection (b)(3) of this Section, then an additional application identifying such other vendors or other persons must be submitted to the Secretary of State as provided in this section.

(e) Each application submitted under this section must be accompanied by a fee of Twenty-Five Dollars (\$25.00) [49 O.S., § 209].

(f) If the technology identified by the notary public in the notification required under subsection (b) of this Section conforms to the standards adopted under this subchapter and the notary public satisfies the requirements of this Section, the Secretary of State shall approve the use of the technology and issue to the notary public written authorization to perform remote online notarizations during the term of the notary public's commission.

(g) The Secretary of State may disapprove the application and reject the notary public's request for authorization for the following reasons:

- (1) the applicant is not currently commissioned as a notary public in the State of Oklahoma;

- (2) any reason for which the Secretary of State may deny, refuse to renew or revoke a commission under 49 O.S., § 12(A);
- (3) the notary public's failure to comply with Title 49 of the Oklahoma Statutes or this Subchapter;
- (4) any information required under subsection (b) of this Section is missing, inaccurate or incomplete; or
- (5) the technology identified by the notary public does not conform to the standards adopted under this Subchapter.

(h) The Secretary of State shall notify the applicant of approval or disapproval of the application within thirty (30) days after receipt. If the application is disapproved, the Secretary of State shall state the reasons for the disapproval.

(i) The renewal of the commission of a notary public who has previously received authorization to perform remote online notarizations under this Section does not constitute renewal of such authorization. A notary public who wishes to perform remote online notarizations after renewal of a prior commission must submit another application for registration under this Section.

(j) A notary public's authorization to perform remote online notarizations terminates if:

- (1) the notary public's name changes during the term of the notary public's commission [49 O.S., § 204(G)(1)]; and
- (2) the notary public elects to use the notary public's new name under a new commission [49 O.S., § 204(G)(2)].

(k) Nothing herein shall be construed to prohibit a notary public from receiving, installing, or using a hardware or software update to the technologies that the notary public identified [49 O.S., § 204(H)] under subsection (b) of this Section if the hardware or software update does not result in technologies that are materially different from the technologies that the notary public identified [49 O.S., § 204(H)].

**655:25-11-4. Electronic signatures and electronic seals**

(a) **Tamper-evident technology.** A notary public must select one or more tamper-evident technologies to perform remote online notarizations. A person may not require a notary public to use a technology that the notary public has not selected. The tamper-evident technology must consist of a digital certificate complying with the X.509 standard adopted by the International Telecommunication Union on October 14, 2016, or a similar industry-standard technology. A notary public must attach or logically associate the notary public's electronic signature and electronic seal to an electronic record that is the subject of a notarial act by use of the digital certificate. A notary public may not perform a remote online notarization if the digital certificate:

- (1) has expired;
- (2) has been revoked or terminated by the issuing or registering authority;
- (3) is invalid; or
- (4) is incapable of authentication.

(b) **Electronic seal.** A notary public must use the same unique electronic seal for all remote online notarizations. When affixed to an electronic record, an electronic seal

must be clear, legible and photographically reproducible. An electronic seal is not required to be within a minimum or maximum size when photographically reproduced on an electronic record. An electronic seal used for remote online notarizations must substantially conform to the following design: a rectangular or circular seal with the notary public's name exactly as indicated on the notary's commission, the words "State of Oklahoma" and "Notary Public", the notary public's commission number, and the date of expiration of the notary public's commission [49 O.S., § 202(5)].

(c) **Security of electronic signature and electronic seal.** A notary public's electronic seal must remain within the exclusive control of the notary public, including control by means of use of a password or other secure method of authentication. A notary public may not allow any other individual to use his or her electronic seal to perform a notarial act. A notary public shall not disclose any access information used to affix the notary public's electronic signature or electronic seal to electronic records, except:

- (1) when requested by the Secretary of State or a law enforcement officer;
- (2) when required by court order or subpoena; or
- (3) pursuant to an agreement to facilitate notarial acts with a vendor or other technology provider identified in Section 655:25-11-3.

(d) **Termination of commission.** Upon resignation, revocation or expiration of the notary's commission, the notary public's electronic seal (including any coding, disk, digital certificate, card, software, or password that enables the notary public to attach or logically associate the electronic seal to an electronic record) must be destroyed or disabled to prohibit its use by any other person.

(e) **Notifications upon theft, vandalism or misuse.** A notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State on actual knowledge of the theft or vandalism of the notary public's electronic signature, electronic seal or digital certificate. A notary public shall immediately notify the an appropriate law enforcement agency and Secretary of State on actual knowledge of the unauthorized use by another person of the notary public's electronic signature, electronic seal or digital certificate provider identified in Section 655:25-11-3.

