

Volume 38  
Number 3  
October 15, 2020  
Pages 41 - 70

# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Kevin Stitt, Governor**  
**Michael Rogers,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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ISSN 0030-1728

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*[(E) = Emergency action]*

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# Notices of Rulemaking Intent

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

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

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

## **TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY CHAPTER 10. EDUCATIONAL QUALITY**

*[OAR Docket #20-760]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 5. Educator Preparation Program Accreditation  
218:10-5-1 [AMENDED]  
218:10-5-2 [AMENDED]
- Subchapter 8. Teaching Certification Scholarship Program  
218:10-8-1 [AMENDED]
- Subchapter 9. Education Leadership Oklahoma  
218:10-9-1 [AMENDED]

### **SUMMARY:**

The proposed Educator Preparation Program Accreditation amendments reflect changes in the composition of accreditation teams and the program review process. The proposed Teaching Certification Scholarship Program amendments reflect changes in the process for awarding scholarships. The proposed Education Leadership Oklahoma amendments reflect changes in the process for awarding scholarships.

### **AUTHORITY:**

Office of Educational Quality and Accountability; 70 O.S. §6-180 et seq.; 70 O.S. §6-204.2

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on December 8, 2020 at the following address: Office for Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

### **PUBLIC HEARING:**

A public hearing will be held from 10:30 a.m. to 11:30 a.m. on Wednesday, December 9, 2020 in the Chesapeake Event Center, Oklahoma History Center, 800 Nazih Zuhdi Dr., OKC, OK 73105.

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

Business entities affected by these proposed rules are requested to provide the agency within the comment period, 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 Daniel Craig, at the above address, before the close of the comment period.

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

Copies of the proposed rule may be obtained from the Office of Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability at the above address beginning on October 16, 2020.

### **CONTACT PERSON:**

Daniel Craig, Executive Director, 405-522-5399

*[OAR Docket #20-760; filed 9-21-20]*

## **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS**

*[OAR Docket #20-770]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- Subchapter 3. Records and Inspections  
240:1-3-4. Copies [AMENDED]  
240:1-3-5. Copying and reproduction fees [AMENDED]  
240:1-3-6. Search fees [AMENDED]
- Subchapter 5. Local Project Funding [REVOKED]  
240:1-5-1. Purpose [REVOKED]  
240:1-5-2. Definitions [REVOKED]  
240:1-5-3. Local project funding announcement [REVOKED]  
240:1-5-4. Evaluation of local project funding contract applications [REVOKED]  
240:1-5-5. Affidavit of LPF officer [REVOKED]  
240:1-5-6. Serial numbering of local project funding contracts [REVOKED]  
240:1-5-7. Monitoring of local project funding contracts [REVOKED]

### **SUMMARY:**

240:1-3-4. Copies. The amendment to this rule will inform records requestors that if the request would cause an excessive disruption of the essential functions of the OESC, there may be a delay the production of records to prevent the disruption.

240:1-3-5. Copying and reproduction fees. The amendment to this rule will inform records requestors that if a

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records request would clearly cause an excessive disruption of the essential functions of the OESC, the agency may charge the requestor a reasonable fee for the cost of the records copying and reproduction, including the costs of private vendors if necessary.

240:1-3-6. Search fees. The amendment to this rule will inform records requestors that if a records request would clearly cause an excessive disruption of the essential functions of the OESC, the agency may charge the requestor a reasonable fee for the cost of searching for the records in addition to the \$10 fee set out in the rule. If the OESC must use a private vendor to complete the search, the records requestor must pay all costs associated with the private vendor.

240:1-5-1 through 240:1-5-7. In Executive Order 2020-3, Governor Stitt required a review of all agency administrative rules to find and revoke those rules that have become obsolete and are no longer necessary. In a review of the rules of the Oklahoma Employment Security Commission, it was found that the rules concerning local project funding were obsolete and unnecessary. The local project funding rules consist of 7 rules numbered from 240:1-5-1 through

240:1-5-7. These rules were passed in 2003 to provide for "local project funding" as envisioned by Executive Order 98-37. The OESC never entered in to the type of contract provided for in the local project funding program due to restrictions on the use of its federal grant funds. The local project funding rules are now obsolete and should be revoked.

### **AUTHORITY:**

Oklahoma Employment Security Commission; 40 O.S. §§4-302, 4-310.1, 4-508, and Executive Order 2020-3.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 11, 2020, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152, or [Gina.Antipov@oesc.state.ok.us](mailto:Gina.Antipov@oesc.state.ok.us).

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Monday, December 14, 2020, at the Oklahoma Employment Security Commission, 5<sup>th</sup> Floor Room 511, Will Rogers Building, 2401 North Lincoln Boulevard, 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:**

The OESC requests that business entities affected by these proposed rules provide the OESC, 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, and labor to the particular business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Gina Antipov, at the above address, before the close of the comment period on December 11, 2020.

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

Copies of the proposed rules may be obtained from the OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152. The proposed rules are also available on the OESC website at [https://oesc.ok.gov/sites/g/files/gmc821/f/documents/2020/2021\\_-\\_notice\\_of\\_rulemaking\\_intent\\_-\\_chapters\\_1\\_and\\_10.pdf](https://oesc.ok.gov/sites/g/files/gmc821/f/documents/2020/2021_-_notice_of_rulemaking_intent_-_chapters_1_and_10.pdf)

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the OESC Legal Department at the above address beginning October 30, 2020.

### **CONTACT PERSON:**

Gina Antipov, Secretary V, (405) 557-7146, [Gina.Antipov@oesc.state.ok.us](mailto:Gina.Antipov@oesc.state.ok.us).

*[OAR Docket #20-770; filed 9-24-20]*

## **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM**

*[OAR Docket #20-771]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Benefits

Part 5. Eligibility

240:10-3-20. Instructions to secure work [AMENDED]

Part 11. Filing Claims - Notice

240:10-3-54. Electronic notification for employer in unemployment benefit claims [AMENDED]

240:10-3-55. Electronic notification for claimants in unemployment benefit claims [NEW]

Subchapter 5. Contributions

Part 3. Rates

240:10-5-17. Relief from benefit wage charges - disasters [AMENDED]

### **SUMMARY:**

240:10-3-20. Instructions to secure work. The U.S. Department of Labor provided model UI state work search legislation in its training and employment notice of February 10, 2020. The OESC has been requested to enact the model work search legislation into its state law. Subsection (b) of this rule contains the work search requirements for the OESC. Some of the current requirements have been stricken because they were duplicated in the model language provided by the USDOL. The USDOL model language is included in subsections (b)(4) through (18). Subsection (d) is an activity log requirement and subsection (e) is a referral requirement that also come from the USDOL model legislation. The model legislation is intended to create similar requirements across the United States and to speed unemployment benefit claimants to return to work. Subsection (f) is being amended to allow for waiver of work registration requirements when there is a

natural disaster, pandemic, fire, flood, or explosion and the requirement would work a hardship on claimants.

240:10-3-54. Electronic notification for employer in unemployment benefit claims

The proposed amendment in subsection (a) is to clarify the section of law under which this rule was passed.

240:10-3-55. Electronic notification for claimants in unemployment benefit claims

This is a new rule that will set out the requirements for a claimant portal that will be developed in the near future. This will allow for notification of claim determinations through a secure internet portal that claimants can access through the use of user ID s and passwords. Once completed, the claimant portal, like the employer portal provided for in 240:10-3-54, will create an efficient and secure mode of communication to unemployment benefit claimants.

240:10-5-17. Relief from benefit wage charges - disasters

This is a clarification amendment to state that a "pandemic" will be considered among the reasons why relief from benefit wage charges can be granted. This is in response to the COVID-19 pandemic of 2020.

**AUTHORITY:**

Oklahoma Employment Security Commission; 40 O.S. §§4-302, 4-310.1, 3-102, 3-106.1, and 4-313.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 11, 2020, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152, or Gina.Antipov@oesc.state.ok.us.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Monday, December 14, 2020, at the Oklahoma Employment Security Commission, 5<sup>th</sup> Floor Room 511, Will Rogers Building, 2401 North Lincoln Boulevard, 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:**

The OESC requests that business entities affected by these proposed rules provide the OESC, 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, and labor to the particular business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Gina Antipov, at the above address, before the close of the comment period on December 11, 2020.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152. The proposed rules are also available on the OESC website at [https://oesc.ok.gov/sites/g/files/gmc821/f/documents/2020/2021\\_-\\_notice\\_of\\_rulemaking\\_intent\\_-\\_chapters\\_1\\_and\\_10.pdf](https://oesc.ok.gov/sites/g/files/gmc821/f/documents/2020/2021_-_notice_of_rulemaking_intent_-_chapters_1_and_10.pdf)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the OESC Legal Department at the above address beginning October 30, 2020.

**CONTACT PERSON:**

Gina Antipov, Secretary V, (405) 557-7146, Gina.Antipov@oesc.state.ok.us.

[OAR Docket #20-771; filed 9-24-20]

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

[OAR Docket #20-772]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 310:681-1-4. Definitions [AMENDED]
  - 310:681-1-6. Proof of residency [AMENDED]
- Subchapter 2. Medical Marijuana Licenses
  - 310:681-2-5. Term and renewal of medical marijuana patient and caregiver licenses ~~license~~ [AMENDED]
- Subchapter 3. Transporter License
  - 310:681-3-2. Requirements for transportation of marijuana [AMENDED]
  - 310:681-3-3. Transporter agent license [AMENDED]
  - 310:681-3-6. Inventory manifests [AMENDED]
- Subchapter 4. Research Facilities and Education Facilities
  - 310:681-4-1.1. Responsibilities of the license holder [AMENDED]
  - 310:681-4-2. Licenses [AMENDED]
  - 310:681-4-3. Applications [AMENDED]
  - 310:681-4-4. Inspections [AMENDED]
  - 310:681-4-5. Inventory tracking, records, ~~and~~ reports, and audits [AMENDED]
  - 310:681-4-6. Penalties [AMENDED]
- Subchapter 5. Medical Marijuana Businesses
  - 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 [AMENDED]
  - 310:681-5-4. Inspections [AMENDED]
  - 310:681-5-5. Processing medical marijuana on behalf of a patient or caregiver [NEW]
  - 310:681-5-6. Inventory tracking, records, reports, and audits [AMENDED]
  - 310:681-5-6.1. Penalties [AMENDED]
  - 310:681-5-10. Medical marijuana waste disposal [AMENDED]
  - 310:681-5-18. Prohibited Acts [AMENDED]

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### Subchapter 7. Packaging, Labeling, and Advertising

310:681-7-1. Labeling and packaging [AMENDED]

