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Board of MEDICOLEGAL Investigations	445	Pathology and Audiology)	690
Department of MENTAL Health and Substance Abuse Services	450	STATE Employee Charitable Contributions, Oversight	
MERIT Protection Commission	455	Committee for (Formerly: STATE Agency	
MILITARY Planning Commission, Oklahoma Strategic	457	Review Committee)	695
Department of MINES	460	STATE Use Committee (Formerly: Committee on Purchases of Products	
Oklahoma MOTOR Vehicle Commission	465	and Services of the Severely HANDICAPPED) - See Title 304	
Board of Regents of MURRAY State College (<i>exempted</i> 11-1-98)	470	Oklahoma STUDENT Loan Authority	700
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs		TASK Force 2000	705
Control	475	Oklahoma TAX Commission	710
Board of Regents of NORTHERN Oklahoma College (<i>exempted</i>		Oklahoma Commission for TEACHER Preparation (<i>merged under</i>	
11-1-98)	480	<i>Office of Educational Quality and Accountability</i> 7-1-14 - See Title	
Oklahoma Board of NURSING	485	218)	712
Oklahoma State Board of Examiners for LONG-TERM Care		TEACHERS' Retirement System	715
Administrators (Formerly: Oklahoma State Board of Examiners		State TEXTBOOK Committee	720
for NURSING Home Administrators)	490	TOBACCO Settlement Endowment Trust Fund	723
Board of Regents of OKLAHOMA City Community College (<i>exempted</i>		Oklahoma TOURISM and Recreation Department	725
11-1-98)	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges (<i>exempted</i> 11-1-98)	500	Oklahoma TRANSPORTATION Authority (<i>Name changed to</i>	
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority 11-1-05) - See Title 731	
State Board of OSTEOPATHIC Examiners	510	Oklahoma TURNPIKE Authority (Formerly: Oklahoma	
PARDON and Parole Board	515	TRANSPORTATION Authority AND Oklahoma TURNPIKE	
Oklahoma PEANUT Commission	520	Authority) - See also Title 745	731
Oklahoma State PENSION Commission	525	State TREASURER	735
State Board of Examiners of PERFUSIONISTS	527	Board of Regents of TULSA Community College (<i>exempted</i>	
Office of PERSONNEL Management (<i>consolidated under</i> Office		11-1-98)	740
of Management and Enterprise Services 8-26-11 - See Title		Oklahoma TURNPIKE Authority (<i>Name changed to</i> Oklahoma	
260)	530	TRANSPORATION Authority 11-1-99 - <i>no rules enacted in this</i>	
Board of Commercial PET Breeders (<i>abolished</i> 7-1-12 - See Title		<i>Title</i> - See Title 731)	745
35)	532	Oklahoma UNIFORM Building Code Commission	748
Oklahoma State Board of PHARMACY	535	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i>	
Health Care WORKFORCE Training Commission	540	11-1-98)	750
Board of PODIATRIC Medical Examiners	545	UNIVERSITY Hospitals Authority	752
Oklahoma POLICE Pension and Retirement System	550	UNIVERSITY Hospitals Trust	753
State Department of POLLUTION Control (<i>abolished</i> 1-1-93)	555	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i>	
POLYGRAPH Examiners Board	560	11-1-98)	755
Oklahoma Board of PRIVATE Vocational Schools	565	Board of Regents of the UNIVERSITY of Science and Arts	
State Board for PROPERTY and Casualty Rates		of Oklahoma (<i>exempted</i> 11-1-98)	760
(<i>abolished</i> 7-1-06; see also Title 365)	570	Oklahoma USED Motor Vehicle, Dismantler, and Manufactured Housing	
State Board of Examiners of PSYCHOLOGISTS	575	Commission	765
Department of CENTRAL Services (Formerly: Office of PUBLIC		Oklahoma Department of VETERANS Affairs	770
Affairs; consolidated under Office of Management and Enterprise		Board of VETERINARY Medical Examiners	775
Services 8-26-11 - See Title 260)	580	Statewide VIRTUAL Charter School Board	777

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

Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS

[OAR Docket #23-858]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
35:10-1-3 [AMENDED]

SUMMARY:

The proposed rule amendments update handbook and publication references.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 14-31 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-858; filed 11-7-23]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #23-859]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Animal Health Reportable Diseases [AMENDED]
Subchapter 5. Biological Products and Laboratories [AMENDED]
Subchapter 9. Livestock Special Sales
Part 3. Livestock Special Sales [AMENDED]
Subchapter 11. Importation and Exportation of Animals
Part 1. General [AMENDED]
Part 13. Equine Piroplasmiasis [REVOKED]
Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]
Subchapter 15. Equine Infectious Anemia (EIA)
Part 1. General Provisions [AMENDED]
Part 3. Procedures [AMENDED]
Part 5. Change of Ownership of Equidae [AMENDED]
Part 7. Requirements for Approved Markets [AMENDED]
Part 9. Equine Exhibitions [AMENDED]
Subchapter 17. Bovine and Bison Brucellosis
Part 1. Definitions and General Provisions [AMENDED]
Subchapter 18. Equine Piroplasmiasis [NEW]
Subchapter 19. Poultry Regulations [AMENDED]
Subchapter 22. Swine Pseudorabies and Brucellosis
Part 1. General Provisions [AMENDED]
Part 5. Requirements for a Validated/Qualified Herd [AMENDED]
Part 7. Requirements for Swine Exhibitions [AMENDED]
Subchapter 38. Bovine Trichomoniasis [AMENDED]
Subchapter 40. Bovine Tuberculosis
Part 1. Definitions [AMENDED]
Subchapter 44. Farmed Cervidae [AMENDED]
Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
Part 3. Herd Certification Standards [AMENDED]

Notices of Rulemaking Intent

Subchapter 49. Miscellaneous Animal Diseases
[AMENDED]

SUMMARY:

The proposed rule amendments adds requirements for exportation of animals; relocates Equine Piroplasmosis from part 13 of subchapter 11 to subchapter 18; requires that a routine livestock auction receive special permission to do auctions on a Sunday; expands tuberculosis tests to all cattle after livestock auctions; removes the definition of direct shipment to slaughter and quarantined holding facility; adds a definition for official test record; expands the EIA test chart to those approved by the USDA; removes the \$50.00 fee for the Board to administer additional proficiency tests for EIA laboratories; requires EIA retests to be submitted to the National Veterinary Services Laboratory or an approved laboratory instead of ODAFF Laboratory Services; removes the waiver of quarantine; removes the number of days required for release of quarantine for Equidae; adds release of quarantine requirements for exposed, contact or adjacent hers; revokes the requirements for quarantined holding facilities; adds language that the test accession number must be included in change of ownership of Equidae and that the documents must be legible; revokes the intrastate movement language; removes language that ear tags for bovine and bison have the state prefix, letters and numbers; expands the definition of poultry; incorporates by reference Title 9 of the Code of Federal Regulations, Sections 145-147; defines premium sale for swine pseudorabies; adds dates and timeframes for swine exhibition events; updates the definitions for bovine trichomoniasis; defines events for roping cattle; expands cattle intrastate regulations to apply to rodeos or events; adds language for maintaining sherd certification if animal deaths are not tested; incorporates by reference the 2018 Equine Herpes Virus Myeloencephalopathy Incident Guidelines.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 6-1 et seq., 2 O.S. § 6-91 et seq., 2 O.S. § 6-121 et seq., 2 O.S. § 6-131 et seq., 2 O.S. § 6-141 et seq., 2 O.S. § 6-281 et seq., 2 O.S. § 6-501 et seq., 2 O.S. § 6-601 et seq., and 2 O.S. § 9-130 et seq.,

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-859; filed 11-7-23]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #23-865]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-1 [AMENDED]

35:17-5-3 [AMENDED]

35:17-5-3.1 [AMENDED]

35:17-5-3.2 [AMENDED]

35:17-5-4 [AMENDED]

35:17-5-5 [AMENDED]

35:17-5-7 [AMENDED]

Subchapter 9. Agricultural Compost Facilities

35:17-9-2 [AMENDED]

35:17-9-3 [AMENDED]

35:17-9-4 [AMENDED]

35:17-9-6 [AMENDED]

SUMMARY:

The proposed rule amendments updates language on registration renewal and adds language on transferring a registered poultry operation; adds an additional waiver that applies to the property line setback and reduces; modifies the distance of setbacks detailed on a called map from one mile to a thousand feet; corrects misspelled words; adds additional language that requires poultry waste to be applied by an Oklahoma certified applicator; adds language for alternative methods for disposal of carcasses; removes certain requirements from record keeping; combine the definition of compost facility and facility; modifies the definition of source material to include thermophilic conditions; adds additional requirements to the application for a compost facility; adds requirements for transferring permits for compost facilities;

modify requirements for siting of composting facilities in relation to flood plains, property boundaries, and streams; and adds additional requirements for closures of licensed compost facilities.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. §2A-1 et seq., 2 O.S. §10-2 et seq., 2 O.S. §20-1 et seq., and 2 O.S. § 20-40 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-865; filed 11-7-23]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 20. FORESTRY**

[OAR Docket #23-860]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Rural Fire Protection Program Fund Act
Part 5. Matching Grant Program [AMENDED]

SUMMARY:

The proposed rule amendment increases the maximum dollar amount for the state's share of projects funded under the matching grant programs.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2) and (20); and 2 O.S. § 16-10 et seq.,

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-860; filed 11-7-23]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 30. CONSUMER PROTECTION**

[OAR Docket #23-861]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 4. Thousand Cankers Disease [REVOKED]
Subchapter 6. Emerald Ash Borer Quarantine [REVOKED]
Subchapter 13. Imported Fire Ant Quarantine [AMENDED]
Subchapter 17. Combined Pesticide

Notices of Rulemaking Intent

Part 1. Commercial, ~~and~~ Non-Commercial, and Private Categories of Pesticide Application [AMENDED]

Part 6. Pesticidal Product Producing Establishments [AMENDED]

Part 9. Minimum Standards for Contracts and Keeping of Records [AMENDED]

Part 12. Minimum Residue Levels for Termiticides Applied to Soil and Permitted Tolerances for Pesticide Tank Mix and Concentrate Sample Analysis [AMENDED]

Part 18. Minimum Standards for The Use of Termite Baits and Baiting Systems for New Construction and Existing Structures [AMENDED]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers [AMENDED]

Subchapter 24. Oklahoma Industrial Hemp Program [AMENDED]

Subchapter 30. Soil Amendment [AMENDED]

Subchapter 31. Lime [AMENDED]

SUMMARY:

The proposed rule amendments revokes thousand cankers disease and emerald ash borer quarantine; adds Haskell county to the regulated are for fire ants; adds additional categories to pesticide license and adds a certification; adds additional language for pesticide licenses that expire on September 30th of each year and adds businesses that start with numbers for the license renewal; updates references to the Code of Federal Regulation; adds certification numbers and expiration dates to records that must be kept accurate for pesticide applicators; adds new language for proof of training for a service technician; adds language to the residue threshold to include generic pesticide mixes; update language for the Oklahoma Industrial Hemp Program to comply with USDA requirements; removes the requirement for percentage of inert ingredients for soil amendments; and adds language for the revocation of registrations for lime.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); State Board of Agriculture; 2 O.S. § 3-81 et seq.; 2 O.S. § 3-401 et seq.; 2 O.S. § 8-85.1 et seq.; and 2 O.S. § 8-77.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by

the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-861; filed 11-7-23]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #23-862]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Poultry Products Inspection

Part 1. General Provision [AMENDED]

Subchapter 17. Produce safety [AMENDED]

Subchapter 19. Homemade Food [AMENDED]

SUMMARY:

The proposed rule amendments update the definition of poultry and the exemptions; provides a new definition for adulterated food; provides updated definitions for homemade food products; and provides updated requirements for the sale and delivery of homemade food products.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2), (28) and (34); 2 O.S. 6-181 et seq.; 2 O.S. § 6-251 et seq.; and 2 O.S. § 5-4.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-862; filed 11-7-23]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 40. MARKET DEVELOPMENT**

[OAR Docket #23-863]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 25. Oklahoma Winter Storm Grant Program [NEW]
- 35:40-25-1. [NEW]
- 35:40-25-2. [NEW]
- 35:40-25-3. [NEW]
- 35:40-25-4. [NEW]
- 35:40-25-5. [NEW]

SUMMARY:

The proposed new rules create the Oklahoma Winter Grant Program; the rules add definitions; establishes requirements for eligibility; establishes evaluation criteria; and establishes application requirements.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 5-3.1 et seq., and 2 O.S. §5-14 et seq..

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-863; filed 11-7-23]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 45. WATER QUALITY STANDARDS IMPLEMENTATION PLAN**

[OAR Docket #23-864]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Water Quality Standards Implementation Plan
- 35:45-1-1 [AMENDED]
- 35:45-1-2 [AMENDED]
- 35:45-1-4 [AMENDED]
- 35:45-1-7 [AMENDED]
- 35:45-1-8 [AMENDED]

SUMMARY:

The proposed rule amendments replaces outdated citations with updated citations referenced throughout the subchapter; updates references to the Oklahoma Department of Agriculture, Food, and Forestry; update the parties responsible for WQSIP document; removes groundwater samples from the evaluation of effectiveness of agency activities for animal waste programs.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 27A O.S. § 1-1-202; 2 O.S. § 3-81 et seq.;

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804

Notices of Rulemaking Intent

during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-864; filed 11-7-23]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

[OAR Docket #23-866]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing

35:55-1-4 [AMENDED]

35:55-1-6 [AMENDED]

35:55-1-8 [AMENDED]

35:55-1-9 [REVOKED]

Subchapter 3. Standards of Care

35:55-3-2 [AMENDED]

Subchapter 7. Recordkeeping and Sales

35:55-7-1 [AMENDED]

SUMMARY:

The proposed rule amendments requires that an applicant pay a prelicense inspection fee; adds language for a licensee to provide the Department notice if they intend to expand their operation; requires a second prelicense fee to be paid if an owner or operator fails to show for the arranged inspection; adds language that gives owner or operator additional time

to fix deficiencies from inspection report; adds a prelicense inspection fee; revokes the annual report requirements; adds language for temperature and water requirements for animals housed in non-temperature controlled environments; and adds language for sanitation records;

AUTHORITY:

Okl. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 4 O.S. § 30.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Hamill at kiersten.hamill@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 1, 2023, and ending January 4, 2024.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 4, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Hamill at the address listed above during the period beginning December 1, 2023, and ending January 4, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Hamill at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Hamill, (405) 522-5803, e-mail address: at kiersten.hamill@ag.ok.gov.