**655:25-11-5. Standards for identity verification**

(a) **Multi-factor authentication.** If a notary public does not have satisfactory evidence of the identity of a principal under subsection (b) of this Section, the notary public must reasonably verify the principal's identity through a multi-factor authentication procedure as provided in this subsection. The procedure shall analyze the principal's identification credential that is the subject of remote presentation against trusted third-person data sources, bind the principal's identity to the individual following successful dynamic knowledge-based authentication assessment, and permit the notary public visually to compare the identification credential and the principal. The analysis of the identification credential and the dynamic knowledge-based authentication assessment shall conform to the following requirements:

## Emergency Adoptions

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(1) **Credential analysis.** The analysis of the identification credential that is the subject of remote presentation must use public or private data sources to confirm its validity and shall, at a minimum:

- (A) use automated software processes to aid the notary public in verifying the identity of each principal;
- (B) require that the identification credential passes an authenticity test, consistent with sound commercial practices that use appropriate technologies to confirm the integrity of visual, physical or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;
- (C) use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and
- (D) enable the notary public visually to compare for consistency the information and photograph on the identification credential and the principal as viewed by the notary public in real time through communication technology.

(2) **Identity proofing.** The notary public must perform an identity proofing procedure that consists of a dynamic knowledge-based authentication assessment. The assessment is successful if it meets the following requirements:

- (A) The principal must answer a quiz consisting of a minimum of five questions related to the individual's personal history or identity formulated from public or private data sources;
- (B) Each question must have a minimum of five possible answer choices;
- (C) At least 80% of the questions must be answered correctly;
- (D) All questions must be answered within two minutes;
- (E) If the principal fails the first attempt, the principal may retake the quiz one time within 24 hours;
- (F) During a retake of the quiz, a minimum of 40% of the prior questions must be replaced;
- (G) If the principal fails the second attempt, the principal is not allowed to retry with the same online notary public within twenty-four (24) hours of the second failed attempt; and
- (H) The notary public must not be able to see or record the questions or answers.

(b) **Other methods of identity verification.** A notary public has satisfactory evidence of the identity of a principal if the notary public has personal knowledge of the identity of the principal or if the principal is identified by oath or affirmation of a credible witness in accordance with the following requirements:

- (1) To be a credible witness, an individual must have personal knowledge of the principal.
- (2) The notary public must have personal knowledge of the credible witness or verify the identity of the credible

witness by multi-factor authentication in accordance with subsection (a).

(3) A credible witness may be a remotely located individual if the notary public, credible witness, and principal can communicate by using communication technology.

### **655:25-11-6. Standards for communication technology**

The communication technology used by a notary public in the performance of remote online notarizations must conform to the following requirements:

- (1) **Audio-video feeds.** Communication technology must provide for synchronous audio-video feeds of sufficient video resolution and audio clarity to enable the notary public and all remotely located individuals to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same electronic record in which the principal made a statement or on which the principal executed an electronic signature.
- (2) **Security measures.** Communication technology must provide reasonable security measures to prevent unauthorized access to:
  - (A) the live transmission of the audio-visual feeds;
  - (B) the methods used to perform the identify verification process under Section 655:25-11-5; and
  - (C) any electronic record in which the principal made a statement or on which the principal executed an electronic signature.
- (3) **Work flow.** If any remotely located individual must exit the workflow, the individual must restart the identify verification process under Section 655:25-11-5 from the beginning.

### **655:25-11-7. Certificate of notarial act for remote online notarizations**

- (a) The certificate of notarial act for a remote online notarization must indicate that the notarial act was a remote online notarial act performed by means of communication technology.
- (b) A form of certificate for a remote online notarization satisfies the requirement of subsection (a) of this Section if it is in the form provided by applicable law and contains a statement substantially as follows: "This remote online notarization involved the use of communication technology."
- (c) A short form certificate provided in 49 O.S., § 119, or an acknowledgment form prescribed in 60 O.S., § 178.11, satisfies the requirement of subsection (a) of this Section if it is in substantially one of the forms provided in Appendix A of this Chapter.

### **655:25-11-8. Record retention and depositories**

- (a) A notary public must retain an electronic journal and an audio-visual recording created under 49 O.S., § 206 in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process. The recording must be created in an industry-standard audio-visual file format and must not include

images of any electronic record on which the remotely located individual executed an electronic signature.

(b) An electronic journal must be retained for at least ten (10) years after the last notarial act chronicled in the journal. An audio-visual recording must be retained for at least ten (10) years after the recording is made [49 O.S., § 206].