310:681-7-3. Advertising [AMENDED]

### Subchapter 8. Laboratory Testing

310:681-8-1. Testing standards and thresholds [AMENDED]

310:681-8-2. General operating requirements and procedures [AMENDED]

310:681-8-3. Sampling requirements and procedures [AMENDED]

### Subchapter 9. Waste Disposal Facilities

310:681-9-2. Licenses and permits [AMENDED]

310:681-9-3. License applications [AMENDED]

310:681-9-5. Inspections [AMENDED]

310:681-9-6. Security requirements [AMENDED]

310:681-9-7. Audits and inventory [AMENDED]

310:681-9-8. Penalties [AMENDED]

310:681-9-9. Waste disposal [AMENDED]

Appendix A [REVOKED]

Appendix A [NEW]

Appendix C. Schedule of fines [NEW]

### SUMMARY:

The proposed rulemaking proposes rule changes intended to help ensure the safety of medical marijuana and medical marijuana products to consumers. The proposed permanent rules would allow licensed patients and commercial licensees to submit one name change per year with supporting documentation. The proposed permanent rules establish a schedule of fines in Appendix C that lists out fine amounts for various offenses by licensees. It is further clarified that the Department may seek fines, in addition to other penalties, and this can be done without allowing an opportunity to correct a violation when the violation is not capable of being corrected. The proposed permanent rules require applicants to provide documentation establishing a business's trade name with the application, if applicable, and a business's trade name must be updated and accurate in the licensee's OMMA online account at all times. The proposed permanent rules provide clearer language on the already existing prohibition that commercial licenses may not be wholly assigned, sold, or transferred from a new owner or another legal entity. Licensed processors who process medical marijuana into a concentrate for a patient will be required to keep a log, label the medical marijuana concentrate, and store in a way to protect against contamination. Field logs, patient processing logs, inventory manifests, transporter agent licenses and documents related to transportation and sampling are included in the types of records business licensees are required to maintain. Commercial licensees would be required to create a disposal log. The proposed permanent rules add new labeling requirements, including labeling requirements for wholesale transfers between growers and processors and new labeling requirements for non-edible products to be uniform with edible products labeling requirements. Growers and processors are required to store medical marijuana and products in manner that protects against contamination and deterioration. There

are additional specific prohibitions on labeling and advertising. Growers, processors, and dispensaries must retain copies of certificates of analysis ("COAs") for two years for all medical marijuana and products purchased. Growers and processors must provide COAs to Department and other licensees upon request, and growers and processors must report failed testing to the Department. The proposed rules include a process and requirements for retesting of medical marijuana, remediation, and decontamination and changes the term "remediation" to "decontamination" to reflect the fact that the definition of "remediation" in 63 O.S. § 427.2 limits the definition of remediation to the processing of a harvest batch that has failed microbiological testing into a solvent-based concentrate. Testing laboratories are only permitted to report COAs for analytes that are within the scope of the testing laboratory's accreditation. The rule proposal includes additional provisions for sampling requirements and sampler training. COAs must have definitions of abbreviated terms and conspicuously list "Pass" or "Fail" in a font no smaller than 12 point Times New Roman. The rule proposal requires commercial licensee to submit waste to a waste disposal facility within 90 days.

### 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:

October 15, 2020 through November 17, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through November 17, 2020, submit written comments 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 November 17, 2020, via WebEx accessible from the site [www.publichearings.health.ok.gov](http://www.publichearings.health.ok.gov), from 9AM to noon. The alternate date and time in the event of extreme inclement weather is November 19, 2020, via WebEx accessible from the site [www.publichearings.health.ok.gov](http://www.publichearings.health.ok.gov), from 9AM to noon. Those wishing to present oral comments should be registered to speak by 9:15 a.m. Directions for comment registration will be provided on the website. The hearing will close at the conclusion of comments from those registered to speak. Interested persons may attend for the purpose of orally submitting data, views, or concerns 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 November 17, 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 PERSON:**

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.

*[OAR Docket #20-772; filed 9-25-20]*

**TITLE 429. OKLAHOMA LOTTERY COMMISSION  
CHAPTER 1. GENERAL ADMINISTRATION**

*[OAR Docket #20-764]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 429:1-1-3 [AMENDED]
- 429:1-1-4 [REVOKED]
- 429:1-1-5 [AMENDED]

**SUMMARY:**

The proposed changes to Chapter 1 in Title 429 relate to general administration of the Lottery. The rule changes are in response to the Governor's request in Executive Order 2020-03 for agencies to review agency rules to identify costly, ineffective, duplicative, and outdated regulations. The rule changes proposed in this action will eliminate duplicative and unnecessary agency rules. More specifically, the changes to 1-1-3 remove definitions that do not apply to this Chapter or that are already included in the Oklahoma Lottery Act. The revoking of 1-1-4 is because these requirements are included in Title 3A, Section 702 and Section 709. The stricken language in 1-1-5 removes the requirement for an unnecessary statement from a retailer appeal letter.

**AUTHORITY**

Oklahoma Lottery Commission; 3A O.S., Section 709 and Section 710.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on November 16, 2020 at the following address: Oklahoma Lottery Commission, 3817 N. Santa Fe, Okla. City, OK 73118, Attn: Jay Finks. Comments may be emailed to: Jay.Finks@lottery.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Wednesday, November 16, 2020 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:45 a.m. on that day.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Commission 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 from 9:00 AM on October 15, 2020 until 5:00 PM, November 16, 2020 at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, Attn.: Jay Finks.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by contacting Jay Finks at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, (405) 522-7700, or they can be obtained on the Oklahoma Lottery Commission web site at www.lottery.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available on and after October 19, 2020, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118.

**CONTACT PERSON:**

Jay Finks, Administrative Rules Liaison, (405) 522-7700, Jay.Finks@lottery.ok.gov.

*[OAR Docket #20-764; filed 9-23-20]*

**TITLE 429. OKLAHOMA LOTTERY COMMISSION  
CHAPTER 10. RETAILER PROVISIONS**

*[OAR Docket #20-765]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 429:10-1-2 [AMENDED]
- 429:10-1-3 [AMENDED]
- 429:10-1-4 [AMENDED]
- 429:10-1-5 [AMENDED]
- 429:10-1-7 [AMENDED]
- 429:10-1-8 [REVOKED]
- 429:10-1-9 [REVOKED]
- 429:10-1-10 [AMENDED]

**SUMMARY:**

The proposed changes to Chapter 10 in Title 429 relate to retailers selling or wanting to sell lottery products. The rule changes are in response to the Governor's request in Executive Order 2020-03 for agencies to review agency rules to identify

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costly, ineffective, duplicative, and outdated regulations. The rule changes proposed in this action will eliminate duplicative and unnecessary agency rules. The change to rule 429:10-1-2 eliminates definitions that are not used in this Chapter or are already defined in the Oklahoma Lottery Act. The change to rule 429:10-1-3 removes the name of a game no longer offered and replaces it with the game that replaced it. The change to rule 429:10-1-4 removes retailer selection criteria that are repeated in statute and leaves the rule regarding application fees unchanged. The change to rule 429:10-1-5 removes language regarding the return of inactive packs of instant tickets as this is dealt with in game procedures. The change to rule 429:10-1-7 clears up language regarding the age of who can play the lottery to match state law. Rules 429:10-1-8 and 10-1-9 are revoked as the authority to establish sales and marketing requirements is covered in statutes regarding the powers of the Executive Director; the stated requirements cannot be implemented in every retail location; and changes in marketing practices and technology also will not apply in the same manner depending on the sales location. Rule 429:10-1-10 is amended to correctly state when retailer invoices will be made available to them on Sunday morning rather than Monday morning.

### **AUTHORITY**

Oklahoma Lottery Commission; 3A O.S., Section 709 and Section 710.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on November 16, 2020 at the following address: Oklahoma Lottery Commission, 3817 N. Santa Fe, Okla. City, OK 73118, Attn: Jay Finks. Comments may be emailed to: Jay.Finks@lottery.ok.gov.

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Wednesday, November 16, 2020 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:45 a.m. on that day.

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

Business entities affected by these proposed rules are requested to provide the Commission 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 from 9:00 AM on October 15, 2020 until 5:00 PM, November 16, 2020 at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, Attn.: Jay Finks.

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

Copies of proposed rules may be obtained by contacting Jay Finks at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, (405) 522-7700, or they can be obtained on the Oklahoma Lottery Commission web site at [www.lottery.ok.gov](http://www.lottery.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available on and after October 19, 2020, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118.

### **CONTACT PERSON:**

Jay Finks, Administrative Rules Liaison, (405) 522-7700, Jay.Finks@lottery.ok.gov.

*[OAR Docket #20-765; filed 9-23-20]*

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## **TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 15. ~~INSTANT LOTTERY GAMES~~**

*[OAR Docket #20-766]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

429:15-1-2 [AMENDED]

429:15-1-4 [AMENDED]

429:15-1-5 [AMENDED]

429:15-1-6 [AMENDED]

429:15-1-8 [AMENDED]

429:15-1-8.1 [NEW]

429:15-1-11 [REVOKED]

429:15-1-12 [REVOKED]

429:15-1-13 [AMENDED]

429:15-1-13.1 [NEW]

429:15-1-13.2 [NEW]

429:15-1-14 [AMENDED]

429:15-1-15 [NEW]

APPENDIX A [REVOKED]

APPENDIX B [REVOKED]

### **SUMMARY:**

The proposed changes to Chapter 15 in Title 429 relate to the conduct of lottery games. The rule changes are in response to the Governor's request in Executive Order 2020-03 for agencies to review agency rules to identify costly, ineffective, duplicative, and outdated regulations. The rule changes proposed in this action will eliminate duplicative and unnecessary agency rules. The rule as it currently exists addresses Instant Tickets / Games conducted by the Lottery. As changed, the rule will combine the provisions of current Chapter 20 dealing with Online Games into this one, creating one chapter to address all lottery games rather than two separate chapters.

The change to rule 429:15-1-2 eliminates definitions that are not used in this Chapter and adds one rule for Lottery Game Promotion Procedures to replace separate rules for Instant games and Online games. The changes to rule 429:15-1-4, 5, 6, 7 and 8 remove unnecessary language and combine language from Chapter 20 regarding online games. The addition of rule 429:1-8.1 combines existing language from Chapter 20 into

Chapter 15. Rule 429:15-1-11 is revoked as unnecessary as this is industry standard and OLC practice. Rule 429:15-1-12 is revoked to remove unnecessary language from rules as these actions are also part of best-practices conducted by the Lottery, and games offering grand prizes are conducted in accordance with the rules mandated by the game governing organizations. The changes in Rule 429:15-1-13 clear up the process for making Instant Game information available to the public on the Lottery web site. Rules 429:15-1-13.1 and 13.2 are rules combined into chapter 15 from existing rules in chapter 20. The change in rule 429:15-1-14 combines instant and online promotion procedures previously included in Chapter 15 and Chapter 20. Rule 15-1-15 combines a rule previously in Chapter 20, prohibiting the sell-out of a game. Appendix A and Appendix B are both revoked as they do not need to be in agency rules as procedures are required for all games.