[OAR Docket #23-866; filed 11-7-23]

TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 10. LICENSED PROFESSIONAL COUNSELORS

[OAR Docket #23-817]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

86:10-1-2. [AMENDED]

Subchapter 7. Application Procedures

86:10-7-2. [AMENDED]

- 86:10-7-6. [AMENDED]
- 86:10-7-7.1. [AMENDED]
- Subchapter 11. Supervised Experience Requirement
- 86:10-11-5. [AMENDED]
- 86:10-11-6. [AMENDED]
- Subchapter 15. Licensure Examinations
- 86:10-15-1. [AMENDED]
- Subchapter 17. Continuing Education Requirements
- 86:10-17-2. [AMENDED]
- 86:10-17-3. [AMENDED]
- Subchapter 19. Issuance of License
- 86:10-19-1. [AMENDED]
- 86:10-19-4. [AMENDED]
- 86:10-19-5. [REVOKED]
- Subchapter 21. License and Specialty Renewal
- 86:10-21-6. [REVOKED]
- 86:10-21-7. [AMENDED]
- Subchapter 23. License and Specialty Late Renewal and Expiration
- 86:10-23-1. [AMENDED]
- 86:10-23-2. [AMENDED]
- 86:10-23-3. [REVOKED]
- Subchapter 27. Consumer Information
- 86:10-27-1. [AMENDED]
- 86:10-27-2. [REVOKED]

SUMMARY:

The proposed amendments to 86:10-1-2. more clearly defines the terms "full time", "on-the-job experience", and "semi-annual". The proposed amendments to 86:10-7-2. strikes the descriptions for the Out-of-State Licensure Verification Form and the Termination of Supervision Agreement Form that are no longer in use by the Board. Prescribes the new Verification of Academic Standing to acquire additional information regarding new applicants academic standing. The proposed amendments to 86:10-7-6. amends the application requirements for a voided application for failure to provide a passing result on examinations to more clearly define that an applicant shall take and pass exam(s), and prior supervised experience accrued shall not carry over to the new application. The proposed amendments to 86:10-7-7.1. amends the application procedure for voided application for inactivity to more clearly define that an applicant shall take and pass exam(s). The proposed amendments to 86:10-11-5. reduces the supervised experience requirement for direct client contact to one-thousand (1000) hours and the face-to-face supervised experience requirement to one-hundred (100) hours. Strikes the three-hundred fifty (350) direct client contact for every one-thousand hours of full time on-the-job experience requirement. Reduces the full-time experience requirement to match the definition of full time. Strikes the ratio of forty-five minutes of face-to-face supervision for every twenty (20) hours of on-the-job experience requirement. Amends the face-to-face requirement to include technology-assisted supervision. Strikes the requirement that no more than half of the required supervision hours may be accrued in

a group setting. Strikes graduate education requirements that are no longer in use. The proposed amendments to 86:10-11-6. strikes duplicative requirements and more clearly defines the Evaluation of Supervised Experience semi-annual due date. Prescribes that supervised experience shall be reported in quarter credit hours. The proposed amendments to 86:10-15-1. amends the requirement for exam eligibility to prescribe the option to submit the Verification of Academic Standing prior to receiving the official graduate transcript to expedite the review for exam eligibility. The proposed amendments to 86:10-17-2. strikes the requirements for continuing education in counseling ethics and counseling supervision to be accrued from programs pre-approved by the Board. The proposed amendments to 86:10-17-3. strikes the requirements for continuing education from home-study and technology-assisted distance-learning to be accrued from programs pre-approved by the Board. The proposed amendments to 86:10-19-1. amends the required information provided on the license certificate to accommodate electronic issuance and notification. The proposed amendments to 86:10-19-4. amends requirement for licensure eligibility notification to allow for electronic notification. The proposed amendments to 86:10-19-5. strikes the replacement license requirement. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:10-21-6. strikes the requirement to display current verification card. This requirement is no longer in use as the verification cards are issued electronically. The proposed 86:10-27-7. strikes the requirement to return a license to the Board once the license is inactivated. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:10-23-1. amends the renewal notification requirement to allow for electronic notification. The proposed amendments to 86:10-23-2. amends the failure to renew notification requirement to allow for electronic notification. The proposed amendments to 86:10-23-3. strikes the return of license requirement for a permanently expired license. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:10-27-1. amends the directory requirement to accommodate electronic notification of information of consumer interest. The proposed amendments to 86:10-27-2. strikes the brochure requirement to accommodate amendments to 86:10-27-2.

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

COMMENT PERIOD:

Persons may submit written comments through December 31, 2023 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to info.behavioralhealth@bbhl.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Eric Ashmore at (405) 522-3696 or

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info.behavioralhealth@bbhl.ok.gov no later than December 31, 2023.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, 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 Eric Ashmore at the above address during the period from December 1, 2023 through December 31, 2023.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to info.behavioralhealth@bbhl.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after December 1, 2023 at the above addresses.

CONTACT PERSON:

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

[OAR Docket #23-817; filed 11-3-23]

TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS

[OAR Docket #23-818]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

86:15-1-2. [AMENDED]

86:15-1-3. [AMENDED]

Subchapter 5. Application for Licensure

86:15-5-2.1. [AMENDED]

86:15-5-4. [AMENDED]

Subchapter 7. Licensure Examinations

86:15-7-1. [AMENDED]

86:15-7-4. [AMENDED]

Subchapter 9. Supervised Experience Requirements

86:15-9-2. [AMENDED]

86:15-9-4. [AMENDED]

86:15-9-5. [AMENDED]

Subchapter 13. Issuance and Maintenance of License

86:15-13-1. [AMENDED]

86:15-13-3. [AMENDED]

86:15-13-4. [AMENDED]

86:15-13-5. [AMENDED]

86:15-13-6. [AMENDED]

SUMMARY:

The proposed amendments to 86:15-1-2. amends the directory requirement to accommodate electronic notification of information of consumer interest. Strikes the brochure requirement to accommodate amendments to 86:15-1-2(a). The proposed amendments to 86:15-1-3. more clearly defines the terms "full time", "on-the-job experience", "supervised relational contact" and "semi-annual". The proposed amendments to 86:15-2.1. amends the application requirements for a voided application for failure to provide a passing result on examinations to more clearly define that an applicant shall take and pass exam(s), and prior supervised experience accrued shall not carry over to the new application. Amends the application procedure for voided application for inactivity to more clearly define that an applicant shall take and pass exam(s), and prior supervised experience accrued shall not carry over to the new application. Prescribes the application requirements for a voided application for failure to complete supervised experience requirements. The proposed amendments to 86:15-5-4. strikes the descriptions for the Out-of-State Licensure Verification Form and the Termination of Supervision Agreement Form that are no longer in use by the Board. Prescribes the new Verification of Academic Standing to acquire additional information regarding new applicants academic standing. The proposed amendments to 86:15-7-1. amends the requirement for exam eligibility to prescribe the option to submit the Verification of Academic Standing prior to receiving the official graduate transcript to expedite the review for exam eligibility. The proposed amendments to 86:15-7-4. amends requirements for examination eligibility notification to allow for electronic notification. The proposed amendments to 86:15-9-2. More clearly defines the minimum supervised experience requirements. reduces the supervised experience requirement the face-to-face supervised experience requirement to one-hundred (100) hours. Strikes the weekly ratio of the required 6.25 hours of face-to-face supervision for every 42 hours of direct client contact and the limitation of no more 42 hours of direct client contact accrued in a four-week period. Prescribes that face-to-face supervision shall be scheduled weekly at a minimum of forty-five (45) minutes each week. Amends the face-to-face requirement to include technology-assisted supervision. Strikes the requirement that no more than half of the required supervision hours may be accrued in a group setting. Strikes the in-person meeting requirement when performing technology-assisted supervision. Prescribes that a candidate for licensure shall complete the supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement. The proposed amendments to 86:15-9-5. strikes duplicative requirements and more clearly defines the Evaluation of Supervised Experience semi-annual due date. Strikes the required submission of the Final Evaluation of Supervision Experience by Supervisor as this form is no

longer in use. Prescribes that supervised experience shall be reported in quarter credit hours. The proposed amendments to 86:15-13-1. amends the required information provided on the license certificate to accommodate electronic issuance and notification. The proposed amendments to 86:15-13-2. strikes the replacement license requirement. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:15-13-3. strikes the requirement to display current verification card. This requirement is no longer in use as the verification cards are issued electronically. The proposed amendments to 86:15-13-4. strikes the requirement for continuing education from home-study and technology-assisted distance-learning to be accrued from programs pre-approved by the Board. The proposed 86:15-13-5. strikes the requirement to return a license to the Board once the license is inactivated. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:15-13-6. amends the renewal notification requirement to allow for electronic notification. Strikes the return of license requirement for a permanently expired license. This requirement is no longer in use as the license is issued electronically.

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

COMMENT PERIOD:

Persons may submit written comments through December 31, 2023 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to info.behavioralhealth@bbhl.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Eric Ashmore at (405) 522-3696 or info.behavioralhealth@ok.gov no later than December 31, 2023.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, 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 Eric Ashmore at the above address during the period from December 1, 2023 through December 31, 2023.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to info.behavioralhealth@bbhl.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after December 1, 2023 at the above addresses.

CONTACT PERSON:

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

[OAR Docket #23-818; filed 11-3-23]

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS**

[OAR Docket #23-819]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Provisions
- 86:20-1-2. [AMENDED]
- Subchapter 3. Forms
- 86:20-3-2. [AMENDED]
- Subchapter 9. Application Procedures
- 86:20-9-8. [AMENDED]
- 86:20-9-9.1. [AMENDED]
- Subchapter 13. Supervised Experience Requirement
- 86:20-13-2. [AMENDED]
- 86:20-13-7. [AMENDED]
- Subchapter 17. Licensure Examination
- 86:20-17-1.1. [AMENDED]
- Subchapter 21. Issuance of License
- 86:20-21-1. [AMENDED]
- 86:20-21-4. [AMENDED]
- 86:20-21-5. [REVOKED]
- Subchapter 23. License and Specialty Renewal
- 86:20-23-3. [AMENDED]
- 86:20-23-8. [REVOKED]
- 86:20-23-9. [AMENDED]
- 86:20-23-10. [AMENDED]
- 86:20-23-11. [REVOKED]
- Subchapter 27. Consumer Information
- 86:20-27-1. [AMENDED]
- 86:20-27-2. [REVOKED]

SUMMARY:

The proposed amendments to 86:20-1-2. more clearly defines the terms "full time", "on-the-job experience", and "semi-annual". The proposed amendments to 86:20-3-2. strikes the descriptions for the Out-of-State Licensure Verification Form and the Termination of Supervision Agreement Form that are no longer in use by the Board. Prescribes the new Verification of Academic Standing to acquire additional information regarding new applicants academic standing. The proposed amendments to 86:20-9-8. amends the application requirements for a voided application

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for failure to provide a passing result on examinations to more clearly define that an applicant shall take and pass exam(s), and prior supervised experience accrued shall not carry over to the new application. The proposed amendments to 86:20-9-9.1. amends the application procedure for voided application for inactivity to more clearly define that an applicant shall take and pass exam(s). The proposed amendments to 86:20-13-2. reduces the supervised experience requirement for direct client contact to one-thousand (1000) hours and the face-to-face supervised experience requirement to one-hundred (100) hours. Strikes the three-hundred fifty (350) direct client contact for every one-thousand hours of full time on-the-job experience requirement. Strikes the ratio of forty-five minutes of face-to-face supervision for every twenty (20) hours of on-the-job experience requirement. Amends the face-to-face requirement to include technology-assisted supervision. Strikes the requirement that no more than half of the required supervision hours may be accrued in a group setting. The proposed amendments to 86:20-13-7. More clearly defines the Evaluation of Supervised Experience semi-annual due date. Prescribes that supervised experience shall be reported in quarter credit hours. The proposed amendments to 86:20-17-1.1. amends the requirement for exam eligibility to prescribe the option to submit the Verification of Academic Standing prior to receiving the official graduate transcript to expedite the review for exam eligibility. The proposed amendments to 86:20-21-1. amends the required information provided on the license certificate to accommodate electronic issuance and notification. The proposed amendments to 86:20-21-4. amends requirements for licensure eligibility notification to allow for electronic notification. The proposed amendments to 86:20-21-5. strikes the replacement license requirement. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:20-23-3. amends requirement for licensure renewal notification to allow for electronic notification. The proposed amendments to 86:20-23-8. strikes the requirement to display current verification card. This requirement is no longer in use as the verification cards are issued electronically. The proposed 86:20-23-9. strikes the requirement to return a license to the Board once the license is inactivated. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:20-23-10. amends the failure to renew notification requirement to allow for electronic notification. The proposed amendments to 86:20-23-11. strikes the return of license requirement for a permanently expired license. This requirement is no longer in use as the license is issued electronically. The proposed amendments to 86:20-27-1. amends the directory requirement to accommodate electronic notification of information of consumer interest. The proposed amendments to 86:20-27-2. strikes the brochure requirement to accommodate amendments to 86:20-27-1.