(c) A notary public must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.

(d) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of an electronic journal or audio-visual recording must:

(1) comply with the retention requirements of this Section;

(2) transmit the journal and recording to one or more depositories under subsection (e); or

(3) transmit the journal and recording in an industry-standard readable data storage device to the Secretary of State.

(e) A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public may, by written contract, engage a third person to act as a depository to provide the storage required by subsection (a) of this Section. The contract shall:

(1) enable the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public to comply with the retention requirements of this Section even if the contract is terminated; or

(2) provide that the information will be transferred to the notary public, the guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public if the contract is terminated.

# Emergency Adoptions

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## APPENDIX A. CONTENTS AND SUFFICIENCY OF CERTIFICATES OF REMOTE ONLINE NOTARIAL ACTS [NEW]

(a) *For an acknowledgment in an individual capacity:*

State of Oklahoma  
County of \_\_\_\_\_

This record was acknowledged before me by means of communication technology on (date) by (name(s) of person(s)).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(b) *For an acknowledgment in a representative capacity:*

State of Oklahoma  
County of \_\_\_\_\_

This record was acknowledged before me by means of communication technology on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom the electronic record was executed).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(c) *For a verification upon oath or affirmation:*

State of Oklahoma  
County of \_\_\_\_\_

Signed and sworn to (or affirmed) before me by means of communication technology on (date) by (name(s) of person(s) making statement).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(d) *For witnessing or attesting a signature:*

State of Oklahoma  
County of \_\_\_\_\_

Signed (or attested) before me by means of communication technology on (date) by (name(s) of person(s)).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(e) *Certificate of acknowledgement executed for a corporation:*

State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(f) *Certificate of acknowledgement executed for a partnership:*

State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

# Emergency Adoptions

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(g) *Certificate of acknowledgement executed for an individual acting as principal by an attorney-in-fact:*

State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name of attorney-in-fact) as attorney-in-fact on behalf of (name of principal).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(h) *Certificate of acknowledgement executed by any public officer, trustee, or personal representative:*

State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name and title of position).

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

(i) *Certificate of acknowledgement executed by a public trust:*

State of Oklahoma  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name), President or Chair of (name of trust), a public trust, on behalf of the trust.

(Signature of notary public)  
Notary Public  
(Electronic seal)  
(My commission expires: \_\_\_\_\_)

[OAR Docket #19-1000; filed 12-19-19]

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

[OAR Docket #19-1001]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

- Subchapter 1. General Provisions [NEW]
- 655:35-1-1. Purpose [NEW]
- Subchapter 3. Reciprocity [NEW]
- 655:35-3-1. Reciprocity [NEW]
- 655:35-3-2. Lapse of out-of-state license [NEW]

**AUTHORITY:**

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

**COMMENT PERIOD:**

Although not required for proposed emergency rules, as set forth in 75 O.S., § 253(J)(1), the Secretary of State held an abbreviated comment period from October 15, 2019 through October 31, 2019.

**ADOPTION:**

November 7, 2019

**EFFECTIVE:**

Immediately upon Governor's approval

**APPROVED BY GOVERNOR:**

December 18, 2019

**EXPIRATION:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

Emergency rules that establish certification authority reciprocity with states, U.S. territories, and foreign jurisdictions, as authorized by 12A O.S., § 15-121, are needed for the January 1, 2020, implementation of the Remote Online Notary Act [SB 915 (2019)].

**GIST/ANALYSIS:**

These proposed emergency amendments affect certification authorities who wish to issue digital certificates in the state of Oklahoma. A certification authority must provide proof of registration in at least one state, U.S. territory, or other foreign jurisdiction.

Certification authorities issue digital certificates, which are required during the remote online notarization process.

**CONTACT PERSON:**

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):

**SUBCHAPTER 1. GENERAL PROVISIONS**

**655:35-1-1. Purpose**

This Chapter establishes the procedures used by the Oklahoma Secretary of State to implement the provisions of 12A O.S., § 15-121(g)-(h).

**SUBCHAPTER 3. RECIPROCITY**

**655:35-3-1. Reciprocity**

Any certification authority that is registered in at least one state, U.S. territory, or other foreign jurisdiction may file with the Secretary of State proof of such registration. If the registration is current, then the Secretary of State shall allow the certification authority to operate in this state.

**655:35-3-2. Lapse of out-of-state license**

(a) If or when the out-of-state registration lapses, the certification authority may no longer operate in this state.

(b) If the out-of-state registration is reinstated, the certification authority may file proof of reinstatement with the Secretary of State, and the certification authority may again operate in this state.

[OAR Docket #19-1001; filed 12-19-19]