**AUTHORITY**

Oklahoma Lottery Commission; 3A O.S., Section 709 and Section 710.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on November 16, 2020 at the following address: Oklahoma Lottery Commission, 3817 N. Santa Fe, Okla. City, OK 73118, Attn: Jay Finks. Comments may be emailed to: Jay.Finks@lottery.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Wednesday, November 16, 2020 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:45 a.m. on that day.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Commission 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 from 9:00 AM on October 15, 2020 until 5:00 PM, November 16, 2020 at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, Attn.: Jay Finks.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by contacting Jay Finks at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, (405) 522-7700, or they can be obtained on the Oklahoma Lottery Commission web site at www.lottery.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available on and after October 19, 2020, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118.

**CONTACT PERSON:**

Jay Finks, Administrative Rules Liaison, (405) 522-7700, Jay.Finks@lottery.ok.gov.

[OAR Docket #20-766; filed 9-23-20]

**TITLE 429. OKLAHOMA LOTTERY COMMISSION  
CHAPTER 20. ONLINE GAMES [REVOKED]**

[OAR Docket #20-767]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 429:20-1-1. [REVOKED]
- 429:20-1-2 [REVOKED]
- 429:20-1-3 [REVOKED]
- 429:20-1-4 [REVOKED]
- 429:20-1-5 [REVOKED]
- 429:20-1-6 [REVOKED]
- 429:20-1-7 [REVOKED]
- 429:20-1-8 [REVOKED]
- 429:20-1-9 [REVOKED]
- 429:20-1-10 [REVOKED]
- 429:20-1-11 [REVOKED]
- 429:20-1-12 [REVOKED]
- 429:20-1-13 [REVOKED]
- 429:20-1-14 [REVOKED]
- 429:20-1-15 [REVOKED]
- 429:20-1-16 [REVOKED]
- 429:20-1-17 [REVOKED]
- APPENDIX A [REVOKED]
- APPENDIX B [REVOKED]

**SUMMARY:**

The proposed changes to Chapter 20 in Title 429 relate to the conduct of online lottery games. The rule changes are in response to the Governor's request in Executive Order 2020-03 for agencies to review agency rules to identify costly, ineffective, duplicative, and outdated regulations. The rule changes proposed in this action will eliminate duplicative and unnecessary agency rules. The rule as it currently exists addresses Online Tickets / Games conducted by the Lottery. As changed, this Chapter 20 is revoked and its provisions are combined into Chapter 15, previously only dealing with Instant Games, thus making one remaining chapter to address all lottery games rather than two separate chapters with duplicative provisions.

**AUTHORITY**

Oklahoma Lottery Commission; 3A O.S., Section 709 and Section 710.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on November 16, 2020 at the following address: Oklahoma Lottery Commission, 3817 N. Santa Fe,

## Notices of Rulemaking Intent

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Okla. City, OK 73118, Attn: Jay Finks. Comments may be emailed to: Jay.Finks@lottery.ok.gov.

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Wednesday, November 16, 2020 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:45 a.m. on that day.

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

Business entities affected by these proposed rules are requested to provide the Commission 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 from 9:00 AM on October 15, 2020 until 5:00 PM, November 16, 2020 at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, Attn.: Jay Finks.

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

Copies of proposed rules may be obtained by contacting Jay Finks at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, (405) 522-7700, or they can be obtained on the Oklahoma Lottery Commission web site at [www.lottery.ok.gov](http://www.lottery.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available on and after October 19, 2020, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118.

### **CONTACT PERSON:**

Jay Finks, Administrative Rules Liaison, (405) 522-7700, Jay.Finks@lottery.ok.gov.

*[OAR Docket #20-767; filed 9-23-20]*

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

*[OAR Docket #20-761]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking and informal meeting

### **PROPOSED RULE:**

Chapter 10. Non-Coal Rules and Regulations  
[AMENDED]

### **SUMMARY:**

This notice is preliminary in nature and will be subsequently replaced by a more specific Notice of Rulemaking Intent. The proposed amendments will address a number of matters found in Chapter 10, the Non-Coal Rules and Regulations. First, the proposed amendments will address the statutory requirements of HB 2471, which became effective November

1, 2019. Because some regulations found in Chapter 10 were in conflict with the new legislation, and because the agency's emergency rules addressing those conflicts expired on September 15, 2020, the conflicting regulations will be amended to comply with current law. New rule language will reflect the establishment of a legislative moratorium on issuing certain non-coal mining permits overlying a sensitive sole source groundwater basin. Other added language will provide for permit amendments which increase the acreage of existing permits, pursuant to the new legislation. The agency will publish a subsequent Notice of Rulemaking Intent by December 1, 2020 which will describe the scope and content of proposed amendments in greater detail.

### **AUTHORITY:**

45 O.S. Sections 721 et seq., 45 O.S. Section 950; 45 O.S. Section 1.5 et seq.; Oklahoma Mining Commission.

### **COMMENT PERIOD:**

Beginning October 1, 2020 through December 31, 2020, the public may present their views, either orally or in writing, to the below listed contact person.

### **PUBLIC HEARING:**

An informational meeting on the proposed rule changes will be held on October 5, 2020 at the Oklahoma History Center 800 Nazih Zuhdi Drive, Oklahoma City 73105, in the Chesapeake Event Center meeting room, beginning at 10:00 a.m. The purposes of the informational meeting are (1) for the agency to explain the purpose of the proposed amendments, and (2) for participating members of the public to suggest additional proposed amendments to Chapter 10, including amendments unrelated to HB 2471. At least one additional public hearing will be held prior to the close of the comment period on December 31, 2020. The date, time, and location of that hearing will be set forth in a subsequent Notice of Rulemaking Intent.

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

Comments regarding increased costs due to compliance with the proposed changes will be requested in a subsequent Notice of Rulemaking Intent.

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

Copies of the initial draft of the proposed rules may be obtained from the below listed contact person after October 1, 2020.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be created after a subsequent Notice of Rulemaking Intent.

### **CONTACT PERSON:**

Andrea Adams, Legal Secretary, Oklahoma Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK 73106; (405) 522-9840.

*[OAR Docket #20-761; filed 9-22-20]*

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

[OAR Docket #20-762]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking and informal meeting

**PROPOSED RULE:**

Chapter 12. Water Quality Standards Implementation Plan [NEW]

**SUMMARY:**

This new Chapter 12, entitled Water Quality Standards Implementation Plan, is being proposed to comply with the statutory requirements of O.S. Title 27A, Section 1-1-202 (B). The new chapter describes in general terms the processes, procedures, and methodologies the agency utilizes to ensure that it complies with Clean Water Act anti-degradation standards within its jurisdictional areas as set forth in O.S. Title 27A. Twenty years ago, the agency drafted its initial Water Quality Standards Implementation Plan as required by O.S. Title 27A Section 1-1-202(B) and used that plan as a guide to draft many of its current permitting regulations related to water quality. While the plan was utilized and updated from time to time, the agency now seeks to incorporate the plan into its administrative rules. The agency will publish a subsequent Notice of Rulemaking Intent by December 1, 2020 which will describe the scope and content of proposed amendments in greater detail.

**AUTHORITY:**

27A O.S. Section 1-1-202, 45 O.S. Section 1.5 et seq.; Oklahoma Mining Commission.

**COMMENT PERIOD:**

Beginning October 1, 2020 through December 31, 2020, the public may present their views, either orally or in writing, to the below listed contact person.

**PUBLIC HEARING:**

An informational meeting on the proposed rule changes will be held on October 5, 2020 at the Oklahoma History Center 800 Nazih Zuhdi Drive, Oklahoma City 73105, in the Chesapeake Event Center meeting room, beginning at 11:00 a.m. The purposes of the informational meeting are (1) for the agency to explain the purpose of the proposed chapter, and (2) for participating members of the public to suggest updates or changes to the proposed chapter and its sections. At least one additional public hearing will be held prior to the close of the comment period on December 31, 2020. The date, time, and location of that hearing will be set forth in a subsequent Notice of Rulemaking Intent.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The new chapter codifies the agency's existing plan to protect water quality through its current rules and regulations and will not impose any new regulatory requirements upon business entities.

**COPIES OF THE PROPOSED RULES:**

Copies of the initial draft of the proposed rules may be obtained from the below listed contact person after October 1, 2020.

**RULE IMPACT STATEMENT:**

A rule impact statement will be created after a subsequent Notice of Rulemaking Intent.

**CONTACT PERSON:**

Andrea Adams, Legal Secretary, Oklahoma Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK 73106; (405) 522-9840.

[OAR Docket #20-762; filed 9-22-20]

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

[OAR Docket #20-758]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

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

The proposed changes would expand to higher nursing degree programs, expand eligible facilities to fulfill obligations and increase the amount of awards for the Oklahoma Nursing

## Notices of Rulemaking Intent

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Student Assistance Program to be consistent with other PMTC programs and meet the current nursing needs across all of rural Oklahoma. This change has no fiscal impact to the agency.

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

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments will be accepted through November 16, 2020, at the Physician Manpower Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Michelle Cecil, or by email to Michelle.Cecil@pmtc.ok.gov.

**PUBLIC HEARING:**

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

Tuesday, November 17, 2020, at 9:00 a.m. in the office of the PMTC, 5th floor, conference room, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603.

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

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Michelle Cecil, Nursing Programs Director, (405) 604-0020, Michelle.Cecil@pmtc.ok.gov or for legal questions: Joe Ashbaker, Assistant Attorney General, (405) 522-2974, Joe.Ashbaker@oag.ok.gov.

*[OAR Docket #20-758; filed 9-18-20]*

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

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

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

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

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

[OAR Docket #20-763]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions

340:10-1-5 [NEW]

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

340:10-2-4 [AMENDED]

Subchapter 23. Temporary Assistance for Needy Families (TANF) National or State Emergency [NEW]

340:10-23-1 [NEW]

(Reference WF 20-04)

### AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; and Section 260.31 of Part 261 of Title 45 of the Code of Federal Regulations.