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

COMMENT PERIOD:

Persons may submit written comments through December 31, 2023 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to info.behavioralhealth@bbhl.ok.gov.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Eric Ashmore at (405) 522-3696 or info.behavioralhealth@bbhl.ok.gov no later than December 31, 2023.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, 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 Eric Ashmore at the above address during the period from December 1, 2023 through December 31, 2023.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to info.behavioralhealth@bbhl.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after December 1, 2023 at the above addresses.

CONTACT PERSON:

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

[OAR Docket #23-819; filed 11-3-23]

TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT CHAPTER 15. OKLAHOMA 9-1-1 MANAGEMENT AUTHORITY

[OAR Docket #23-883]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Administrative Operations

145:15-1-2 [AMENDED]

Subchapter 3. Oklahoma 9-1-1 Management Authority

145:15-3-1 [AMENDED]

145:15-3-2 [AMENDED]

145:15-3-3 [AMENDED]

- 145:15-3-4 [NEW]
- Subchapter 5. Reporting Requirements
- 145:15-5-1 [AMENDED]
- Subchapter 7. Disbursement of 9-1-1 Telephone fees
- 145:15-7-1 [AMENDED]
- 145:15-7-2 [AMENDED]
- 145:15-7-3 [AMENDED]
- Subchapter 9. Grant Program
- 145:15-9-1 [AMENDED]
- 145:15-9-2 [AMENDED]
- 145:15-9-3 [AMENDED]
- 145:15-9-4 [AMENDED]
- Subchapter 11. NG9-1-1 Compliance Requirements [NEW]
- 145:15-11-1 [NEW]
- 145:15-11-2 [NEW]
- 145:15-11-3 [NEW]
- 145:15-11-4 [NEW]

SUMMARY:

The proposed rule modifications are to ensure compliance with the Legislative amendments within Chapter 57 of Title 63 of the Oklahoma Statutes via House Bill 1590 (HB 1590), effective November 1, 2023. The proposed rule amendments provide for administrative changes deriving from HB 1590, implement the new fee distribution formula for distributing 9-1-1 telephone fees and providing improvements within the grant program. The proposed additions in Subchapter 11. NG9-1-1 Compliance Requirements detail compliance standards for Primary Safety Answering Points with the Authority's statewide implementation of Next Generation 9-1-1.

AUTHORITY:

Oklahoma 9-1-1 Management Authority; Oklahoma 9-1-1 Management Authority Act, 63 O.S. Section 2862 to 2872; Emergency Telephone Act, 63 O.S. Section 2801 to 2810; Nine-One-One Wireless Emergency Number Act, 63 O.S. Section 2841 to 2847

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so in person, by mail, or by email through the end of the public hearing on January 8, 2024 at: Oklahoma 9-1-1 Management Authority, P.O. Box 53365, Oklahoma City, Oklahoma 73152, Lance Terry, Lance.Terry@oem.ok.gov or Stacey Root, Stacey.Root@oem.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their comments to the Authority. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held as follows: Monday, January 8, 2024 at 1:00PM in the 4th Floor Conference Room in the Will Rogers Building, 2401 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on Monday, January 8, 2024 at 1:00PM in the 4th Floor Conference Room in the Will Rogers Building, 2401 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by email via Lance.Terry@oem.ok.gov or on the Authority's website <http://www.ok.gov/911/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and will be available at the email and website provided above on or after December 1, 2023.

CONTACT PERSON:

Lance Terry, Oklahoma 9-1-1 Management Authority Coordinator at (405)521-2481 or Lance.Terry@oem.ok.gov; For all legal questions: Mackenzie Hill, Assistant Attorney General at (405)522-4393 or Mackenzie.Hill@oag.ok.gov.

[OAR Docket #23-883; filed 11-8-23]

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

[OAR Docket #23-880]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Records and Inspections
- 240:1-3-3. Confidential records [AMENDED]
- 240:1-3-6. Search Fees [AMENDED]
- 240:1-3-7. Receipt of requests [AMENDED]

SUMMARY:

240:1-3-3. Confidential Records. The proposed amendment adds additional methods (mail, email, or fax) to request records.

240:1-3-6. Search fees. The proposed amendment adds language to address record requests which would cause excessive disruption of office function, and increases the search fee from \$10.00 per hour to \$25.00 per hour to better account for staff time.

240:1-3-7. Receipt of requests. The proposed amendment provides greater flexibility for service of documents to the agency by adding the ability to appoint a designee to accept service.

AUTHORITY:

Oklahoma Employment Security Commission; 40 O.S. §§ 4-302, 4-304, 4-310.1; and 75 O.S. § 250.2(B).

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COMMENT PERIOD:

The comment period will run from December 5, 2023 to January 12, 2024 at 5:00 p.m. Written comments may be sent to the following address: Andrew Chilson, OESC Legal Department, 2401 North Lincoln Boulevard, P.O. Box 53039, Oklahoma City, OK 73152, or andrew.chilson@oesc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on January 17, 2024, at the Oklahoma Employment Security Commission, 5th 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 9:00 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 Andrew Chilson, at the above address, before the close of the comment period January 12, 2024 at 5:00 p.m.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at the OESC, North Lincoln Boulevard, Oklahoma City, OK 73152. The proposed rules are also available on the OESC website at <https://oklahoma.gov/oesc/about/policies.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on the OESC website at <https://oklahoma.gov/oesc/about/policies.html> beginning December 5, 2023.

CONTACT PERSON:

Andrew Chilson, General Counsel, (405) 962-4654, andrew.chilson@oesc.ok.gov.

[OAR Docket #23-880; filed 11-8-23]

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

[OAR Docket #23-881]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

240:10-1-2. Definitions [AMENDED]

240:10-1-3. Time computation [AMENDED]

Subchapter 3. Benefits

Part 5. Eligibility

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

Subchapter 5. Contributions

Part 3. Rates

240:10-5-11. Subject employer acquiring the experience rating account of another employer [AMENDED]

240:10-5-12. Nonsubject entity acquiring the experience rating account of an employer [AMENDED]

240:10-5-15. Successor acquiring the experience rating account of predecessor [AMENDED]

Part 7. Collection of Contributions

240:10-5-32. Application of payments to delinquent tax indebtedness [AMENDED]

Part 19. Maintenance and Production of Work Records

240:10-5-91. Employer's Quarterly Contribution Wage Reports [AMENDED]

240:10-5-96. Application for Oklahoma UI Tax Account Number [AMENDED]

Subchapter 11. Assessment Board Procedure

Part 5. Hearings

240:10-11-23. Telephone hearings [AMENDED]

Subchapter 13. Appeal Tribunal Procedure

Part 1. General Provisions

240:10-13-4. Organization [AMENDED]

Part 5. Hearings

240:10-13-32. Telephone hearings [AMENDED]

240:10-13-33. Notice of hearing [AMENDED]

240:10-13-47. Documents and electronically recorded or stored information [AMENDED]

SUMMARY:

240:10-1-2. Definitions. The proposed amendment changes the definition of "good cause" to address inconsistency between the two different definitions in the rules.

240:10-1-3. Time computation. The proposed amendment clarifies that all time periods are calculated using calendar days, without exception to period less than 11 days (to address issues with attorneys applying Oklahoma state court timing rules).

240:10-3-20. Instructions to secure work. The proposed amendment gives the agency greater flexibility to increase the number of work searches.

240:10-5-11, 5-12, and 5-15. The proposed amendment deletes reference to repealed statute.

240:10-5-32. Application of payments to delinquent tax indebtedness. The proposed amendment aligns the rule addressing minor employer account credits with the agency system of automation.

240:10-5-91. Employer's Quarterly Contribution Wage Reports. The proposed amendment adds a minor fee for processing paper checks for contribution payments.

240:10-5-96. Application for Oklahoma UI Tax Account Number. The proposed amendment updates the procedure for an employer to file for a UI tax account number using the employer portal.

240:10-11-23. Telephone hearings. The proposed amendment clarifies that registration for assessment board administrative hearings must be done in accordance with the notice of hearing.

240:10-13-4. Organization. The proposed amendment clarifies gives greater flexibility to the agency with respect to reporting structure for the appeal tribunal.

240:10-13-32. Telephone hearings. The proposed amendment clarifies that registration for appeal tribunal administrative hearings must be done in accordance with the notice of hearing.

240:10-13-33. Notice of hearing. The proposed amendment gives the agency the option to transmit notices of hearing electronically.

240:10-13-47. Documents and electronically recorded or stored information. The proposed amendment imposes limits on the number of exhibits for appeal hearings unless good cause is shown, and requires exhibits be numbered.

AUTHORITY:

Oklahoma Employment Security Commission; 40 O.S. §§ 4-302, 4-304, 4-310.1; and 75 O.S. § 250.2(B).

COMMENT PERIOD:

The comment period will run from December 5, 2023 to January 12, 2024 at 5:00 p.m. Written comments may be sent to the following address: Andrew Chilson, OESC Legal Department, 2401 North Lincoln Boulevard, P.O. Box 53039, Oklahoma City, OK 73152, or andrew.chilson@oesc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on January 17, 2024, at the Oklahoma Employment Security Commission, 5th 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 9:00 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 Andrew Chilson, at the above address, before the close of the comment period January 12, 2024 at 5:00 p.m.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at the OESC, North Lincoln Boulevard, Oklahoma City, OK 73152. The proposed rules are also available on the OESC website at <https://oklahoma.gov/oesc/about/policies.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on the OESC website at <https://oklahoma.gov/oesc/about/policies.html> beginning December 5, 2023.

CONTACT PERSON:

Andrew Chilson, General Counsel, (405) 962-4654, andrew.chilson@oesc.ok.gov.

[OAR Docket #23-881; filed 11-8-23]

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CHAPTER 15. BOARD OF REVIEW
PROCEDURES**

[OAR Docket #23-882]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Appeals to the Board of Review

240:15-3-2. Correspondence with Board of Review; address [AMENDED]

SUMMARY:

240:15-3-2. Correspondence with Board of Review. The proposed amendment removes phone number because appeals cannot be filed by phone, and removes language relating to the contents of appeal to align with statutory definition of what consists of the record.

AUTHORITY:

Oklahoma Employment Security Commission; 40 O.S. §§ 4-302, 4-304, 4-310.1; and 75 O.S. § 250.2(B).

COMMENT PERIOD:

The comment period will run from December 5, 2023 to January 12, 2024 at 5:00 p.m. Written comments may be sent to the following address: Andrew Chilson, OESC Legal Department, 2401 North Lincoln Boulevard, P.O. Box 53039, Oklahoma City, OK 73152, or andrew.chilson@oesc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on January 17, 2024, at the Oklahoma Employment Security Commission, 5th 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 9:00 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 Andrew Chilson, at the above address, before the close of the comment period January 12, 2024 at 5:00 p.m.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at the OESC, North Lincoln Boulevard, Oklahoma City, OK 73152. The

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proposed rules are also available on the OESC website at <https://oklahoma.gov/oesc/about/policies.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on the OESC website at <https://oklahoma.gov/oesc/about/policies.html> beginning December 5, 2023.

CONTACT PERSON:

Andrew Chilson, General Counsel, (405) 962-4654, andrew.chilson@oesc.ok.gov.

[OAR Docket #23-882; filed 11-8-23]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 301. LABORATORY ACCREDITATION

[OAR Docket #23-867]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:301-1-2 [AMENDED]

252:301-1-3 [AMENDED]

252:301-1-4 [AMENDED]

252:301-1-9 [AMENDED]

252:301-1-10 [NEW]

Subchapter 3. Laboratory Accreditation Process

Part 1. Application

252:301-3-1 [AMENDED]

252:301-3-2 [AMENDED]

252:301-3-3 [AMENDED]

252:301-3-4 [AMENDED]

Part 3. Conditions of Accreditation

252:301-3-31 [AMENDED]

252:301-3-32 [AMENDED]

252:301-3-33 [AMENDED]

Part 5. Grounds to Revoke

252:301-3-51 [AMENDED]

252:301-3-52 [AMENDED]

Subchapter 5. General Operations

252:301-5-3 [AMENDED]

252:301-5-4 [AMENDED]

252:301-5-5 [AMENDED]

Subchapter 7. Proficiency Testing

252:301-7-3 [AMENDED]

252:301-7-4 [AMENDED]

252:301-7-5 [AMENDED]

252:301-7-6 [AMENDED]

252:301-7-7 [AMENDED]

252:301-7-8 [AMENDED]

252:301-7-12 [AMENDED]

252:301-7-13 [REVOKED]

252:301-7-14 [AMENDED]

252:301-7-15 [AMENDED]

252:301-7-16 [AMENDED]

252:301-7-17 [AMENDED]

252:301-7-18 [AMENDED]

Subchapter 9. Quality Assurance/Quality Control

Part 3. Standard Operating Procedures and Methods Manual

252:301-9-37 [AMENDED]

252:301-9-38 [AMENDED]

SUMMARY:

This Chapter contains rules about the accreditation of privately-owned and publicly-owned laboratories by the Department. The proposed rule changes intend to clarify program definitions, correct incorrect references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run from January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow the LAP to offer accreditation for these methods.

The Department is proposing to create a new section 252:301-1-10, to establish a new accreditation period that runs January through December. This move to the calendar year will allow program labs to better manage their finances and renewal applications. This change will also allow for more fluid and timely processing of applications and invoices by LAP staff. The Department is proposing to amend 252:301-1-9, Fees to accommodate the above new section. This amendment will simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no new fees or fee increases. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules.

Further, the Department is proposing to amend 252:301-3-4, Renewals, to establish a new September 15 deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoices to allow for continued participation in the program. Additional information has been added to better define the renewal process and make it more consistent with other LAP rules.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302.