### ADOPTION:

July 27, 2020

### EFFECTIVE:

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

### APPROVED BY GOVERNOR:

September 10, 2020

### EXPIRATION:

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

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

Emergency rulemaking approval is requested to allow OKDHS to use TANF funds to make non-assistance programs available to provide emergency family services to families involved with Child Welfare Services to avoid placement of a child in out-of-home care or to assist in reuniting a child with his or her family when in an out-of-home placement; and non-recurring short term benefits to families receiving TANF and other low-income Oklahoma families to obtain subsidized employment, obtain safe and stable housing when fleeing domestic violence situations, or help during national or state emergencies and be in compliance with federal regulations.

### GIST/ANALYSIS:

The proposed issuance of the rule regarding non-assistance payments is issued to clarify the difference between non-assistance programs and assistance programs and that non-assistance programs may have variable income limits. It further clarifies non-assistance as an appropriate use of

TANF funding in response to state audit findings regarding use of TANF funds to provide emergency family services to families involved with Child Welfare Services to avoid placement of a child in out-of-home care or to assist in reuniting a child with his or her family when in an out-of-home placement.

The proposed issuance of a rule to add the Family Violence Emergency Assistance (FVEA) program and to open up SEP to certain non-TANF recipients with who have a biological child receiving TANF, SNAP, Child Care Subsidy, or SoonerCare (Medicaid) benefits is issued as an effective way to spend any excess TANF carryover funds in a way that is allowable under federal non-assistance program regulations, in keeping with the TANF family centered coaching model, and offers a holistic approach to working with and providing a hope-centered culture to move families out of generational poverty.

The proposed issuance of rules that may be implemented during a national or state emergency are issued to provide economic relief to TANF applicants and recipients and other low-income Oklahomans in response to the COVID-19 pandemic and future emergencies and to ensure TANF funds are only used for purposes included in the TANF State Plan.

### CONTACT PERSON:

Dena Thayer at 405-521-4326

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### **340:10-1-5. Non-assistance programs**

**(a) Non-assistance programs. Programs that do not constitute assistance programs, per Section 260.31(b) of Title 45 of the Code of Federal Regulations may be available to Temporary Assistance for Needy Families (TANF) recipients and other eligible Oklahoma families with minor child(ren) within a specified degree of relationship, per Oklahoma Administrative Code (OAC) 340:10-9-1. When eligibility for a program is based on the family's income, the maximum income level is specified, per (b) of this Section. Programs may vary due to geographic location and funding availability. Non-assistance programs may include:**

- (1) non-recurring short-term (NRST) benefits that:**

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- (A) are designed to deal with a specific crisis situation or episode of need;
  - (B) are not intended to meet recurrent or ongoing needs; and
  - (C) do not extend beyond four months;
  - (2) payments to employers or third parties to help cover the cost of employee wages, benefits, supervision, or training;
  - (3) supportive services, such as child care or transportation, provided to families who are employed;
  - (4) refundable earned income tax credits;
  - (5) contributions to, and distributions from Individual Development Accounts;
  - (6) services that do not provide basic income support, such as:
    - (A) counseling;
    - (B) case management;
    - (C) peer support;
    - (D) child care information and referral;
    - (E) transitional services;
    - (F) job retention;
    - (G) job advancement; and
    - (H) other employment-related services; and
  - (7) transportation benefits provided under a Job Access or Reverse Commute project, per Section 404(k) of the Social Security Act to a person who is not otherwise receiving assistance.
- (b) **Program types.** Program types that may be available in Oklahoma are described in (1) through (5) of this subsection.
- (1) **Family Violence Emergency Assistance (FVEA).** FVEA is intended to stabilize low-income families while addressing family violence issues and homelessness. FVEA provides one-time assistance up to \$3,000 for rent, utilities, deposits, and moving expenses to allow domestic violence victims to transition to safe and stable housing. FVEA may only be provided once in the applicant's lifetime. To qualify for the program, the applicant must:
    - (A) submit an application and be interviewed, per OAC 340:65-3-1. FVEA applications cannot be submitted online;
    - (B) be residing in a shelter operated by a domestic violence/sexual assault program certified by the Oklahoma Office of the Attorney General due to a domestic violence situation;
    - (C) have a minor child(ren) within the specified degree of relationship, per OAC 340:10-9-1, living with him or her;
    - (D) have income at or below 300 percent of federal poverty guidelines, per Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVIII;
    - (E) have resources at or below the maximum standard, per OKDHS Appendix C-1, Schedule XVIII. Refer to OAC 340:10-3-4 through 340:10-3-5 for countable resource information;
    - (F) meet citizenship and alienage requirements, per OAC 340:10-15-1;

- (G) provide a Social Security number (SSN) or proof of a pending SSN application for every assistance unit member, per OAC 340:10-12-1;
  - (H) have explored and exhausted all other means of outside funding prior to utilizing FVPA;
  - (I) provide documentation that he or she has or is pursuing a victim protective order against the perpetrator when it is safe to do so. When it is not safe to do so, provide a statement from the domestic violence counselor working with the family about the safety issues; and
  - (J) agree to attend a required Within My Reach Prevention and Relationship Education Program (PREP) workshop or comparable approved curriculum after approval.
- (2) **Family Strengthening Program (FSP).** FSP includes programs that are not means-tested, such as but not limited to:
  - (A) relationship education;
  - (B) parenting classes;
  - (C) financial literacy; and
  - (D) an intensive service program for child safety, per OAC 340:10-19-9;
- (3) **Home-based services.** Home-based services may be provided to families by Oklahoma Human Services (OKDHS) Child Welfare Services or the Office of Juvenile Affairs when immediate action is required to avoid placement of a child in an out-of-home placement or to assist in reuniting a child with his or her family when in an out-of-home placement, per OAC 340:10-19-9. Families' incomes may not exceed 300 percent of federal poverty guidelines, per OKDHS Appendix C-1, Schedule XVIII.
- (4) **Subsidized Employment Program (SEP) for non-TANF participants.** When funding is available, SEP placements may be made available, per OAC 340:10-2-4(c)(1) to non-TANF participants who:
  - (A) are unemployed;
  - (B) reside in a county authorized by Adult and Family Services (AFS) TANF Unit staff for expanded SEP eligibility; and
  - (C) have a biological child receiving TANF, Supplemental Nutrition Assistance Program, Child Care Subsidy, or SoonerCare (Medicaid) benefits.
- (5) **National or state emergency.** When a national or state emergency is declared by the President of United States or Governor of the State of Oklahoma that causes a hardship to TANF recipients and non-recipient families, refer to OAC 340:10-23-1 for information regarding NRST benefits and economic impact payments.

## SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

**340:10-2-4. Employment**

(a) **Applicability.** Temporary Assistance for Needy Families (TANF) Work activities are designed to help ~~the participant~~ participants obtain employment to achieve economic self-sufficiency, per Sections 261.2, 261.10, and 261.30 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 261.2, 261.10, and 261.30). Work allows participants to enhance their self-esteem and to become more independent. Every effort is made to assist participants in securing jobs that provide financial security and opportunities for advancement. The appropriate employment criteria for subsidized and unsubsidized employment are included in (1) through (5) of this subsection.

- (1) Appropriate employment may be temporary, permanent, full-time, part-time, or seasonal work, as long as the daily and weekly hours of employment do not exceed those customary to the occupation.
- (2) The wage must meet or exceed the federal or state minimum wage laws or the prevailing rate for similar employment, whichever is applicable. The state law applies when federal law does not cover the job.
- (3) A participant is not required to accept employment when the position offered is vacant due to a strike, lockout, or other bona fide labor dispute.
- (4) A participant is not required to work for an employer when it is contrary to the conditions of membership in the union governing that occupation. Employment not governed by the rules of the union to which the participant belongs may be appropriate.
- (5) A participant is not required to accept employment that results in the net loss of income.

(b) **Unsubsidized employment.** The State Work Incentive Program and any employment for which the employer does not receive reimbursement for any portion of the wages paid are examples of unsubsidized employment.

(1) **State Work Incentive Program.** The State Work Incentive Program is designed to assist in employing TANF participants into entry level positions in all branches of state government. Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS), in cooperation with other state agencies and the Office of Management and Enterprise Services Human Capital Management, coordinates job placements for TANF participants referred to the program on Form 08TW023E, State Work Incentive Referral.

- (A) Employment of eligible participants may be considered for positions of unclassified status for a two-year period in a full-time or part-time capacity. These positions are not included within any limitation on full-time equivalent employee positions for any agency.
- (B) Participants hired under this program are eligible for leave and other benefits available to other state employees, subject to other eligibility requirements, and may be reassigned or promoted while in the program.
- (C) Participants hired are exempt from probationary hiring procedures. They may be considered for conversion to permanent, classified status after two years of continuous program participation.

(D) Requirements for placing employees in permanent status include:

- (i) completing satisfactory performance ratings conducted during employment; and
- (ii) ~~having possession of~~ possessing the minimum requirements stated in the job specifications.

(2) **Other unsubsidized employment.** Unsubsidized employment includes any employment in which a participant is hired by a private or public employer and there is no reimbursement of any portion of the wages paid to the recipient.

(c) **Subsidized employment.** The Subsidized Employment Program (SEP) and on-the-job training (OJT) are examples of subsidized employment. The employment criteria in (a) of this Section apply.

(1) **SEP.** SEP is a subsidized employment program through which ~~DHS~~ OKDHS reimburses employers hiring TANF participants and certain non-TANF participants into full-time employment for a portion of their wages for up to four months. Public agencies, nonprofit, private agencies, and private employers are eligible to participate. When a state agency expresses an interest in participating in the program, ~~DHS~~ OKDHS staff informs agency personnel that the subsidized employment reimbursement must not be used by the state agency to claim matching federal funds. When, for any reason in any given month, a SEP participant is paid less than the amount of his or her cash assistance at the time of entry into the program, the SEP participant receives a supplemental TANF benefit. SEP participants are entitled to all benefits the employer makes available to other employees. Participants are assigned based on their employability plan and the availability of appropriate and willing employers.

(A) **Participant requirements.** TANF participants are:

- (i) included in the cash assistance unit; and
- (ii) available for immediate employment.

(B) **Non-TANF participant requirements.** When funding is available, SEP placements may be made available to non-TANF participants who:

- (i) are unemployed;
- (ii) reside in a county authorized by Adult and Family Services (AFS) TANF Unit staff for expanded SEP eligibility; and
- (iii) have a biological child receiving TANF Supplemental Nutrition Assistance Program (SNAP), Child Care Subsidy, or SoonerCare (Medicaid) benefits.