Water Quality Advisory Management Council; 27A O.S., Sections 2-2-201 and 2-4-302. Laboratory Certification Services; 27A O.S., Sections 2-4-301 through 2-4-306.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 8, 2024. Oral comments may be made at the January 9, 2024, Water Quality Management Advisory Council meeting and at the February 13, 2024, Environmental Quality Board meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 9, 2024, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, further oral comments will be heard by the Environmental Quality Board at its meeting scheduled for February 13, 2024, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these rules provide the Department, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs such as fees, and the 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 rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or reviewed on-line at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PERSONS WITH DISABILITIES:

Person with disabilities who desire to attend the public hearing and need accommodation, should notify the contact person three (3) working days in advance at (405) 702-1000. For the hearing impaired, the TDD relay number is

1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-867; filed 11-8-23]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 302. FIELD LABORATORY ACCREDITATION**

[OAR Docket #23-868]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 252:302-1-1. Purpose, basis, authority, applicability [AMENDED]
 - 252:302-1-4. Definitions [AMENDED]
 - 252:302-1-5. Fees [AMENDED]
 - 252:302-1-6. Accreditation period [NEW]
- Subchapter 3. Field Laboratory Accreditation Process
 - Part 1. Application
 - 252:302-3-1. Accreditation [AMENDED]
 - 252:302-3-2. Application required [AMENDED]
 - 252:302-3-3. Contact information [AMENDED]
 - 252:302-3-4. Operational information [AMENDED]
 - 252:302-3-5. Reasons to deny an initial application [AMENDED]
 - 252:302-3-6. Renewals [AMENDED]
 - Part 3. Conditions of Accreditation
 - 252:302-3-21. Conditions applicable to all accreditations [AMENDED]
 - 252:302-3-22. Amendments to accreditations [AMENDED]
 - 252:302-3-23. Self-reporting [AMENDED]
 - Part 5. Grounds to Suspend or Revoke
 - 252:302-3-31. Grounds to take enforcement action [AMENDED]
 - 252:302-3-32. Notice [AMENDED]
- Subchapter 5. General Operations
 - 252:302-5-3. Data produced while in training [AMENDED]
 - 252:302-5-6. On-site evaluations [AMENDED]
 - 252:302-5-7. Recordkeeping and reporting [AMENDED]
- Subchapter 7. Proficiency Testing
 - 252:302-7-2. PT sample treatment [AMENDED]
 - 252:302-7-3. Initial accreditation [AMENDED]
 - 252:302-7-4. PT requirements [AMENDED]
 - 252:302-7-5. Maintenance of PT records [AMENDED]
 - 252:302-7-7. PT criteria for laboratory accreditation [AMENDED]
 - 252:302-7-8. Failure to perform [AMENDED]
 - 252:302-7-9. Supplemental studies [AMENDED]
 - 252:302-7-10. Corrective action [AMENDED]
- Subchapter 9. Quality Assurance/Quality Control

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Part 1. Quality Assurance/Quality Control General Criteria
252:302-9-4. Procedures required for QA plan
[AMENDED]

252:302-9-5. References included in QA plan
[AMENDED]

Part 3. Standard Operating Procedures and Methods
Manual

252:302-9-24. Selection of methods [AMENDED]

252:302-9-25. Methodology incorporated by reference
[AMENDED]

Part 5. QA/QC Program Requirements

252:302-9-32. QA/QC documentation [AMENDED]

SUMMARY:

This Chapter contains rules about the accreditation of privately-owned and publicly-owned laboratories by the agency. The proposed rule changes intend to clarify program definitions, correct incorrect references, standardize language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the national program for EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow the LAP to offer accreditation for these methods.

Specifically, the Department is proposing to amend 252:302-1-5, "Fees," to simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. This change will make it easier for the program labs to determine the fee for participation in the program. This change will also make the rule language more consistent with other LAP rules. There are no fee increase or new fees.

Further, The Department is proposing to amend 252:302-3-6, "Renewals," to establish a new September 15 deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoice to allow for continued participation in the program. The proposed changes include additional information intended to better define the renewal process and make it more consistent with other LAP rules.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302.

Water Quality Advisory Management Council; 27A O.S., Sections 2-2-201 and 2-4-302. Laboratory Certification Services; 27A O.S., Sections 2-4-301 through 2-4-306.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 8, 2023 through January 8, 2024. Oral

comments may be made at the January 9, 2024 Water Quality Management Advisory Council meeting and at the February 13, 2024 Environmental Quality Board meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 9, 2024 at the DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, further oral comments will be heard by the Environmental Quality Board at its meeting scheduled for February 13, 2024, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the 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 rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or reviewed on-line at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PERSONS WITH DISABILITIES:

Person with disabilities who desire to attend the public hearing and need accommodation, should notify the contact person three (3) working days in advance at (405) 702-1000. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-868; filed 11-8-23]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 307. TNI LABORATORY ACCREDITATION**

[OAR Docket #23-869]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
 - 252:307-1-3. Definitions [AMENDED]
 - 252:307-1-4. Incorporation by reference [AMENDED]
 - 252:307-1-6. Annual accreditation period [AMENDED]
 - 252:307-1-7. Annual fees [AMENDED]
- Subchapter 3. Laboratory Accreditation Process
 - 252:307-3-1. Application requirements [AMENDED]
 - 252:307-3-3. Operational information [AMENDED]
 - 252:307-3-6. Renewal and expiration [AMENDED]
- Subchapter 5. Conditions of Accreditation
 - 252:307-5-1. Conditions applicable to all accreditations [AMENDED]
 - 252:307-5-2. Amendments to accreditations [AMENDED]
 - 252:307-5-3. Self-reporting [AMENDED]
 - 252:307-5-4. Failure to comply [AMENDED]
 - 252:307-5-5. Notice [AMENDED]
 - 252:307-5-6. Individual proceedings [AMENDED]
- Subchapter 7. Onsite Assessment Requirements
 - 252:307-7-2. Conduct of onsite assessments [AMENDED]
- Subchapter 9. Management and Technical Requirements
 - Part 1. Proficiency Testing
 - 252:307-9-2. Participation required [AMENDED]
 - 252:307-9-3. Initial and continuing PT studies evaluation [AMENDED]
 - 252:307-9-4. Cost responsibility [AMENDED]
 - 252:307-9-5. DEQ PT samples [AMENDED]
 - 252:307-9-8. Failure to perform PT [AMENDED]
 - 252:307-9-9. Supplemental PT testing [AMENDED]
 - 252:307-9-10. Corrective action [AMENDED]
 - 252:307-9-11. Alternate PT provider [AMENDED]
 - Part 3. Personnel and Subcontractors
 - 252:307-9-22. Reports to customers [AMENDED]
 - Part 7. Record Keeping and Reporting
 - 252:307-9-60. Required records [AMENDED]
- Subchapter 11. Secondary Accreditation
 - 252:307-11-1. DEQ as a secondary accreditation body [AMENDED]
 - 252:307-11-2. Potential noncompliance when DEQ is secondary AB [AMENDED]
 - 252:307-11-3. Potential noncompliance when DEQ is primary AB [AMENDED]

SUMMARY:

This Chapter contains rules about the accreditation of privately-owned and publicly-owned laboratories by the Department. The proposed rule changes intend to clarify program definitions, correct incorrect references, standardize

language between OK DEQ Lab Accreditation Program (LAP) rules where feasible, simplify the renewal and application processes, fee calculations, and reset the yearly accreditation period to run January through December. Additional proposed changes will serve to update incorporations by reference for EPA methodologies, and to make other amendments for conformity with past, present, and future method requirements under the following national programs: EPA Primary Drinking Water Regulations, National Standards for Solid Waste Test Methods, and EPA Test Procedures for the Analysis of Pollutants. One significant result of these proposed changes is that they will give additional flexibility to labs in the program to select from methods that are both historically and most recently approved for use in the programs mentioned above and allow the LAP to offer accreditation for these methods.

Specifically, the Department is proposing to amend 252:307-1-7, Annual fees, to simplify the calculation of accreditation application and renewal fees and eliminate a fee for late applications. There are no fee increases or new fees.

Further, the Department is proposing to amend 252:307-3-6, Renewal and expiration, to establish a new September 15 deadline for submitting renewal documentation and proficiency test (PT) provider reports along with a December 15 deadline to pay renewal invoice to allow for continued participation in the program.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302.

Water Quality Advisory Management Council; 27A O.S., Sections 2-2-201 and 2-4-302.

Laboratory Certification Services; 27A O.S., Sections 2-4-301 through 2-4-306.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 8, 2023 through January 8, 2024. Oral comments may be made at the January 9, 2024 Water Quality Management Advisory Council meeting and at the February 13, 2024 Environmental Quality Board meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 9, 2024 at the DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, further oral comments will be heard by the Environmental Quality Board at its meeting scheduled for February 13, 2024, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

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be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/WQDnew/wqmac/index.html>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or reviewed on-line at <http://www.deq.state.ok.us/WQDnew/wqmac/index.html>.

CONTACT PERSON:

The contact person is Taryn Hurley, Environmental Programs Manager, who can be reached by phone at (405) 702-1000 or by fax at (405) 702-7102. Email comments may be directed to taryn.hurley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, State Environmental Laboratory Services Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Taryn Hurley.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the contact person three (3) working days in advance at (405) 702-1000. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-869; filed 11-8-23]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #23-870]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Liner Design

Part 1. General Provisions

252:515-11-3 [AMENDED]

Subchapter 43. Composting Facilities

Part 3. Plans and Permits

252:515-43-31 [AMENDED]

SUMMARY:

The Department of Environmental Quality (DEQ) is proposing to amend OAC 252:515 to clarify and improve existing regulations. The first proposed change is to clarify the groundwater separation requirement for construction and demolition (C&D) landfills. C&D landfills are currently subject to the five-foot groundwater separation requirement in existing regulations. DEQ is proposing to add a paragraph that explicitly states how the separation distance should be measured in order to avoid potential confusion. The second

proposed change is to add a new permitting exemption for small-scale composting facilities receiving waste from off site. The existing regulations require these facilities to obtain a permit; the proposed regulatory change would allow these facilities to submit an exemption request rather than undergo the full permitting process. The gist of this rulemaking is to clarify groundwater separation requirements for C&D landfills and to simplify permitting requirements for certain small-scale composting facilities.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, and 2-10-201; Solid Waste Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2023, through January 10, 2024. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 10:00 a.m. on January 11, 2024, and at the Environmental Quality Board meeting to be held on February 13, 2024, at the DEQ, first floor, 707 N. Robinson, Oklahoma City, OK 73102.

PUBLIC HEARINGS:

Oral comments will be heard before the Solid Waste Management Advisory Council at 10:00 a.m. on January 11, 2024, in the Multi-Purpose Room, first floor of the DEQ, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, additional oral comments will be heard by the Environmental Quality Board on February 13, 2024, at the DEQ, first floor, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

DEQ requests that business entities affected by these proposed rules provide DEQ, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person and may be viewed on the DEQ website at <https://www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/>.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at DEQ and may be requested from the contact person or viewed on the DEQ website at <https://www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/>.

CONTACT PERSON:

Anne Marie Smith, Land Protection Division, Solid Waste Permitting Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at public.comments@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #23-870; filed 11-8-23]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

[OAR Docket #23-871]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-1 [AMENDED]

252:606-1-2 [AMENDED]

252:606-1-2.1 [NEW]

252:606-1-3 [AMENDED]

252:606-1-4 [AMENDED]

252:606-1-5 [AMENDED]

252:606-1-6 [AMENDED]

Subchapter 3. Discharge Permitting Process for Individual and General Discharge Permits

252:606-3-1 [AMENDED]

252:606-3-3 [AMENDED]

252:606-3-4 [AMENDED]

252:606-3-6 [AMENDED]

Subchapter 5. Discharge Permit Requirements

252:606-5-1 [AMENDED]

252:606-5-2 [AMENDED]

252:606-5-3 [AMENDED]

252:606-5-4 [AMENDED]

252:606-5-5 [AMENDED]

Subchapter 6. Point Source Discharges [NEW]

252:606-6-1 [NEW]

252:606-6-2 [NEW]

252:606-6-3 [NEW]

252:606-6-4 [NEW]

252:606-6-5 [NEW]

252:606-6-6 [NEW]

252:606-6-7 [NEW]

252:606-6-8 [NEW]

252:606-6-9 [NEW]

252:606-6-10 [NEW]

252:606-6-11 [NEW]

252:606-6-12 [NEW]

252:606-6-13 [NEW]

252:606-6-14 [NEW]

252:606-6-15 [NEW]

252:606-6-16 [NEW]

252:606-6-17 [NEW]

252:606-6-18 [MEW]

252:606-6-19 [NEW]

252:606-6-20 [NEW]

252:606-6-21 [NEW]

252:606-6-22 [NEW]

252:606-6-23 [NEW]

252:606-6-24 [NEW]

252:606-6-25 [NEW]

252:606-6-26 [NEW]

252:606-6-27 [NEW]

252:606-6-28 [NEW]

252:606-6-29 [NEW]

252:606-6-30 [NEW]

252:606-6-31 [NEW]

252:606-6-32 [NEW]

252:606-6-33 [NEW]

252:606-6-34 [NEW]

252:606-6-35 [NEW]

252:606-6-36 [NEW]

252:606-6-37 [NEW]

252:606-6-38 [NEW]

252:606-6-39 [NEW]

252:606-6-40 [NEW]

252:606-6-41 [NEW]

252:606-6-42 [NEW]

252:606-6-43 [NEW]

252:606-6-44 [NEW]

252:606-6-45 [NEW]

252:606-6-46 [NEW]

252:606-6-47 [NEW]

252:606-6-48 [NEW]

252:606-6-49 [NEW]

252:606-6-50 [NEW]

252:606-6-51 [NEW]

252:606-6-52 [NEW]

252:606-6-53 [NEW]

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252:606-6-55 [NEW]

252:606-6-56 [NEW]

252:606-6-57 [NEW]

252:606-6-58 [NEW]

252:606-6-59 [NEW]

252:606-6-60 [NEW]

252:606-6-61 [NEW]

252:606-6-62 [NEW]

252:606-6-63 [NEW]

252:606-6-64 [NEW]

252:606-6-65 [NEW]

252:606-6-66 [NEW]

252:606-6-67 [NEW]

252:606-6-68 [NEW]

252:606-6-69 [NEW]

252:606-6-70 [NEW]

252:606-6-71 [NEW]