(C) **Position requirements.** Position requirements must include:

- (i) full-time employment for a minimum of 35 hours per week;
- ~~(iii)~~ the same wages, benefits, and working conditions as provided to other employees performing a substantially equivalent job;
- ~~(iv)~~ an employer agreement to conform to the Equal Employment Opportunity Commission and

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fair employment practices, such as nondiscrimination regarding age, race, sex, color, national origin, disability, and in some cases ~~religion~~ religious or political ~~belief~~ beliefs; and

- (~~v~~iv) employer assurance the position does not:
- (I) displace the employer's current employees, including any involved in a strike, ~~or~~ lockout, or other labor dispute involving a work stoppage;
  - (II) involve commission sales when at least \$10 per hour is not guaranteed; or
  - (III) is not for casual, intermittent, or seasonal labor.

(~~D~~E) **Recruitment of employers** Employer recruitment. Designated county staff or the career development specialist (CDS) recruits employers interested in SEP. The employer is asked to notify designated county staff or the CDS of potential positions with job specifications and qualifications in order to match the employer with an appropriate TANF participant referral. Designated county staff or the CDS give Form 08TW011E, Subsidized Employment Program (SEP) Referral, to the TANF participant to take to the employer specified on the form.

(i) When explaining SEP to employers, designated county staff or the CDS emphasizes that employers are expected to retain the SEP participant in full-time employment unless there is good cause for the dismissal. Employers who fail to continue the successful SEP participant's employment without good cause are not granted subsequent contracts. Good cause reasons for dismissal occur, when:

- (I) there is a lay-off due to economic reasons that results in a reduction-in-force;
- (II) the employee is frequently absent from work or engages in disruptive or inappropriate behavior; or
- (III) the employee is unable to perform at an acceptable skill level.

(ii) Before designated county staff or the CDS writes new or additional contracts with an employer, SEP employees or other employees in lay-off status must be recalled.

(iii) Designated county staff or the CDS has the responsibility for ensuring the employer is complying with the contract.

(~~D~~E) **SEP placements**. Designated county staff or the CDS arranges interviews between participants and potential employers. SEP participants may begin employment any time during the month. The employer is informed that reimbursement begins after the participant completes the first 30-calendar days of employment.

(i) Following the employer's agreement to participate and selection of a TANF participant, designated county staff or the CDS negotiates the

contract, Form 08TW017E, Subsidized Employment Program (SEP) Contract, with the employer. Negotiation includes the employee's beginning employment date of employment, the employee's salary, and the employee's planned number of employment hours per week.

(ii) Upon receipt of the contract, designated county staff or the CDS reviews it for completeness and, when approved, signs and dates the contract. Designated county staff or the CDS delivers the employer's copy of the contract and Form 08TW018E, Subsidized Employment Program (SEP) Invoice, ~~for requesting to the employer.~~ The employer uses Form 08TW018E to request reimbursement to the employer from OKDHS.

(iii) Designated county staff or the CDS contacts the participant to complete and sign Form 08TW006E, Subsidized Employment Program (SEP) Temporary Assistance for Needy Families (TANF) Participant Agreement.

(iv) When a contract is not approved, a letter is mailed by the designated county staff or the CDS to the employer explaining the disapproval reason ~~for the disapproval~~. Designated county staff or the CDS notifies the participant by phone or letter that the contract was not approved.

(~~E~~F) **Program procedures**. The procedures for programs listed in (i) through (iv) of this subparagraph are used for TANF participants.

(i) **TANF cash assistance**. Under SEP, eligibility for TANF cash assistance is frozen. During the participation period, the TANF assistance unit cannot be determined ineligible. The earned income disregard period runs concurrently with SEP, per Oklahoma Administrative Code (OAC) 340:10-3-31.1.

(ii) **Medical benefits**. SEP participants whose TANF cash assistance is frozen, continue to be eligible for SoonerCare (Medicaid) benefits unless found ineligible for a reason other than earned income.

(iii) **Food benefits**. SEP participants whose TANF cash assistance is frozen and who are receiving Simplified Supplemental Nutrition Assistance Program (SSNAP) benefits, ~~per Oklahoma Administrative Code (OAC) 340:50-11-20~~ continue to receive SSNAP benefits without consideration of the SEP income during the participation period as long as the household composition remains the same. Once the SEP participation period ends and the TANF benefit closes, the household may be eligible for transitional food benefits, per OAC 340:50-11-27.

(iv) **Child care**. During the SEP participation period while the TANF cash assistance is frozen, the child remains predetermined eligible for child care subsidy benefits with a zero family share copayment, per OAC 340:40-7-1. Once the SEP

participation period ends and the TANF benefit closes, the worker determines if the participant's child care renewal is due, per OAC 340:40-9-1. When the child care renewal is due, the worker considers the participant's earnings and computes the family share copayment, per ~~DHS~~OKDHS Appendix C-4, Child Care Eligibility/Copayment Chart. When the child care renewal is not due, the participant's family share copayment does not increase until the renewal is due, per OAC 340:40-5-1(9).

**(FG) ~~Payment of employers~~Employer payment.** Employers are eligible for:

(i) ~~one hundred~~100 percent reimbursement of the employee's gross wages, capped at a maximum of 40 hours per week, at \$12 per hour, for the first 30-calendar days of employment.

(I) Employers are eligible to apply for reimbursement 30-calendar days following the date of hire.

(II) Employers file for reimbursement by submitting Form 08TW018E, with proof of the participant's earnings for the last six months attached, directly to Adult and Family Services (AFS) TANF Unit staff.

(III) When a business changes ownership, the SEP contract transfers with the business. When change of ownership occurs mid-month, the original owner maintains the right to file a claim for reimbursement for the transfer month. The new owner may claim for subsidized wages for the remaining months of the original SEP agreement;

(ii) fifty percent reimbursement of the employee's gross wages, for the following three months, provided the employee remains employed a minimum of 35 hours per week and earning at least \$10 per hour. The reimbursement is capped at a maximum of 40 hours per week, at \$12 per hour; and

(iii) a bonus equal to 100 percent of the unsubsidized portion of wages up to 40 hours per week for the four month subsidized period, provided the SEP employee:

(I) remains employed a minimum of 35 hours per week;

(II) earns a minimum of \$10 per hour; and

(III) is retained for a minimum period of six months after the subsidized agreement ends.

**(GH) Supplemental payments to SEP participants.** For TANF participants, AFS automatically issues supplemental payments for months in which income shown on Form 08TW018E is less than the amount of the SEP participant's cash assistance prior to entering the program.

**(HI) SEP contract period completions.** At the end of the fourth month of subsidized employment,

the worker reviews the participant's continued TANF eligibility.

**(HJ) SEP contract terminations.** When the SEP placement ends during the four months of subsidized employment, the worker reviews the participant's continued TANF eligibility.

(2) **OJT.** OJT is subsidized employment in which a private or public employer hires the participant and, while engaged in productive work, receives training that provides knowledge or skills essential to the full performance of the job. During the OJT period, the employer receives reimbursement for a portion of the wages paid to the employee.

(A) Participants who successfully complete the Work Experience Program, have a recent history of employment, or complete a job readiness activity are the primary candidates for OJT referral.

(B) Income from OJT is considered as any other earned income.

(C) The worker explains to the participant at the time of OJT entry the availability of transitional child care, per OAC 340:40-7-1 and continued medical benefits, per OAC 340:10-3-75 ~~to the participant at the time of entry into OJT.~~

(d) **Work Opportunity Tax Credit (WOTC).** The WOTC law permits for-profit employers to take a federal income tax credit when workers from certain target groups are hired. Workers in these target groups have faced significant barriers to employment. The WOTC is equal to between 25 percent and 40 percent of the first year wages, up to ~~\$9000~~\$9,600, depending on the number of hours the employee works, and the applicable target group for the person. The main objective of this program is to enable targeted employees to gradually move from economic dependency into self-sufficiency ~~as he or she earns~~while earning a steady income and ~~become~~becoming contributing taxpayers, while the participating employers are compensated by reducing their federal income tax liability.

(1) WOTC is available to employers for workers hired from targeted groups. The targeted groups are:

(A) TANF recipients who received assistance for at least nine of the 18 months out of the last 18 months prior to the hiring date;

(B) qualified veterans. Qualified veterans are ~~per-~~sons ~~veterans~~ who:

(i) received food benefits for at least three ~~con-~~secutive months ~~within~~during the ~~last 15 months~~preceding the hire date first year of employment;

(ii) are unemployed for a period totaling at least four weeks but less than six months in the one-year period ending on the veteran's hiring date. The weeks unemployed do not have to be consecutive;

(iii) are unemployed for a period totaling at least six months in the one-year period ending on the veteran's hiring date. The months unemployed do not have to be consecutive;

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- (iv) are entitled to compensation for a service-connected disability and are unemployed for a period totaling at least six months in the one-year period ending on the hiring date. The months unemployed do not have to be consecutive; or
- (v) are disabled veterans entitled to compensation for a service-connected disability hired not more than one year after being discharged or released from active duty in the United States (U.S.) Armed Forces;

(C) qualified ex-felons. Qualified ex-felons are persons who were hired within one year of being convicted of a felony and within the last year were either convicted or being released from prison for a felony;

(D) designated community residents. Designated community residents are persons, who are at least 18 years of age, but not 40 years of age, on the hiring date, and whose principal place of residence is within and reside in a federally designated Empowerment Zone, Enterprise Community, or a Rural Renewal County Community, and for those who began work after May 25, 2007. This High Risk Youth group was renamed "Designated Community Resident" and expanded to include residents of Rural Renewal Counties continue to reside at the location after employment;

(E) vocational rehabilitation referral recipients. Vocational rehabilitation referral recipients are persons with who have a physical or mental disability who received or are and were referred to the employer while receiving or upon completion of vocational rehabilitation services from:

- (i) a state plan approved under the Rehabilitation Act of 1973;
- (ii) an Employment Network Plan under the Ticket to Work Program; or
- (iii) a rehabilitation agency approved by the state or program carried out under the U.S. Department of Veterans Affairs;

(F) qualified summer youth employees. Qualified summer youth employees are persons who are:

- (i) at least 16 years of age, but not 18 years of age, on the hiring date or on May 1st, whichever is later;
- (ii) and have a principal residence reside in an Empowerment Zone, Enterprise Community, or Rural Renewal County Community; and
- (iii) hired are only employed between May 1 and September 15;

(G) qualified food benefit recipients. Qualified food benefit recipients are persons, who, prior to their hiring date, are:

- (i) at least 18 years of age, but not and under 40 years of age, who are; and
- (ii) members of a household that received food benefits for:

(I) the last six-consecutive months prior to their hiring date; or

(ii) able bodied adults without dependents no longer eligible for benefits who reside with a household currently receiving food benefits or a household that received food benefits for at least three months out of the last five consecutive months, prior to the hiring date;

(H) qualified recipients of Supplemental Security Income (SSI). Qualified recipients of SSI are persons who received SSI for any month during the within 60-calendar days before the of their hire date;

(I) long-term TANF recipients. Long-term TANF recipients are persons certified by a designated local agency as members of families who received TANF payments for:

- (i) received TANF assistance for at least the previous 18 consecutive months ending on the hiring date;
- (ii) a total of at least received TANF assistance for any 18 months, whether consecutive or not, beginning after August 5, 1997, when hired within two years after the date the 18 month total is reached; or
- (iii) stopped being eligible for TANF assistance during the past two years because federal or state law limited the maximum time they could receive assistance; and

(J) Hurricane Katrina employees qualified long-term unemployment recipients. Hurricane Katrina employees do not require certification; Qualified long-term unemployment recipients are persons who have been unemployed for not less than 27-consecutive weeks at the hiring time and received unemployment compensation during some or all of the unemployment period.

(K) unemployed veterans. Unemployed veterans are persons hired after 2008, and before 2011, who:

- (i) were discharged or released from active duty in the United States (U.S.) Armed Forces at any time during the five year period ending on the hiring date; and
- (ii) received unemployment compensation under federal or state law for at least four weeks during the one year period ending on the hiring date; and

(L) disconnected youth. Disconnected youth are persons certified as:

- (i) having attained 16 years of age, but not 25 years of age, on the hiring date;
- (ii) not regularly attending any secondary, technical, or post secondary school during the six month period preceding the hiring date;
- (iii) not regularly employed during the six month period preceding the hiring date; and
- (iv) not readily employable by reason of lacking a sufficient number of basic skills.

(2) Through an agreement with the Oklahoma Employment Security Commission, ~~DHS–OKDHS~~ issues ~~WOTC conditional certification forms for DHS~~U.S. Department of Labor Form ETA-9062, Conditional Certification Work Opportunity Tax Credit, to TANF and food benefit recipients.

(3) ~~U.S. Department of Labor~~The worker gives the participant Form ETA-9062, Conditional Certification Work Opportunity Tax Credit, and a letter from the worker stating the number of months the participant received ~~DHS~~TANF and/or food benefits is given to the participant to present to the employer, on or before, the first day of employment. ~~An explanation is given to~~The worker informs the participant about the purpose of the form and how the tax credit may help the participant get a job.

(e) **Work Experience Program (WEP).** The purpose of WEP is to provide job skills and work enhancement to TANF participants enabling them to move toward self-sufficiency and obtain unsubsidized employment following completion of the placement.

(1) **Benefits.** Program benefits for participants include an opportunity to establish a work history and earn a recommendation from an employer. Participants also learn to balance the demands of home and work, gain confidence by performing in a job setting, enhance current job skills, learn marketable skills on-the-job, and determine interest and aptitude for a particular type of work by doing the job.

(2) **WEP assignments.** WEP assignments are approved for an initial period of 90-calendar days.

(A) No salary is paid.

(B) With respect to injuries incurred during WEP working hours, federal law requires medical coverage be offered under state workers' compensation law or by ~~DHS~~OKDHS. Oklahoma workers' compensation law does not cover WEP participants. Medical coverage is provided by the SoonerCare (Medicaid) Program.

(3) **WEP referrals.** Participants are referred to WEP slots based on the employability plan. The worker coordinates assignment to a WEP position with the participant. Based on the employability plan, the worker:

(A) determines which facility best meets the participant's needs;

(B) arranges an interview between the facility and the participant; and

(C) notifies the participant of the place, time, and interviewer's name.

(4) **WEP facilities.** Facilities selected for WEP placements must be capable of providing employment and have an apparent intent to hire, or be able to provide quality job skills enhancement. WEP facilities are solicited by designated county staff, the CDS, or a contracted entity who agreed to assist with job development and placement, including WEP. Local job market conditions, opportunities for employment following completion of WEP participation, as well as the ability of the facility to provide the necessary supervision and skills enhancement are criteria used when soliciting a facility.

(A) WEP slots are developed to meet participant employment needs as determined by the employability plan. When a facility agrees to participate in WEP, the facility representative is requested to provide:

(i) a written description of the type of activities in which the participant will be involved;

(ii) the number of participants the facility can accept;

(iii) the hours of participation; and

(iv) any special requirements, such as uniforms or special equipment.

(B) There are two types of WEP facilities, WEP Non-profit (WEP-NP) and WEP-For-Profit (WEP-FP).

(i) WEP-NP placement is approved for public and private non-profit organizations or businesses. When a participant requires additional skills enhancement, the worker may approve a 60-calendar day extension. Extensions are not granted when the primary purpose is to provide additional help to the facility. The criteria listed in (I) through (VII) of this unit are used as a guide in determining the appropriateness of requesting an extension beyond the initial three-month period.

(I) The participant needs additional time to acquire skills to meet minimum hiring requirements.

(II) The participant demonstrates a willingness to learn, but needs additional time to develop new skills, to compete in the labor market.

(III) The facility agrees to hire the participant, but does not have funds available or a job opening until a specific date.

(IV) The facility has an opening in a different area from where the participant was working and agrees to hire the participant when additional time is granted for additional development of job skills.

(V) The participant showed improvement in all areas, but needs additional socialization skills and improved behavior patterns in a work setting.

(VI) The participant missed more than two weeks due to illness or the illness of a household member.

(VII) There are extenuating circumstances that prevented the participant from receiving full benefit of the job skills enhancement.

(ii) WEP-FP is approved for businesses or entities that operate for profit. Only one WEP-FP placement is allowed per 25 full-time employees in a for-profit business or entity. The criteria in (I) through (II) of this unit must be in effect prior to a WEP-FP placement.

(I) The placement matches the participant's employability plan and the career path chosen by the participant.

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- (II) The employer committed to hire the participant, on or before, the completion of the three-month placement.
- (5) **WEP procedures.** Upon the county director, designated county staff, or the CDS approval, the worker contacts the WEP facility to complete Form 08TW015E, Work Experience Program - Non-profit Training Agreement, or Form 08TW115E, Work Experience Program - For-Profit Training Agreement.
- (A) The worker instructs the facility representative or supervisor on the purpose and use of Form 08TW013E, Time and Progress Report.
- (B) It is the participant's responsibility to complete Form 08TW013E and submit it to the worker by the day of the month shown on the form.
- (C) Approved WEP slots not utilized within a six-month period are reviewed for appropriateness. When the position is no longer feasible, designated county staff or the CDS sends a letter to the facility stating the WEP slot is no longer active and may be re-evaluated at the facility's request.
- (6) **Non-cooperation by WEP facility.** When the worker obtains information the facility is violating the terms and conditions of Forms 08TW015E ~~and/or~~ 08TW115E, or participants are treated unfairly, the county director is informed immediately. The nature of the allegations guides the necessary action that may include:
- (A) suspension of subsequent assignments at the facility;
- (B) immediate removal of current participants; or
- (C) termination of the agreement.
- (7) **Notification to participant and facility.** Ten-calendar days prior to the anticipated WEP completion date, or at any time the participant becomes ineligible for WEP, the worker notifies the participant by letter or phone call. The worker notifies the facility by letter or phone call five-calendar days prior to the termination.
- (8) **Changes in placements and subsequent placements.** When the facility, worker, and participant determine placement in a different facility is more beneficial, the worker locates a new facility and arranges an interview for the participant. When the participant fails to secure employment following successful completion of WEP, a conference is held with the participant, worker, and supervisor to determine if a second WEP placement might be beneficial. The worker reviews the employability plan prior to allowing a participant to re-enter WEP. Consideration is given to reassignment to job search or another appropriate work activity. In making this decision, consideration must be given to the:
- (A) participant's ability to secure and maintain full-time employment;
- (B) opportunities for employment in the new field and in the area in which the participant received job skills enhancement;
- (C) participant's efforts to secure employment; and
- (D) length of time between assignments.
- (f) **Community Partnership (CP).** CP is unpaid employment in which TANF recipients perform work for the direct benefit of the community. A CP may be approved for both public and non-profit agencies and organizations. A CP assignment is limited to projects that serve a useful community purpose and are designed to improve the employability of recipients not otherwise able to obtain employment. All CPs must be approved by AFS TANF Unit staff. Placements in CP require daily supervision. A recipient's training, experience, and skills are considered in making an appropriate CP assignment.
- (1) **Benefits.** Participant program benefits include an opportunity to establish the basic skills necessary to obtain employment, such as daily attendance, appropriate attire, and proper behavior in a work environment. Participants also learn to balance the demands of home and work and gain confidence by performing in a job setting.
- (2) **CP facilities.** CP facilities are solicited by designated county staff or the CDS. The ability of the CP to provide the necessary supervision and basic skills training are criteria used when soliciting a partnership.
- (A) Training slots are developed to meet the participant's employment needs as determined by the employability plan.
- (B) The worker submits Form 08TW019E, Community Partnership (CP) Approval Request, to AFS TANF Unit staff for training facility approval.
- (C) When a CP agrees to participate, the facility representative is requested to provide:
- (i) a written description of the type of activities in which the participants will be involved;
- (ii) the number of participants the CP can accept;
- (iii) the hours of participation; and
- (iv) any special requirements, such as uniforms or special equipment.
- (D) No salary is paid.
- (E) When injuries occur during working hours in CP, federal law requires medical coverage be offered under either state workers' compensation law or by ~~DHS~~-OKDHS. Oklahoma workers' compensation law does not cover CP participants. Medical coverage is provided by the SoonerCare (Medicaid) Program.
- (3) **CP assignments.** CP assignments are approved for an initial period of no more than 60-calendar days. When a participant requires additional training, the worker may approve a 30-calendar day extension. The criteria listed in (A) through (F) of this paragraph are used as a guide when determining the appropriateness of an extension request beyond the initial 60-calendar day period, but are not limited to the:
- (A) ~~the~~ participant needs additional time to acquire skills to meet minimum hiring requirements;
- (B) ~~the~~ participant demonstrates a willingness to learn, but needs additional time to develop basic job skills necessary to compete in the labor market;
- (C) ~~the~~ CP has an opening in a different area from the one in which the participant was trained;

- (D) ~~the~~ participant shows improvement in all areas, but needs additional socialization skills and improved behavior patterns in a work setting;
  - (E) ~~the~~ participant missed more than two weeks of training due to illness or the illness of a household member; or
  - (F) extenuating circumstances prevented the participant from receiving the full benefit of the training.
- (4) **CP referrals.** Participants are referred to CP slots based on their employability plan and the availability of CP positions. Assignment to a CP position is coordinated between the participant, worker, and the CP. Based on the employability plan, the participant and worker determine:
- (A) which CP best meets the participant's needs; and
  - (B) the location, date, and time to report to the CP.
- (5) **Procedures.** Upon approval by AFS TANF Unit staff, the worker contacts the CP facility to complete Form 08TW020E, Community Partnership (CP) Agreement.
- (A) The worker instructs the facility representative or the training supervisor regarding the purpose and use of Form 08TW013E.
  - (B) It is the participant's responsibility to complete Form 08TW013E and submit it to the worker by the day of the month shown on the form.
- (6) **Non-cooperation by CP.** When the worker obtains information that the CP is violating the terms and conditions of Form 08TW020E or participants are treated unfairly, the worker informs the county director, designated county staff, or the CDS immediately. The nature of the allegations guides the necessary action that may include:
- (A) suspension of subsequent CP assignments;
  - (B) immediate removal of the current participants; or
  - (C) termination of the agreement.
- (7) **Changes in placements and subsequent placements.** Following successful completion of CP training, the worker and participant meet to determine if a second CP placement or other work activity might be beneficial. The worker reviews the employability plan prior to allowing a participant to enter the next work activity. When making this decision, consideration is given to:
- (A) the participant's ability to secure and maintain employment;
  - (B) whether the participant needs additional training or placement opportunities to enhance employment skills; or
  - (C) whether the participant needs any educational opportunities to enhance employment skills.