252:606-6-72 [NEW]

Notices of Rulemaking Intent

252:606-6-73 [NEW]
252:606-6-74 [NEW]
252:606-6-75 [NEW]
252:606-6-76 [NEW]
252:606-6-77 [NEW]
252:606-6-78 [NEW]
252:606-6-79 [NEW]
252:606-6-80 [NEW]
252:606-6-81 [NEW]
252:606-6-82 [NEW]
252:606-6-83 [NEW]
252:606-6-84 [NEW]
252:606-6-85 [NEW]
252:606-6-86 [NEW]
252:606-6-87 [NEW]
252:606-6-88 [NEW]
252:606-6-89 [NEW]
252:606-6-90 [NEW]
252:606-6-91 [NEW]
252:606-6-92 [NEW]
252:606-6-93 [NEW]
Subchapter 8. Biosolids Requirements
252:606-8-1 [AMENDED]
252:606-8-3 [AMENDED]
252:606-8-4 [AMENDED]
252:606-8-5 [AMENDED]
252:606-8-6 [AMENDED]
252:606-8-7 [AMENDED]
Subchapter 11. Tests and Reports
252:606-11-1 [AMENDED]
252:606-11-2 [AMENDED]
252:606-11-3 [AMENDED]
252:606-11-4 [AMENDED]
252:606-11-5 [AMENDED]
Appendix A. Minimum Control Test for Wastewater Treatment Facilities [REVOKED]
Appendix A. Minimum Control Test for Wastewater Treatment Facilities [NEW]
Appendix B. Annual Fees for Non-Industrial Discharge Permits [REVOKED]
Appendix B. Annual Fees for Non-Industrial Discharge Permits [NEW]
Appendix C. Annual Industrial Discharge Fees [REVOKED]
Appendix C. Annual Industrial Discharge Fees [NEW]
Appendix E. Fees for Industrial Users [REVOKED]
Appendix E. Fees for Industrial Users [NEW]
Appendix F. Fees for Land Application of Biosolids [REVOKED]
Appendix F. Fees for Land Application of Biosolids [NEW]
Appendix G. Monitoring Frequencies for Backwash Discharge from Potable Water Treatment Facilities [REVOKED]
Appendix G. Monitoring Frequencies for Backwash Discharge from Potable Water Treatment Facilities [NEW]

Appendix H. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [NEW]
Appendix I. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [NEW]
Appendix J. Whole Effluent Toxicity (WET) Testing Critical Dilutions and Dilution Series [NEW]
Appendix K. Equations for Implementation of Temperature Criteria to Protect the Fish and Wildlife Propagation Beneficial Use [NEW]
Appendix L. Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [NEW]
Appendix M. Equations for Implementation of Numerical Human Health and Raw Water Criteria to Protect the Fish Consumption and Public and Private Water Supply Beneficial Use [NEW]
Appendix N. Equations for Implementation of Numerical Criteria to Protect the Agriculture Beneficial Use [NEW]
Appendix O. Performance-Based Effluent Monitoring Frequency Reductions and Increases [NEW]
Appendix P. Background Monitoring [NEW]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to streamline the Department of Environmental Quality (DEQ) rules as part of a proposal to transfer existing regulations from Chapter 690 into this chapter. As part of the proposed agency rule changes, Chapter 690 will be revoked and the provisions in Chapter 690 dealing with point source discharges will be merged into Chapter 606, resulting in new Subchapter 6, and Appendices G through P. This will consolidate the technical permitting rules for point source discharges into one rule, Chapter 606.

The Department also proposes to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 1, 2022, to July 12, 2023. One final regulatory change included in this update consisted of the U.S. Environmental Protection Agency (EPA) finalizing clarifications to its National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II regulations due to recent changes made by the Census Bureau. The changes to EPA's regulations are limited to clarifying that the designation criteria for small municipal separate storm sewer systems (MS4's), which have been used since the promulgation of the regulations in 1999, will remain the same. These clarifications are necessary due to the Census Bureau's recent decision to discontinue its practice of publishing the location of "urbanized areas" along with the 2020 Census and future censuses. The clarifications in this final rule replaced the term "urbanized area" in the Phase II regulations with the phrase "urban areas with a population of at least 50,000", which is the Census Bureau's longstanding definition of the term urbanized areas. This change allows NPDES permitting authorities to use 2020 Census and future Census data in a manner that is consistent

with existing longstanding regulatory practice. Since the Census Bureau and EPA have discontinued use of the term "urbanized area," the Department will need to delete references to "urbanized area" and replace them with references to "urban areas with a population of at least 50,000" during the next permit renewal process. Another rule change was made to 40 CFR Part 423, the Steam Electric Power Generating Point Source Category, to extend the date for existing coal-fired power plants to submit a notice of planned participation (NOPP) for the permanent cessation of coal combustion subcategory in the 2020 Steam Electric Reconsideration Rule from October 13, 2021, to June 27, 2023. This rule was effective May 30, 2023.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, February 13, 2024, at 9:30 a.m. at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of direct costs (e.g., fees) and indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at

<https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-871; filed 11-8-23]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 611. GENERAL WATER QUALITY**

[OAR Docket #23-872]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:611-1-1 [AMENDED]

252:611-1-2 [AMENDED]

252:611-1-3 [AMENDED]

252:611-1-4 [AMENDED]

252:611-1-6 [AMENDED]

252:611-1-7 [AMENDED]

Subchapter 3. Certifications

252:611-3-1 [AMENDED]

252:611-3-2 [AMENDED]

252:611-3-3 [AMENDED]

252:611-3-4 [AMENDED]

252:611-3-5 [AMENDED]

252:611-3-6 [AMENDED]

Subchapter 5. Groundwater Pollution Control

252:611-5-1 [AMENDED]

252:611-5-2 [AMENDED]

252:611-5-3 [AMENDED]

Subchapter 7. Groundwater Protection [NEW]

252:611-7-1 [NEW]

252:611-7-2 [NEW]

252:611-7-3 [NEW]

252:611-7-4 [NEW]

252:611-7-5 [NEW]

252:611-7-6 [NEW]

252:611-7-7 [NEW]

252:611-7-8 [NEW]

252:611-7-9 [NEW]

252:611-7-10 [NEW]

252:611-7-11 [NEW]

Notices of Rulemaking Intent

252:611-7-12 [NEW]
252:611-7-13 [NEW]
252:611-7-14 [NEW]
252:611-7-15 [NEW]
252:611-7-16 [NEW]
252:611-7-17 [NEW]
252:611-7-18 [NEW]
252:611-7-19 [NEW]

Subchapter 9. Water Quality Standards Implementation Plan [NEW]

252:611-9-1 [NEW]
252:611-9-2 [NEW]
252:611-9-3 [NEW]

SUMMARY:

This Chapter contains guidance and implementation rules related to groundwater protection. The proposed rules are intended to streamline agency rules as part of a proposal to transfer existing regulations from Chapter 690 into this chapter. As part of the proposed agency rule changes, Chapter 690 will be revoked and the provisions in Chapter 690 dealing with groundwater protection will be included in Chapter 611 and merged with the existing rules. The Department also proposes to correct minor typographical and formatting errors, and to update identifying nouns, such as replacing references to "the DEQ" to simply "DEQ," to be consistent with the agency's other regulations.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, 2-6-103.2, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

Oral comments will be heard before the Water Quality Management Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules additional oral comments will be heard by the Environmental Quality Board at its meeting scheduled on Tuesday, February 13, 2024, at 9:30 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ, within the comment period, comments about any increase in the level of costs, such as fees, and also including indirect costs, such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs

expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-872; filed 11-8-23]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 628. INDIRECT POTABLE REUSE FOR SURFACE WATER AUGMENTATION

[OAR Docket #23-873]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Benchmarks and Implementation for IPR Source Water Discharges

252:628-3-1 [AMENDED]

252:628-3-2 [AMENDED]

Subchapter 7. Operation and Maintenance for IPR Source Water Treatment Plants

252:628-7-1 [AMENDED]

252:628-7-9 [AMENDED]

Subchapter 9. Permitting Requirements for IPR Source Water

252:628-9-3 [AMENDED]

252:628-9-4 [AMENDED]

Subchapter 11. IPR Receiving Waterbody Monitoring

252:628-11-1 [AMENDED]

SUMMARY:

This Chapter contains rules dealing with the indirect reuse of municipal wastewater. The proposed rule changes will replace references to OAC 252:690 with references to OAC 252:606 in connection with a contemporaneous proposal to relocate rules from Chapter 690 to Chapter 606.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, 2-6-103.2, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

Oral comments will be heard before the Water Quality Management Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, additional oral comments will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, February 13, 2024, at 9:30 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests comments from business entities or any other members of the public affected by these rules provide to DEQ, within the comment period, about any increase in the level of costs, such as fees, and also including indirect costs, such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-873; filed 11-8-23]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 641. INDIVIDUAL AND SMALL PUBLIC ON-SITE SEWAGE TREATMENT SYSTEMS**

[OAR Docket #23-874]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1 General Provisions
 - 252:641-1-2.1 [AMENDED]
 - 252:641-1-3 [AMENDED]
- Subchapter 3. Soil Tests
 - 252:641-3-1 [AMENDED]
 - 252:641-3-2 [AMENDED]
 - 252:641-3-4 [AMENDED]
- Subchapter 7. Septic Tanks
 - 252:641-7-1 [AMENDED]
 - 252:641-7-3 [AMENDED]
 - 252:641-7-4 [AMENDED]
- Subchapter 9. Pump Tanks
 - 252:641-9-1 [AMENDED]
 - 252:641-9-2 [AMENDED]
 - 252:641-9-3 [AMENDED]
- Subchapter 10. Aerobic Treatment Systems
 - 252:641-10-1 [AMENDED]
 - 252:641-10-2 [AMENDED]
- Subchapter 12. Dispersal Fields
 - 252:641-12-1 [AMENDED]
 - 252:641-12-4 [REVOKED]
- Subchapter 21. Certification for On-Site Sewage Treatment System Installers
 - 252:641-21-1 [AMENDED]
 - 252:641-21-2 [AMENDED]
 - 252:641-21-2.1 [AMENDED]
 - 252:641-21-3 [AMENDED]
- Subchapter 22. Certification for Profilers
 - 252:641-22-2 [AMENDED]
 - 252:641-22-3 [AMENDED]
- Subchapter 23. Fees
 - 252:641-23-1 [AMENDED]
 - 252:641-23-2 [AMENDED]
 - 252:641-23-3 [AMENDED]

Notices of Rulemaking Intent

Appendix A. System Options with Minimum Vertical Separation Distances and Minimum Lot Size Requirements [REVOKED]

Appendix A. System Options with Minimum Vertical Separation Distances and Minimum Lot Size Requirements [NEW]

Appendix C. Pipe Specifications for On-Site Sewage Treatment Systems [REVOKED]

Appendix C. Pipe Specifications for On-Site Sewage Treatment Systems [NEW]

Appendix E. Horizontal Separation Distance Requirements for On-Site Sewage Treatment Systems [REVOKED]

Appendix E. Horizontal Separations Distance Requirements for On-Site Sewage Treatment Systems [NEW]

Appendix H. Size Charts for On-Site Sewage Treatment Systems [REVOKED]

Appendix H. Size Charts for On-Site Sewage Treatment Systems [NEW]

Appendix I. Example of the Requirements for a Septic Tank [REVOKED]

Appendix I. Example of the Requirements for a Septic Tank [NEW]

Appendix K. Example Layouts of Conventional Subsurface Absorption Systems, Low Pressure Dosing Systems and ET/A Systems [REVOKED]

Appendix K. Example Layouts of Conventional Subsurface Absorption Systems, Low Pressure Dosing Systems and ET/A Systems [NEW]

SUMMARY:

The gist of the rule that the Department is proposing is to: (1) clarify the credentials required for soil profile certification, (2) update general provisions for septic tanks to include a permanently affixed data plate, (3) incorporate the use of a riser safety screen system or factory-supplied concrete manhole lid in all inlet cleanouts, (4) establish septic tank size of 500 gallons for small public sewage facilities with flows of one hundred (100) gallons or less, (5) raise the approvable limit associated with the Biochemical Oxygen Demand (BOD) to 2.5 pounds per day for aerobic systems, (6) remove Low Pressure Dosing (LPD) systems, (7) increase the surety bond requirements for Certified Installers and Certified Soil Profilers, (8) address formatting issues for Appendices.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-402, and 2-6-403; and 59 O.S. § 1158.

Water Quality Management Advisory Council; 27A O.S. §§ 2-2-20.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 1, 2024. Oral comments may be made at the Water Quality Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARING:

Oral comments may be offered before the Water Quality Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101. Oral comments may also be offered before the Environmental Quality Board on February 13, 2024, at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/environmental-complaints-division/on-site-sewage/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/environmental-complaints-division/on-site-sewage/>.

CONTACT PERSON:

The contact person is Nicholas Huber. Nicholas may be contacted at: nicholas.huber@deq.ok.gov (e-mail) or (405) 702-6100 (phone). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-874; filed 11-8-23]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 645. SEPTAGE PUMPERS AND TRANSPORTERS

[OAR Docket #23-875]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 252:645-1-1 [AMENDED]
- 252:645-1-2 [AMENDED]
- 252:645-1-3 [AMENDED]
- 252:645-1-6 [AMENDED]
- Subchapter 3. Septage Storage Facility
- 252:645-3-1 [AMENDED]
- 252:645-3-3 [AMENDED]
- Subchapter 5. Land Application
- 252:645-5-1 [AMENDED]
- 252:645-5-2 [AMENDED]
- Subchapter 7. Septage Treatment Facility
- 252:645-7-1 [AMENDED]
- 252:645-7-2 [AMENDED]
- Subchapter 9. Fees
- 252:645-9-1 [AMENDED]
- 252:645-9-3 [NEW]

SUMMARY:

The gist of the rule that the Department is proposing is to: (1) clarify the definition of sewage, (2) update license requirements to include a driver certification, an exam fee, and an increase in renewal hours, (3) allow the change from vehicle registration to tank registration, (4) require an additional safety measure for storage tanks, (5) require the submission of land application and treatment records, and (6) update land application requirements for the removal of non-biodegradable material.