**SUBCHAPTER 23. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) NATIONAL OR STATE EMERGENCY**

**340:10-23-1. National or State emergency**

**(a) National or state emergency.** In the event of a national or state emergency declaration by The President of United States or Governor of the State of Oklahoma resulting in a hardship for Temporary Assistance for Needy Families (TANF) recipients, the State may opt to provide additional services using non-recurring short term benefits (NRST). The State may, at its discretion, implement one or more of the NRST benefits, per (b) of this Section. The Oklahoma Human Services Director issues, by memo, activation of this policy and lists the approved NRST benefits to be implemented during the designated emergency. The approved NRST benefits may not exceed four months and are based on availability of funding.

**(b) NRST benefits.** NRST benefits may include:

- (1) TANF Child Care eligibility rules relaxed to an amount up to, but not exceeding, 300 percent of the federal poverty level \$0 copay to allow families not receiving cash assistance four months of child care at no cost.
- (2) providing an additional Emergency TANF (ETANF) cash assistance payment to current TANF recipients to offset disaster or emergency expenses in an amount to be determined per emergency;
- (3) housing search and placement services;
- (4) clothing allowances;
- (5) short-term rental or mortgage assistance;
- (6) utility or energy assistance;
- (7) legal services for TANF recipients who are pursuing Supplemental Security benefits from pre-filing through the administrative appeals process or to help resolve personal or family legal problems when such problems are a threat to family stability or undermine employment;
- (8) family support services to deal with stressful events;
- (9) financial and credit counseling; or
- (10) Diversion Assistance.

**(c) TANF application process.** TANF applications may be submitted online or, with applicant permission, the worker may submit the online application by proxy for the applicant. The in-person face-to-face interview requirement may be waived and the interview may be conducted by phone or video conferencing technology. The TANF cash assistance benefit may be certified after all eligibility factors are determined to be met during the emergency.

**(d) TANF eligibility requirements waived during emergency declaration.** Depending on the nature of the national or state emergency, certain TANF eligibility requirements may be waived.

- (1) The substance abuse screening requirement, per Oklahoma Administrative Code (OAC) 340:10-4-1 and education assessments, per OAC 340:10-2-3, may be waived when assessment providers are unable to provide assessment testing due to the emergency. TANF recipients are required to complete all required assessments when testing resumes. If the TANF recipient tests positive for the illegal use of a controlled substance or substances, the worker follows normal procedures, per OAC 340:10-4-1.

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(2) When TANF recipients are unable to participate in assigned TANF Work activities, per OAC 340:10-2-1, due to no fault of their own, such as when a medical pandemic occurs or another disaster causes all businesses and school campuses to close or residents to receive shelter in place orders, the recipient is granted good cause.

(3) When a person's TANF cash assistance benefit closed for non-compliance with his or her assigned TANF Work activity within 30-calendar days of the date an emergency was declared, and he or she was unable to participate in a TANF Work activity due to the emergency, the worker may reopen the TANF cash assistance benefit during the crisis. When this occurs, the TANF recipient is expected to resume TANF Work participation when the national or state emergency ends.

(e) **TANF supplement.** When TANF recipients experience a job loss or reduction in wages and incur an income loss due to the national or state emergency, the worker supplements the TANF cash assistance benefit up to the maximum payment standard for the household's size, per Oklahoma Human Services Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule IX, effective the month the emergency is declared.

(f) **Economic impact payments.** Economic impact payments received as a result of a national or state emergency are:

(1) considered as a rebate or advance payment of a credit; and

(2) excluded as income and from resource consideration for a period of 12 months from the receipt date for the purpose of determining eligibility for benefits or assistance under any federal program or under any state or local program, financed in whole or in part with federal funds, per Section 103(d) of the American Taxpayer Relief Act, as amended in Section 6409 of Title 26 of the United States Code.

[OAR Docket #20-763; filed 9-23-20]

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

[OAR Docket #20-754]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions

590:10-1-23. Transferred employees-board of trustees for the Quartz Mountain Arts and Conference Center [NEW]

### AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees; pursuant to 74 O.S. §§901 and 909

### ADOPTION:

July 16, 2020

### EFFECTIVE:

Immediately upon Governor's approval

### APPROVED BY GOVERNOR:

September 2, 2020

### EXPIRATION:

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

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The Agency finds that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, amendment, revision, or revocation of an existing rule. These emergency rules are necessary to implement legislation enacted in 2019 amending the Oklahoma Statutes relating to the Agency.

### GIST/ANALYSIS:

The addition of 590:10-1-23 is necessary to comply with House Bill 2753 passed in the 2020 legislative session. This addition clarifies that the rules and laws governing participation in OPERS-administered systems will govern the election made by the employees being transferred to the Tourism and Recreation Department regarding his or her retirement as directed by this legislation.

### CONTACT PERSON:

Dessa Baker-Inman (405) 858-6737

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### **590:10-1-23. Transferred employees-board of trustees for the Quartz Mountain Arts and Conference Center**

An employee of the board of trustees for the Quartz Mountain Arts and Conference Center who is transferred to the Oklahoma Tourism and Recreation Department pursuant to 74 O.S. Section 2229.1B who is a member of the Oklahoma Teachers Retirement System or the Oklahoma Law Enforcement Retirement system may elect to remain a member of the applicable system or may elect to participate in the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable under the laws and rules governing those systems. The election to participate in the Oklahoma Teachers Retirement System, the Oklahoma Law Enforcement Retirement System or the OPERS-administered systems shall be made with the applicable system not later than November 1, 2020. If no election is made, the employee shall become a member of the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable.

[OAR Docket #20-754; filed 9-9-20]

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

[OAR Docket #20-755]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 5. Eligibility and Participation - Applicable to the 401(A) Plan and the 457(B) Plan

Part 1. Eligibility and Participation - Applicable to the 401(A) Plan and the 457(B) Plan

590:40-5-1. Participation in 401(a) plan and 457(b) plan [AMENDED]

**AUTHORITY:**

Oklahoma Public Employees Retirement System Board of Trustees; pursuant to 74 O.S. §§901, 909 and 935.3

**ADOPTION:**

July 16, 2020

**EFFECTIVE:**

Immediately upon Governor's approval

**APPROVED BY GOVERNOR:**

September 2, 2020

**EXPIRATION:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The Agency finds that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, amendment, revision, or revocation of an existing rule. These emergency rules are necessary to implement provisions of House Bill 2753.

**GIST/ANALYSIS:**

The amendment to 590:40-5-1(g) is necessary to comply with House Bill 2753 passed in the 2020 legislative session. This amendment clarifies that the rules and laws governing participation in OPERS-administered systems will govern the election made by the employees being transferred to the Tourism and Recreation Department regarding his or her retirement as directed by this legislation.

**CONTACT PERSON:**

Dessa Baker-Inman (405) 858-6737

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

**SUBCHAPTER 5. ELIGIBILITY AND PARTICIPATION - APPLICABLE TO THE 401(A) PLAN AND THE 457(B) PLAN**

**PART 1. ELIGIBILITY AND PARTICIPATION - APPLICABLE TO THE 401(A) PLAN AND THE 457(B) PLAN**

**590:40-5-1. Participation in 401(a) plan and 457(b) plan**

(a) **Eligibility.** Each Employee shall become a Participant on the first day of the month following the date of employment

with an Employer for the mandatory contributions as set forth in 74 O.S. §935.5 and 590:40-5-5. Participants may participate in voluntary deferrals to the 457(b) plan set forth in 74 O.S. §935.5 and 590:40-5-6 beginning the first day of the month following the entry date of employment. An Employee shall participate in the DC System if the Employee is employed in a full-time-equivalent position or any position which is less than full-time but more than a half-time position and includes employee benefits such as health insurance and leave time. The determination of whether an Employee is in an employment position which is more than a half-time position shall be made by the Employer and such determination shall be exclusively relied upon by OPERS. Members who have been declared eligible to participate in the DC System, but subsequently fall below the level of eligibility for a new member, shall continue to participate in the System.

(b) **Participation upon reemployment.** A former Participant or former Employee who satisfies the eligibility requirements in this section shall become a Participant in the DC System on the first day of the month following the date of reemployment.

(c) **Change in employment status.** In the event a Participant is no longer a member of an eligible class of Employees and becomes ineligible to participate in the DC System, the individual will participate immediately upon returning to an eligible class of Employees.

(d) **Previous participation in defined benefit plan.** Any employee first employed by an Employer prior to November 1, 2015, and was a participating member in OPERS defined benefit plan set forth in 74 O.S. §§ 901 et seq. shall not be a Participant in the DC System. Such employees shall participate in OPERS defined benefit plan set forth in 74 O.S. §§ 901 et seq. regardless of whether the individual maintained membership in the OPERS defined benefit plan. If an employee is first employed by an Employer on or after November 1, 2015, in a position in which the employee is eligible to participate in OPERS defined benefit plan, and such employee subsequently terminates service with such Employer and becomes employed in a position which is eligible under the DC System, the employee shall no longer participate in OPERS defined benefit plan but shall participate in the DC System.

(e) **Department of Public Safety Chief of Administration.** A person appointed to the position of Chief of Administration of the Department of Public Safety, pursuant to 47 O.S. Supp. 2018, Section 2-104, shall be eligible to participate in the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable under the laws and rules governing those systems. The election to participate in the Oklahoma Law Enforcement Retirement System or the OPERS-administered systems shall be made in writing within thirty (30) days from such appointment and is irrevocable.