AUTHORITY:

Environmental Quality Board; 27A O.S §§ 2-2-101, 2-6-402, and 2-6-403; and 59 O.S. § 1158.

Water Quality Management Advisory Council; 27A O.S. §§ 2-2-20.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 1, 2024. Oral comments may be made at the Water Quality Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on meeting to be held on February 13, 2024.

PUBLIC HEARING:

Oral comments may be offered before the Water Quality Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101. Oral comments may also be offered before the Environmental Quality Board on February 13, 2024, at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73101.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by the proposed rules provide to DEQ (during the comment period) the increase (in dollar amounts if possible) in the level of indirect costs (e.g., reporting, record keeping, equipment, construction, labor, professional services, revenue loss), or

other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/environmental-complaints-division/on-site-sewage/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/environmental-complaints-division/on-site-sewage/>.

CONTACT PERSON:

The contact person is Nicholas Huber. Nicholas may be contacted at: nicholas.huber@deq.ok.gov (e-mail) or (405) 702-6100 (phone). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-875; filed 11-8-23]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION [REVOKED]

[OAR Docket #23-876]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction [REVOKED]
- 252:690-1-1 [REVOKED]
- 252:690-1-2 [REVOKED]
- 252:690-1-3 [REVOKED]
- 252:690-1-4 [REVOKED]
- 252:690-1-4.1 [REVOKED]
- 252:690-1-5 [REVOKED]
- 252:690-1-6 [REVOKED]
- 252:690-1-7 [REVOKED]
- Subchapter 3. Point Source Discharges [REVOKED]
- 252:690-3-1 [REVOKED]
- 252:690-3-2 [REVOKED]
- 252:690-3-3 [REVOKED]
- 252:690-3-4 [REVOKED]
- 252:690-3-5 [REVOKED]
- 252:690-3-6 [REVOKED]

Notices of Rulemaking Intent

252:690-3-7 [REVOKED]
252:690-3-8 [REVOKED]
252:690-3-9 [REVOKED]
252:690-3-10 [REVOKED]
252:690-3-11 [REVOKED]
252:690-3-12 [REVOKED]
252:690-3-13 [REVOKED]
252:690-3-14 [REVOKED]
252:690-3-15 [REVOKED]
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252:690-3-90 [REVOKED]
252:690-3-91 [REVOKED]
252:690-3-92 [REVOKED]
252:690-3-93 [REVOKED]
Subchapter 5. Groundwater Protection [REVOKED]
252:690-5-1 [REVOKED]
252:690-5-2 [REVOKED]
252:690-5-3 [REVOKED]
252:690-5-4 [REVOKED]
252:690-5-5 [REVOKED]
252:690-5-6 [REVOKED]
252:690-5-7 [REVOKED]
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252:690-5-14 [REVOKED]
252:690-5-15 [REVOKED]
252:690-5-16 [REVOKED]
252:690-5-17 [REVOKED]
252:690-5-18 [REVOKED]
252:690-5-19 [REVOKED]
Subchapter 7. Water Quality Standards Implementation
Plan, Oklahoma Department of Environmental Quality
[REVOKED]
252:690-7-1 [REVOKED]
252:690-7-2 [REVOKED]

- 252:690-7-3 [REVOKED]
- Appendix B. Priority and Nonpriority Pollutants with Numerical Criteria Requiring Reasonable Potential Screening [REVOKED]
- Appendix C. Methodology and Equations for Characterizing Effluent and Background Concentrations in Determination of Reasonable Potential to Exceed Numerical Criteria [REVOKED]
- Appendix D. Whole Effluent Toxicity (WET) Testing Critical Dilutions and Dilution Series [REVOKED]
- Appendix E. Equations for Implementation of Temperature Criteria to Protect the Fish and Wildlife Propagation Beneficial Use [REVOKED]
- Appendix F. Equations for Implementation of Numerical Criteria for Toxic Substances to Protect the Fish and Wildlife Propagation Beneficial Use [REVOKED]
- Appendix G. Equations for Implementation of Numerical Human Health and Raw Water Criteria to Protect the Fish Consumption and Public and Private Water Supply Beneficial Use [REVOKED]
- Appendix H. Equations for Implementation of Numerical Criteria to Protect the Agriculture Beneficial Use [REVOKED]
- Appendix I. Performance-Based Effluent Monitoring Frequency Reductions and Increases [REVOKED]
- Appendix J. Background Monitoring [REVOKED]

SUMMARY:

Chapter 690 contains the Water Quality Standards Implementation Plan (WQSIP) recently enacted as part of the transfer of authority over Oklahoma Water Quality Standards (OWQS) from the Oklahoma Water Resources Board to the Department of Environmental Quality. Because agency rules already contained elements of a WQSIP prior to assuming responsibility for the OWQS, the proposed changes to this chapter are intended to streamline agency rules by combining the contents of Chapter 690 with the other WQSIP provisions found in Chapters 606 and 611. Applicable portions of Subchapter 1, titled "Introduction", Subchapter 5, titled "Groundwater Protection", and Subchapter 7, titled "Water Quality Standards Implementation Plan, Oklahoma Department of Environmental Quality" are proposed to be incorporated into Chapter 611. Applicable portions of Subchapter 1, titled "Introduction", Subchapter 3, titled "Point Source Discharges" and Appendices B, C, D, E, F, G, H, I and J are proposed to be incorporated into Chapter 606. As a result of the incorporation of these subchapters into different parts of the agency's rules, Chapter 690 is proposed to be revoked in its entirety.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, 2-6-103.2, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

Oral comments will be heard before the Water Quality Management Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, additional oral comments will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, February 13, 2024, at 9:30 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests comments from business entities or any other members of the public affected by these rules provide to DEQ, within the comment period, about any increase in the level of costs, such as fees, and also including indirect costs, such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-876; filed 11-8-23]

Notices of Rulemaking Intent

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 730. OKLAHOMA'S WATER QUALITY STANDARDS

[OAR Docket #23-877]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:730-1-1 [AMENDED]

252:730-1-2 [AMENDED]

252:730-1-4 [AMENDED]

Subchapter 5. Surface Water Quality Standards

Part 1. General Provisions

252:730-5-4 [AMENDED]

252:730-5-5 [AMENDED]

Part 3. Beneficial Uses and Criteria to Protect Uses

252:730-5-10 [AMENDED]

252:730-5-12 [AMENDED]

Part 5. Special Provisions

252:730-5-25 [AMENDED]

Subchapter 7. Groundwater Quality Standards

252:730-7-4 [AMENDED]

Appendix A. Designated Beneficial Uses of Surface Waters [REVOKED]

Appendix A. Designated Beneficial Uses of Surface Waters [NEW]

Appendix B. Areas with Waters of Recreational and/or Ecological Significance [REVOKED]

Appendix B. Areas with Waters of Recreational and/or Ecological Significance [NEW]

Appendix E. Requirements for Development of Site Specific Criteria for Certain Parameters [REVOKED]

Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameters [NEW]

Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water Quality (Beginning October 1976 Ending September 1983, Except as Indicated) [REVOKED]

Appendix F. Statistical Values of the Historical Data for Mineral Constituents of Water Quality (Beginning October 1976 Ending September 1983, Except as Indicated) [NEW]

Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]

Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [NEW]

SUMMARY:

The rules in this chapter make up the Oklahoma Water Quality Standards, which were recently enacted following a transfer in authority to the agency from the Oklahoma Water Resources Board. Proposed revisions to Section 252:730-1-1 will update statutory references to the agency's legal authority over water quality standards. Proposed revisions to this

Section 252:730-1-2 will combine or eliminate duplicative definitions. Other proposed revisions will correct formatting and typographical errors throughout the chapter, and will replace references to OAC 252:690 with references to OAC 252:606 as part of a plan to streamline and consolidate rules that will result in OAC 252:690 being revoked.

The agency proposes to revoke and re-enact revised versions of Appendices A, B, E, F, and H. The proposed changes to Appendix A include the modification of certain waterbody names, descriptions, and Waterbody ID Numbers in the existing version, but the proposed changes do not add, change or remove any beneficial uses for said waterbodies. A proposed change to Appendix B give a different WQM Segment number for the Blue River Wildlife Management Area. Proposed changes to Appendix E include the addition of identification numbers for the existing site-specific criteria listed in the existing version. Proposed changes to Appendix F correct a single citation error in the existing version. The proposed new Appendix H will contain new groundwater beneficial use designations associated with roughly nine new remediation sites regulated by DEQ's Land Protection Division since the last major Water Quality Standards revision.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

Oral comments will be heard before the Water Quality Management Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, additional oral comments will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, February 13, 2024, at 9:30 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ, within the comment period, comments about any increase in the level of costs, such as fees, and also including indirect costs, such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of

Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-877; filed 11-8-23]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 740. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS**

[OAR Docket #23-878]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:740-1-2 [AMENDED]

252:740-1-4 [AMENDED]

Subchapter 5. Implementation of Numerical Criteria to Protect Fish and Wildlife from Toxicity Due to Conservative Substances

252:740-5-3 [AMENDED]

Subchapter 7. Implementation of Numerical Criteria to Protect Human Health from Toxicity Due to Conservative Substances

252:740-7-3 [AMENDED]

Subchapter 9. Implementation of Criteria to Protect the Agriculture Beneficial Use

252:740-9-4 [AMENDED]

Subchapter 13. Implementation of Antidegradation Policy

252:740-13-8 [AMENDED]

Subchapter 15. Use Support Assessment Protocols

252:740-15-3 [AMENDED]

SUMMARY:

The rules in this chapter comprise the agency's implementation of Oklahoma Water Quality Standards, and

contain a number for references to numerical and qualitative testing methods. The proposed revisions will combine or eliminate duplicative definitions, correct typographical errors, and make minor formatting corrections. A proposed change to Section 252:740-15-3 will also replace a reference to an outdated EPA directive on quality assurance methods with a reference to the latest equivalent EPA directive issued in July 2023.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203.

Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2023, through January 9, 2024. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 9, 2024, and at the Environmental Quality Board meeting on February 13, 2024.

PUBLIC HEARINGS:

Oral comments will be heard before the Water Quality Management Advisory Council on January 9, 2024, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, additional oral comments will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, February 13, 2024, at 9:30 a.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide to DEQ, within the comment period, comments about any increase in the level of costs, in dollar amounts if possible, including direct costs, such as fees, and also including indirect costs, such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <https://www.deq.ok.gov/council-meetings/water-quality-management-advisory-council/>.

CONTACT PERSON:

Brian Clagg, Water Quality Division, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101-1677, email

Notices of Rulemaking Intent

brian.clagg@deq.ok.gov, phone (405) 702-8100, or fax (405) 702-8101.

PERSONS WITH DISABILITIES:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #23-878; filed 11-8-23]

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

[OAR Docket #23-808]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Disease and Injury Reporting
310:515-1-8 [AMENDED]

SUMMARY:

This change adds the requirement for COVID-19 specimens to be submitted to the OSDH Public Health Laboratory for variant testing.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104, 1-106, 1-502, and 1-503.

COMMENT PERIOD:

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking

lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

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 January 2, 2024, 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 Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #23-808; filed 10-30-23]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 517. NOVEL CORONAVIRUS REGULATIONS

[OAR Docket #23-809]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 517. Novel Coronavirus Regulations [REVOKED]

SUMMARY:

The revocation of this rule will remove COVID-19 reporting requirements as a separate rule.

Reporting requirements remain in the Department's communicable disease reporting requirements.

AUTHORITY:

Commissioner of Health; Title 63 O.S. §§ 1-104, 1-106, 1-502 and 1-503.

COMMENT PERIOD:

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified

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

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

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 January 2, 2024, 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 Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #23-809; filed 10-30-23]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 599. ZOO NOTIC DISEASE
CONTROL**

[OAR Docket #23-810]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:599-1-2. Definitions [AMENDED]
 - 310:599-1-5. Verifiable rabies vaccination [NEW]
- Subchapter 3. Rabies Control
 - 310:599-3-1. Management of dogs, cats, or ferrets that bite a person [AMENDED]
 - 310:599-3-2. Supervising veterinarian's responsibility [AMENDED]
 - 310:599-3-4. Management of other animals that bite a human [AMENDED]
 - 310:599-3-6. Unvaccinated domestic animals exposed to a rabid animal [AMENDED]
 - 310:599-3-8. Record of recognized rabies vaccination [AMENDED]
 - 310:599-3-9.1. Required immunization of dogs, cats, and ferrets [AMENDED]

SUMMARY:

These amendments and additions clarify language to better support county health departments, local law enforcement, animal control, veterinarians and OSDH when making decisions regarding quarantine and/or euthanasia of animals exposed to rabies or in animals involved in a bite to a human. These changes also clarify alternatives for animal owners after exposure to rabies. This amendment defines "booster vaccine" and adds a new section to define "verifiable rabies vaccine" for dogs, cats, and ferrets. The amendment removes specific language referencing the Public Health Laboratory Rabies contact information, and references only a designated rabies laboratory testing facility. This amendment clarifies the circumstances in which prospective serologic monitoring may occur in animals exposed to rabies. The amendment updates time frames veterinarians must keep record of rabies vaccination in accordance with other states and vaccinations. It also clarifies and creates consistent wording with time frames.

AUTHORITY:

Commissioner of Health; Title 63 O.S. §§ 1-104, 1-106, 1-502, 1-503.

COMMENT PERIOD:

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in

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the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

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 January 2, 2024, 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 Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #23-810; filed 10-30-23]

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

[OAR Docket #23-811]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Scoring
310:642-5-1 [AMENDED]

SUMMARY:

Senate Joint Resolution (SJR) 22 revoked OAC 310:642-5-1(2) (H) and (I), which were part of the formula used to calculate awards granted under Chapter 642. References to the revoked subparagraphs (H) and (I) were inadvertently left in the immediately preceding

subparagraph. The proposed language is an amendment to OAC 310:642-5-1(1), which removes the remaining references to (H) and (I) and conforms the section to the current descriptions.