(f) **Retired Members-State Department of Education.** A retired member of the Oklahoma Teachers Retirement System who becomes employed by the State Department of Education for the first time on or after November 1, 2019, shall have the option to remain a member of the Oklahoma Teachers Retirement System subject to any applicable post retirement limitations placed on retired members returning to work, or to

## Emergency Adoptions

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participate in the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable under the laws and rules governing those systems. The election to participate in the Oklahoma Teachers Retirement System or the OPERS-administered systems shall be made in writing within thirty (30) days from the initial date of hire with the State Department of Education and is irrevocable.

(g) **Transferred employees-board of trustees for the Quartz Mountain Arts and Conference Center.** An employee of the board of trustees for the Quartz Mountain Arts and Conference Center who is transferred to the Oklahoma Tourism and Recreation Department pursuant to 74 O.S. Section 2229.1B who is a member of the Oklahoma Teachers Retirement System or the Oklahoma Law Enforcement Retirement system may elect to remain a member of the applicable

system or may elect to participate in the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable under the laws and rules governing those systems. The election to participate in the Oklahoma Teachers Retirement System, the Oklahoma Law Enforcement Retirement System or the OPERS-administered systems shall be made with the applicable system not later than November 1, 2020. If no election is made, the employee shall become a member of the OPERS Defined Benefit Plan or the OPERS Defined Contribution System, whichever is applicable.

*[OAR Docket #20-755; filed 9-9-20]*

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# Executive Orders

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

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

## TITLE 1. EXECUTIVE ORDERS

### 1:2020-20E.

#### FIFTH AMENDED EXECUTIVE ORDER 2020-20

On September 24, 2020 the 81,244<sup>th</sup> case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention ("CDC") has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19. On March 15, 2020, I issued Executive Order 2020-07, which was last amended in Eighth Amended Executive Order 2020-07, declaring an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety, and I have issued a series of Executive Orders over the last few months addressing this health crisis, the last of which, Fourth Amended Executive Order 2020-20, was issued on August 28, 2020. This health crisis still exists, and still needs to be addressed in various ways by Executive Order.

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

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

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

*All 77 Oklahoma Counties*

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

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

4. Effective immediately, a moratorium is placed on all out-of-state travel for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.

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

6. State agencies engaging in rulemaking as set forth in 75 O.S. § 303 may conduct virtual public comment hearings via videoconference.

7. The requirement in Amended Executive Order 2019-3 that the Chief Administrative Officer request and obtain approval from the Cabinet Secretary for an exemption to the personnel freeze for agencies under the Secretary of Health and Mental Health shall be waived.

## Executive Orders

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8. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma State Department of Health ("OSDH").

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

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

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

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

In addition, I direct as follows:

1. All State agencies shall continue to transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison.

2. All State agencies shall establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide.

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

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

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

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

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

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

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

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

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

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

a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) anesthesia machines capable of patient ventilation, (viii) ventilator connecting circuits, (ix) patient interfaces, (x) negative flow rooms, (xi) and overall occupancy status;

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

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

d. Personal Protective Equipment stock on hand.

9. Every public or private entity that is utilizing, or has utilized, an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to OSDH, as well as to the local health department, daily reports of all test results, both positive and negative, the number of test supplies ordered, the number of test supplies available, the number of samples/specimens received and pending processing, and timeframe of test completion, for all days from the date hereof forward. In addition, OSDH shall promptly share this information with the CDC.

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

11. Telemedicine shall be used to maximum potential and shall be allowed for non-established patients for the purposes of the COVID-19 response. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, only applies to the prescribing of opiates and other controlled dangerous substances. 59 O.S. § 478.1 already allows the physician to see patients using telemedicine without the prior establishment of the physician patient relationship. Nothing in this Order shall waive or authorize waiver of 59 O.S. § 478.1 (C) for the purpose of prescribing opiates and other controlled dangerous substances referenced therein nor waive or authorize the waiver of any other statutory prohibition, restriction, or regulation of telemedicine.

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

13. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment ("CLIA") certification for testing laboratories are hereby suspended for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma, including the OU Medicine Laboratory, and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies and the OU Medicine Laboratory, to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.

14. All citizens of Oklahoma (but particularly adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions collectively referred to as "vulnerable individuals") are encouraged to regularly consult the OSDH's COVID-19 Alert System ([www.coronavirus.health.ok.gov/covid-19-alert-system](http://www.coronavirus.health.ok.gov/covid-19-alert-system)) and follow the Guidelines published therein for their County of residence. Vulnerable individuals are strongly encouraged to follow the "General Guidelines for High-Risk Individuals" on OSDH's Alert System website described above. For those vulnerable individuals living in Counties color-coded Orange or Red on the OSDH's Alert System website, such individuals should consider staying in their home or place of residence except for working in a critical infrastructure sector and conducting essential errands. Essential errands shall mean those errands

which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. Vulnerable individuals are also encouraged to use delivery and/or curbside services whenever available.

15. Unless otherwise specified in the Open Up and Recover Safely ("OURS") Plan on the Oklahoma Department of Commerce website, individuals should follow CDC guidelines for social distancing and gathering in groups.

16. All businesses should adhere to the statewide OURS Plan as provided on the Oklahoma Department of Commerce website.

17. Visitation, outings, group meals and communal dining at nursing homes, long-term care facilities, and retirement homes shall be in accordance with guidance issued by the OSDH based on recommendations from the CDC.

18. All delivery personnel including package, floral, and food delivery shall, at the request of a hospital, clinic, long-term care facility, or childcare facility submit to a screening prior to delivering goods. Such screening shall include a temperature check and may include a short questionnaire about potential exposure. Additionally, package delivery drivers must take their own temperature daily and shall not deliver packages if it registers over 100.4 degrees Fahrenheit. Questionnaires shall include questions about recent travel to areas with significant community spread and personal contact with individuals who have tested positive for COVID-19.

19. As supporting front-line healthcare workers is essential to our battle against COVID-19, front-line healthcare workers and their children, who have not tested positive for COVID-19 and are not otherwise exhibiting the symptoms thereof, shall not - simply because they are healthcare workers or children of healthcare workers - be discriminated against in housing or childcare services.

20. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.

21. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.

## Executive Orders

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22. All persons who enter the State of Oklahoma from another state or country are directed to follow CDC travel guidelines found at <https://coronavirus.health.ok.gov/travel>.

23. The OSDH shall continue to work with the Oklahoma State Department of Education to further refine a plan for COVID-19 testing of every Teacher, as defined by 70 O.S. § 1-116, and Support Employee, as defined by 70 O.S. § 1-116. The Plan should continue to prioritize the testing of people physically working in school buildings and may, as originally directed, include creating private-public partnerships to increase testing capacity and coordinating with County Health Departments and other stakeholders, as necessary. Neither the Plan nor this provision shall limit the ability of a local board of education to provide for additional testing.

24. The Oklahoma Department of Agriculture, Food, and Forestry shall:

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

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

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

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

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

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

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

2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein, and consistent with regulatory relief granted by the Federal Motor Carrier Safety Administration.

Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 25<sup>th</sup> day of September, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #20-773; filed 9-25-20]*

**1:2020-27.**

**EXECUTIVE ORDER 2020-27**

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff immediately and until the day of interment as a mark of respect for the memory and longstanding service of United States Supreme Court Associate Justice Ruth Bader Ginsburg.

Once a date of interment has been established, there will be another notification to direct when American and Oklahoma flags will be returned to full-staff.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 19<sup>th</sup> day of September, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #20-759; filed 9-19-20]*

**1:2020-27A.**

**AMENDED EXECUTIVE ORDER 2020-27**

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff immediately and until the day of interment as a mark of respect for the memory and longstanding service of United States Supreme Court Associate Justice Ruth Bader Ginsburg.

United States Supreme Court Associate Justice Ruth Bader Ginsburg will be laid to rest on Tuesday, September 29, 2020. She will be buried during a private ceremony at Arlington National Cemetery, where her husband was buried a decade ago. Therefore, all American and Oklahoma flags on State property will return to full-staff on Wednesday, September 30, 2020.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed

## Executive Orders

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at Oklahoma City, Oklahoma, on this 28<sup>th</sup> day of September, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #20-774; filed 9-29-20]*

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**1:2020-28.**

### EXECUTIVE ORDER 2020-28

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to continue to fly all American and Oklahoma flags on State property at half-staff on Friday, September 25, 2020, to honor the life and service of former state lawmaker Mark Slatten Snyder, who passed away September 22, 2020.

Former Senator Snyder's life was an illustration of service and patriotism, serving as a Captain in the United States Army; earning numerous commendations for his service in Vietnam, an Edmond City Councilman, Oklahoma State Senator from 1988-2002 and Senate Minority Leader from 1998-2000. He was born and raised in Oklahoma; graduating from Edmond High School and Oklahoma State University. Known as a family man, former Senator Snyder is survived by his loving wife of 47 years, Dianne Garmany Snyder, and their children and grandchildren.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 24<sup>th</sup> day of September, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #20-768; filed 9-24-20]*

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**1:2020-29.**

### EXECUTIVE ORDER 2020-29

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to continue to fly all American and Oklahoma flags on State property at half-staff on Friday, September 25, 2020, to honor the life and service of former state lawmaker Neil Brannon, who passed away September 22, 2020.

Former Representative Brannon honorably served Oklahoma House District 3 from 2002 - 2010. He was known as an avid outdoorsman and served his community in the education field for 41 years. Former Representative Brannon started his career in Fanshawe, OK as a teacher and coach and ended his career as Superintendent of Arkoma Schools. A man of faith and family, he leaves behind a loving wife of 56 years, Gail, and their daughter, son-in-law, and grandchildren.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 24<sup>th</sup> day of September, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #20-769; filed 9-24-20]*

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**1:2020-30.**

### EXECUTIVE ORDER 2020-30

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff on Wednesday, September 30, 2020, to honor the life and service of Oklahoma firefighter Ricky Fulton, who passed away September 22, 2020, in Emmett, Idaho, while battling the Schill Wildfire as a tanker plane pilot. Mr. Fulton was born and raised in Oklahoma. He graduated from Amber-Pocasset High School and the Spartan College of Aeronautics in Tulsa, Oklahoma. Mr. Fulton leaves behind a loving family and many friends, including his mother, Frances Fulton. His funeral will be held

on Wednesday, September 30, 2020, at the Ninnekah First Baptist Church.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed

at Oklahoma City, Oklahoma, on this 29<sup>th</sup> day of September, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #20-775; filed 9-29-20]*

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