AUTHORITY:

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

COMMENT PERIOD:

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

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 January 2, 2024, 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 Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue,

Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #23-811; filed 10-30-23]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 679. ~~LONG-TERM~~LONG-TERM CARE ADMINISTRATORS

[OAR Docket #23-812]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 679. ~~Long-Term~~Long-Term Care Administrators [AMENDED]

SUMMARY:

HB 2824 directed the transfer of employees, powers, duties, monies, contractual rights and certain administrative rules from the Oklahoma State Board of Examiners for Long Term Care Administrators (Board) to the Oklahoma State Department of Health (Department) effective November 1, 2023. The legislation abolishes the Board and transfers the Board's duties and authority to the Commissioner of Health and the Department. These proposed permanent rules will replace emergency rules and are necessary to ensure the uninterrupted licensure of long-term care administrators by the Department.

The proposed rule amendments remove the references to the Board and its authority and replace it throughout with the designation of the Commissioner of Health and the Department as the authority for the licensure of long-term care administrators. Revisions to the licensure rules also reflect statutory amendments to the licensure process for long term care administrators contained in 63 O.S. §§ 1-1949 et seq., the Long-Term Care Administrator Licensing Act, and 63 O.S. §§ 330.51 et seq., Nursing Home Administrators. The categories for licensure in the rules have been amended to reflect the "Tier 1" and "Tier 2" designations in the legislation. Licensure requirements, including minimum education requirements, training and continuing education have been aligned with the designation of the long-term care administrator as Tier 1 or Tier 2.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; HB 2824.

COMMENT PERIOD:

December 1, 2023 through the close of the Department's normal business hours, 5 PM, on January 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2024 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 4, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 9, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

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 January 2, 2024, 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 Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

[OAR Docket #23-812; filed 10-30-23]

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

[OAR Docket #23-820]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

- Subchapter 1. Administrative Appeals
 - 317:2-1-2 [AMENDED]
 - 317:2-1-2.6 [AMENDED]
 - Subchapter 3. Member Grievances and Appeals, Provider Complaints, and State Fair Hearings in ~~Managed Care~~ SoonerSelect
 - 317:2-3-1 [AMENDED]
 - 317:2-3-2 [AMENDED]
 - 317:2-3-3 [AMENDED]
 - 317:2-3-4 [AMENDED]
 - 317:2-3-5 [AMENDED]
 - 317:2-3-5.1 [NEW]
 - 317:2-3-6 [AMENDED]
 - 317:2-3-7 [AMENDED]
 - 317:2-3-8 [AMENDED]
 - 317:2-3-9 [AMENDED]
 - 317:2-3-10 [AMENDED]
 - 317:2-3-11 [AMENDED]
 - 317:2-3-12 [AMENDED]
 - 317:2-3-13 [AMENDED]
 - 317:2-3-14 [AMENDED]
- (Reference APA WF # 23-06A)

SUMMARY:

As directed by the Legislature within enrolled Senate Bills 1337 and 1396, the Oklahoma Health Care Authority proposes administrative policy changes to implement a new health care delivery system. The proposed policy changes comply with SB 1337 and SB 1396 by addressing the specific delivery reform requirements, defining terms, processes, and other requirements outlined throughout the bills, Request for Proposal (RFP) and executed contracts. Other revisions will revoke outdated language and make grammatical and formatting changes as needed.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 56 of the Oklahoma Statutes, Sections 4002-4004; Title 42 of the Code of Federal Regulations, Part 438

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Heather Cox, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Heather Cox, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Heather Cox, Federal Authorities Manager, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-820; filed 11-3-23]

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

[OAR Docket #23-821]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
 - Part 3. General Medical Program Information
 - 317:30-3-62 [AMENDED]
 - 317:30-3-63 [REVOKED]

(Reference APA WF # 23-08)

SUMMARY:

The proposed rules update The Oklahoma Health Care Authority's non-payment policies for provider preventable conditions (PPCs), including health care-acquired conditions (HCACs), and other provider-preventable conditions (OPPCs), for inpatient, outpatient, and long-term care services as required by Section 2702 of the Affordable Care Act of 2010. The rules delineate the conditions that will be identified for non-payment and the requirements for providers to report the PPCs regardless of whether the provider seeks SoonerCare reimbursement for services to treat the conditions consistent with federal regulation.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 2702 of the Patient Protection and Affordable Care Act of 2010

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Heather Cox, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Heather Cox, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Heather Cox, Federal Authorities Manager, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-821; filed 11-3-23]

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

[OAR Docket #23-822]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-5 [AMENDED]
(Reference APA WF # 23-09)

SUMMARY:

The emergency approval of these rule revisions would allow the OHCA to exempt from cost sharing/co-payments preventive services provided to expansion adults and vaccine administration provided to all SoonerCare members eligible to incur a copay.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes

Notices of Rulemaking Intent

and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-822; filed 11-3-23]

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

[OAR Docket #23-823]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 114. Doula Services [NEW]

317:30-5-1215 [NEW]

317:30-5-1216 [NEW]

317:30-5-1217 [NEW]

(Reference APA WF # 23-10)

SUMMARY:

The proposed additions will implement doula services as a covered benefit to SoonerCare members. The policy additions define what a doula is and the specific services/requirements including but not limited to, certification requirements from one of the Agency-recognized organizations, a referral from a licensed medical provider (physician, physician's assistant (PA), obstetrician, certified nurse midwife), and be at least 18 years of age. Furthermore, policy will outline that members will have eight doula visits, including one for labor and delivery care. Finally, additions will state that reimbursement for doula services is outlined in the Oklahoma Medicaid State Plan.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 C.F.R. Section 440.130(c)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the

Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #23-823; filed 11-3-23]

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

[OAR Docket #23-824]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 62. Private Duty Nursing

317:30-5-561 [NEW]

(Reference APA WF # 23-11)

SUMMARY:

The proposed revisions add clarification regarding the reimbursement for Private Duty Nursing (PDN) services, including when overtime payment is appropriate. Revisions state that overtime is available for nursing staff who are providing services to members with tracheostomies or who are medically dependent on a ventilator for life support at least six (6) hours per day.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; and 42 C.F.R. Section 440.80

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-824; filed 11-3-23]

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

[OAR Docket #23-825]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. Long-Term Care Facilities
317:30-5-136.2 [NEW]
(Reference APA WF # 23-12)

SUMMARY:

The proposed rules are to comply with Oklahoma Senate Bill 1074 which authorizes the Oklahoma Health Care Authority (OHCA) to implement an enhanced payment for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) that provide vocational services or day program services or both. The purpose of the enhanced payment is to offset costs incurred by the ICFs/IID in providing vocational services or day program services or both.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Oklahoma Senate Bill 1074; and Oklahoma Senate Bill 1040

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

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in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Bradley Downs, Sr. Policy and Program Advisor, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-825; filed 11-3-23]

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

[OAR Docket #23-826]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 34. Secure Behavioral Health Transportation [NEW]
317:30-5-347 [NEW]
317:30-5-348 [NEW]
317:30-5-349 [NEW]
317:30-5-350 [NEW]
317:30-5-351 [NEW]

(Reference APA WF # 23-13)

SUMMARY:

The proposed additions will implement secure mental health transportation as a covered benefit to SoonerCare members. The policy additions will outline what secure mental health transportation is and the specific services/requirements including but not limited to, eligible provider (driver/contractor) requirements, member program eligibility and the covered services, as well as the radius that will be taken into consideration when transporting members. Finally, additions will state that reimbursement for secure mental health transportation is outlined in the Oklahoma Medicaid State Plan.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #23-826; filed 11-3-23]

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

[OAR Docket #23-827]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-27 [AMENDED]
317:30-3-27.1 [NEW]
Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241.2 [AMENDED]

- Part 35. Rural Health Clinics
317:30-5-354 [AMENDED]
 - 317:30-5-355.2 [AMENDED]
 - Part 64. Clinic Services
317:30-5-575 [AMENDED]
 - Part 75. Federally Qualified Health Centers
317:30-5-664.3 [AMENDED]
 - 317:30-5-664.10 [AMENDED]
 - Part 110. Indian Health Services, Tribal Programs, and
Urban Indian Clinics (I/T/Us)
317:30-5-1087 [AMENDED]
 - 317:30-5-1098 [AMENDED]
- (Reference APA WF # 23-14)**

SUMMARY:

These proposed revisions are necessary so that certain services designated by the Oklahoma Health Care Authority may continue to be delivered via audio-only telecommunications after the expiration of the COVID-19 public health emergency. Audio-only telecommunications delivery means healthcare services delivered using audio-only technology, permitting real-time communication between a patient and the provider, for the purpose of diagnosis, consultation, or treatment. This is beneficial to certain patients who are unable to find transportation to the provider's office, or who are unable to access audio-visual telehealth services, or where there are access to care issues (e.g., rural or underserved issues).

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; and 63 O.S. Sections 5003 - 5016

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-827; filed 11-3-23]

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

[OAR Docket #23-828]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. Pharmacies

317:30-5-78 [AMENDED]

Part 17. Medical Suppliers

317:30-5-218 [AMENDED]

(Reference APA WF # 23-15)

SUMMARY:

The proposed additions will align reimbursement for certain biosimilar products with the Medicare Part B fee schedule. The Inflation Reduction Act (2022) included a provision directing Medicare Part B to increase reimbursement for certain biosimilar products from Average Sales Price (ASP) + 6% to ASP + 8%. Based on CMS guidance, OHCA is amending policy to replace specific references to ASP + 6% with language indicating payment will match Medicare Part B's fee schedule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 C.F.R. Section 440.120

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Notices of Rulemaking Intent

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-828; filed 11-3-23]

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

[OAR Docket #23-829]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-41 [AMENDED]

(Reference APA WF # 23-16A)

SUMMARY:

The proposed revisions update the ADvantage 1915(c) Home and Community Based Services (HCBS) Waiver

Program rules to lower the minimum enrollment age from 21 to 19, pursuant to the ADvantage Waiver amendment recently approved by CMS.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-829; filed 11-3-23]

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

[OAR Docket #23-830]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-35 [AMENDED]
(Reference APA WF # 23-17)

SUMMARY:

Oklahoma Senate Bill 1369 of the 2nd 2022 Regular Legislative Session implemented changes to the Statewide HIE resulting in the Agency adopting permanent rules on March 22, 2023 and the Governor subsequently disapproving those rules on June 23, 2023. The proposed revisions align policy with feedback received from members, providers, and the Governor which allow the HIE Coordinator to grant exemptions from the HIE when requested by any provider. Additionally, the proposed revisions provide information about the availability of grant funds to help cover connection fees.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 2022 OK Senate Bill 1369

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-830; filed 11-3-23]

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

[OAR Docket #23-831]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 51. Habilitation Services
317:30-5-482 [AMENDED]
(Reference APA WF # 23-19)

SUMMARY:

The proposed revisions increase the maximum number of units of adult day services that can be provided in a day from six (6) to eight (8) hours, thus allowing members who receive Developmental Disabilities Services through 1915(c) Home and Community Based Services (HCBS) waiver programs to maintain the level of support they were receiving through the Aging state-funded services. Additionally, policy revisions will change the name from adult day services to adult day health.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board, 1915(c) of the Social Security Act, and 2022 OK House Bill 4466

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-831; filed 11-3-23]

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

[OAR Docket #23-832]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individuals Providers and Specialties

Part 79. Dentists

317:30-5-700.1 [AMENDED]

317:30-5-704 [AMENDED]

(Reference APA WF #23-21)

SUMMARY:

The Agency proposes to transition the current orthodontic payment protocol from a bulk payment system to a quarterly

payment protocol. The new payment protocol will be based on twenty-four (24) months with built in progress reports. Proposed revisions will remove outdated language and add new language to delineate the new payment criteria and billing instructions.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #23-832; filed 11-3-23]

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

[OAR Docket #23-833]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 21. Outpatient Behavioral Health Services

317:30-5-240.3 [AMENDED]

317:30-5-241.5 [AMENDED]

(Reference APA WF # 23-22)

SUMMARY:

The proposed changes create multiple career pathways through work experience and/or college credit to increase availability of case managers. Changes will reduce the experience required for CM I and add alternative qualifications for CM II other than a college degree.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-833; filed 11-3-23]

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

[OAR Docket #23-834]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-41 [AMENDED]

317:30-5-47 [AMENDED]

(Reference APA WF # 23-23)

SUMMARY:

The proposed revisions seek to revise the Oklahoma Health Care Authority's hospital policy to reflect current business practices. Revisions will provide clarification to existing criteria surrounding items including split billing by providers, how a member is considered inpatient versus outpatient, payment structures, etc. Final revisions will make other grammatical and formatting changes as needed.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to

Notices of Rulemaking Intent

orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #23-834; filed 11-3-23]

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

[OAR Docket #23-835]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information

317:30-3-57 [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 17. Medical Suppliers

317:30-5-211.13 [AMENDED]

(Reference APA WF # 23-24)

SUMMARY:

The agency proposes rule revisions to clarify coverage of prosthetic hearing implants and ocular prosthetics for adults in the expansion population. These services and devices are authorized within the Medicaid State Plan; these revisions will clarify coverage for these devices and the surrounding services.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 435.119, Title 42 of the Code of Federal Regulations; Section 6407 of the Affordable Care Act; Section 504 of the Medicare Access and CHIP Reauthorization Act of 2015; Public Law 114-10; 42 Code of Federal Regulations (C.F.R.) § 440.70; and 42 C.F.R. § 440.120

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #23-835; filed 11-3-23]

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

[OAR Docket #23-836]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 85. ADvantage Program Waiver Services
317:30-5-761 [AMENDED]
(Reference APA WF # 23-25A)

SUMMARY:

The proposed rule revisions for the 1915(c) Home and Community Based Services (HCBS) ADvantage Waiver program and State Plan Personal Care Services seek to remove outdated processes, reduce unnecessary timeline and procedural burdens, clarify modalities used in medical eligibility assessments, and match recent system changes. Proposed revocations remove individual personal care assistants (IPCA) which are no longer used in these programs. Resumption of services information is removed from the closure section to reduce duplication. Proposed revisions also add Living Choice as a referral option when appropriate and provide general cleanup to the language.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-836; filed 11-3-23]

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

[OAR Docket #23-837]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacies
317:30-5-87 [AMENDED]
(Reference APA WF # 23-26)

SUMMARY:

The proposed revisions ensure OHCA has mechanisms in place to preserve the net cost on prescription drug services through the current 340B Shared Savings model. The revisions institute a 45-day due date from receipt of invoice, a monetary penalty/interest for paying after the due date (modeled on the methodology used in Prompt Payment Rules promulgated by OMES, OAC 260:10-3-3), and the ability to withhold payment from facilities that are non-compliant in order to receive the unpaid invoice amounts.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR Part 10

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345

Notices of Rulemaking Intent

North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-837; filed 11-3-23]

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

[OAR Docket #23-838]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 43. Agency Companion, Specialized Foster Care,
Daily Living Supports, Group Homes, and Community
Transition Services
317:30-5-423 [AMENDED]
Part 51. Habilitation Services
317:30-5-482 [AMENDED]

(Reference APA WF # 23-27A)

SUMMARY:

The proposed revisions seek to update Developmental Disabilities Services (DDS) rules to align with the amendments to the DDS 1915(c) Home and Community Based Services (HCBS) waiver programs that were approved by the Centers for Medicare and Medicaid Services (CMS), effective July 1, 2023. The proposed revisions reflect current practice, update outdated terminology, and remove obsolete references to architectural modifications.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-838; filed 11-3-23]

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

[OAR Docket #23-839]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 16. State Plan Personal Care Services for Expansion Adults, TEFRA Eligible Children and Certain MAGI Populations [NEW]

- 317:35-16-1 [NEW]
- 317:35-16-2 [NEW]
- 317:35-16-3 [NEW]
- 317:35-16-4 [NEW]
- 317:35-16-5 [NEW]
- 317:35-16-6 [NEW]
- 317:35-16-7 [NEW]
- 317:35-16-8 [NEW]
- 317:35-16-9 [NEW]
- 317:35-16-10 [NEW]

(Reference APA WF # 23-01)

SUMMARY:

The proposed rules will add new policy to delineate eligibility requirements, definitions, medical eligibility criteria for personal care, and the process for medical eligibility determinations. Additionally, rules will be added to reflect the current business practice for approving the TEFRA population and any EPSDT members who meet medical necessity to receive personal care services.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Oklahoma Title XIX State Plan; Section 1937 of the Social Security Act; 42 CFR 440.167

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd.,

Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org

[OAR Docket #23-839; filed 11-3-23]

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

[OAR Docket #23-840]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. SoonerCare for Pregnant Women and Families with Children

Part 3. Application Procedures

317:35-6-15 [AMENDED]

(Reference APA WF # 23-05)

SUMMARY:

The proposed revisions update rules on application procedures regarding the process of filing a Notification of Date of Service (NODOS). The current five (5) day requirement for the hospital to file the electronic NODOS will remain in effect; however, after the electronic NODOS is filed, the applicant or someone acting on behalf of the applicant will have forty (40) days to submit a completed SoonerCare application instead of the current fifteen (15) days.

Notices of Rulemaking Intent

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-840; filed 11-3-23]

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

[OAR Docket #23-841]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. ADvantage Waiver Services

317:35-17-1 [AMENDED]

317:35-17-3 [AMENDED]

(Reference APA WF # 23-16B)

SUMMARY:

The proposed revisions update the ADvantage 1915(c) Home and Community Based Waiver Services (HCBS) Program rules to lower the minimum enrollment age from 21 to 19, pursuant to the ADvantage Waiver amendment recently approved by CMS.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-841; filed 11-3-23]

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

[OAR Docket #23-842]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
317:35-1-2 [AMENDED]
 - Subchapter 6. SoonerCare for Pregnant Women and Families with Children
 - Part 7. Certification, Redetermination and Notification
317:35-6-60 [AMENDED]
317:35-6-60.1 [AMENDED]
317:35-6-61 [AMENDED]
 - Subchapter 7. Medical Services
 - Part 3. Application Procedures
317:35-7-16 [AMENDED]
- (Reference APA WF # 23-18)**

SUMMARY:

The proposed revisions update policy on certification for SoonerCare to implement 12-months continuous eligibility for children's Medicaid and Children's Health Insurance Plan (CHIP) in compliance with the Consolidated Appropriations Act of 2023.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1902(e) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345

North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-842; filed 11-3-23]

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

[OAR Docket #23-843]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Medical Services
- Part 7. Certification, Redetermination and Notification
317:35-7-61.1 [AMENDED]
- Subchapter 9. ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals
- Part 5. Determination of Medical Eligibility for ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals

Notices of Rulemaking Intent

317:35-9-45 [AMENDED]
317:35-9-48.1 [AMENDED]
(Reference APA WF # 23-20A)

SUMMARY:

The proposed revisions will help alleviate wait times for Tax Equity and Fiscal Responsibility (TEFRA) approval by adding additional provider types to conduct psychological evaluations for TEFRA applicants. In addition to licensed psychologists or school psychologists as currently outlined in policy, certified psychometrists, psychological technicians of a psychologist, and licensed behavioral health professionals will be added to policy. Additionally, policy will be revised to reflect a new business process of conducting Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care reevaluations biennially rather than annually. Finally, policy will be revised to no longer require IQ testing for children under age six.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board, and the TEFRA Act of 1982 [P.L. 97-248]

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-843; filed 11-3-23]

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

[OAR Docket #23-844]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. State Plan Personal Care Services

317:35-15-2 [AMENDED]

317:35-15-4 [AMENDED]

317:35-15-8 [AMENDED]

317:35-15-8.1 [AMENDED]

317:35-15-10 [AMENDED]

317:35-15-13.1 [REVOKED]

317:35-15-13.2 [REVOKED]

Subchapter 17. ADvantage Waiver Services

317:35-17-2 [AMENDED]

317:35-17-4 [AMENDED]

317:35-17-5 [AMENDED]

317:35-17-14 [AMENDED]

317:35-17-18 [AMENDED]

317:35-17-19 [AMENDED]

317:35-17-21.1 [AMENDED]

317:35-17-26 [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-2 [AMENDED]

317:35-19-18 [AMENDED]

(Reference APA WF # 23-25B)

SUMMARY:

The proposed rule revisions for the 1915(c) Home and Community Based Services (HCBS) ADvantage Waiver program and State Plan Personal Care Services seek to remove outdated processes, reduce unnecessary timeline and procedural burdens, clarify modalities used in medical eligibility assessments, and match recent system changes. Proposed revocations remove individual personal care assistants (IPCA) which are no longer used in these programs. Resumption of services information is removed from the closure section to reduce duplication. Proposed revisions also add Living Choice as a referral option when appropriate and provide general cleanup to the language.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-844; filed 11-3-23]

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

[OAR Docket #23-845]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
317:40-1-1 [AMENDED]
(Reference APA WF # 23-20B)

SUMMARY:

The proposed revisions will help alleviate wait times for Tax Equity and Fiscal Responsibility (TEFRA) approval by adding additional provider types to conduct psychological evaluations for TEFRA applicants. In addition to licensed psychologists or school psychologists as currently outlined in policy, certified psychometrists, psychological technicians of a psychologist, and licensed behavioral health professionals will be added to policy. Additionally, policy will be revised to reflect a new business process of conducting Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care reevaluations biennially rather than annually. Finally, policy will be revised to no longer require IQ testing for children under age six.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board, and the TEFRA Act of 1982 [P.L. 97-248]

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

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services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-845; filed 11-3-23]

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

[OAR Docket #23-846]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Member Services

Part 9. Service Provisions

317:40-5-101 [AMENDED]

(Reference APA WF # 23-27B)

SUMMARY:

The proposed revisions seek to update Developmental Disabilities Services (DDS) rules to align with the amendments to the DDS 1915(c) Home and Community Based Services (HCBS) waiver programs that were approved by the Centers for Medicare and Medicaid Services (CMS), effective July 1, 2023. The proposed revisions reflect current practice, update outdated terminology, and remove obsolete references to architectural modifications.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345

North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Sean Webster, Senior Policy & Program Advisor, (405) 522-7227, petitions@okhca.org.

[OAR Docket #23-846; filed 11-3-23]

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

[OAR Docket #23-847]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:45-1-3 [AMENDED]

Subchapter 5. Insure Oklahoma Qualified Benefit Plans

317:45-5-1 [AMENDED]

(Reference APA WF # 23-02)

SUMMARY:

The proposed rules will update Insure Oklahoma policy to comply with Oklahoma Senate Bill 1323, which added language to Title 56 Oklahoma Statutes (O.S.) § 1010.1.

The policy additions mirror the bill's language regarding self-funded/self-insured plans to address that qualified benefit plans may become a self-funded or self-insured benefit plan if certain criteria are met.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 56 O.S. § 1010.1

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #23-847; filed 11-3-23]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 55. MANAGED CARE**

[OAR Docket #23-848]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 317:55-1-1 [AMENDED]
 - 317:55-1-2 [REVOKED]
 - 317:55-1-3 [AMENDED]
 - 317:55-1-4 [NEW]
 - 317:55-1-5 [NEW]
- Subchapter 3. General Program Information
 - Part 1. Eligibility, Enrollment and Continuity of Care
 - 317:55-3-1 [AMENDED]
 - 317:55-3-2 [AMENDED]
 - 317:55-3-3 [AMENDED]
 - Part 3. Scope and Administration~~Access to Covered Services and Provider Network Standards~~
 - 317:55-3-10 [AMENDED]
 - 317:55-3-11 [AMENDED]
 - 317:55-3-12 [AMENDED]
 - 317:55-3-13 [AMENDED]
 - 317:55-3-14 [AMENDED]
 - 317:55-3-15 [NEW]
 - 317:55-3-16 [NEW]
 - Part 5. Required Federal Authorizations~~Grievance, Appeal and Provider Complaint System~~
 - 317:55-3-20 [AMENDED]
 - 317:55-3-21 [AMENDED]
- Subchapter 5. Requirements for ~~Managed Care Organizations~~Contracted Entities and Dental Benefits Managers
 - Part 1. Accreditation and Readiness~~Monitoring, Program Integrity, Data, and Reporting~~
 - 317:55-5-1 [AMENDED]
 - 317:55-5-2 [AMENDED]
 - 317:55-5-3 [NEW]
 - Part 3. Provider Requirements~~Non-Compliance of a CE and/or DBM and Notifications~~
 - 317:55-5-10 [AMENDED]
 - 317:55-5-11 [AMENDED]
 - 317:55-5-12 [AMENDED]
 - 317:55-5-13 [AMENDED]
 - 317:55-5-14 [AMENDED]
 - Part 5. Finance
 - 317:55-5-20 [AMENDED]
 - 317:55-5-21 [AMENDED]
 - 317:55-5-22 [AMENDED]
 - 317:55-5-23 [AMENDED]
 - 317:55-5-24 [AMENDED]
 - 317:55-5-25 [AMENDED]
 - 317:55-5-26 [NEW]

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Part 7. The ~~Managed Care~~ SoonerSelect Quality Advisory Committee

317:55-5-30 [AMENDED]

317:55-5-31 [AMENDED]

(Reference APA WF # 23-06B)

SUMMARY:

As directed by the Legislature within enrolled Senate Bills 1337 and 1396, the Oklahoma Health Care Authority proposes administrative policy changes to implement a new health care delivery system. The proposed policy changes comply with SB 1337 and SB 1396 by addressing the specific delivery reform requirements, defining terms, processes, and other requirements outlined throughout the bills, Request for Proposal (RFP) and executed contracts. Other revisions will revoke outdated language and make grammatical and formatting changes as needed.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 56 of the Oklahoma Statutes, Sections 4002-4004; Title 42 of the Code of Federal Regulations, Part 438

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 2, 2024 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes.

Persons may also present their views in writing to: Heather Cox, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 8, 2024 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Heather Cox, at the above addresses, before the close of the comment period on January 2, 2024.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 1, 2023.

CONTACT PERSON:

Heather Cox, Federal Authorities Manager, (405) 522-7229, petitions@okhca.org.

[OAR Docket #23-848; filed 11-3-23]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #23-854]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Description of Forms and Instructions

365:1-9-5. Surplus lines forms [AMENDED]

SUMMARY:

365:1-9-5. Updates language for a new electronic process for submitting information related to surplus lines quarterly and annual filings and tax payments.

AUTHORITY:

Insurance Commissioner; 15 O.S. § 141.3; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. §§ 358 and 1302.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 5, 2024. Comments shall be directed to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Thursday, January 4th, 2024 at 9:00 a.m. at the Oklahoma Insurance Department, 400 Northeast 50th Street, Room 132, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on January 5, 2024.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be

inspected and obtained on the Insurance Department's website at www.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after December 15, 2023, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Government and Community Affairs Director, (405) 521-6616.

[OAR Docket #23-854; filed 11-7-23]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 10. LIFE, ACCIDENT AND
HEALTH**

[OAR Docket #23-855]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- Part 1. General Provisions
- 365:10-1-18. Annual Provider Directory Audit Report [NEW]

SUMMARY:

365:10-1-18. Sets up timelines and processes for submitting reports required by SB442 (2023).

AUTHORITY:

Insurance Commissioner; 15 O.S. § 141.3; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. § 358 and 1302.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 5, 2024. Comments shall be directed to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Thursday, January 4th, 2024 at 9:00 a.m. at the Oklahoma Insurance Department, 400 Northeast 50th Street, Room 132, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on January 5, 2024.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after December 15, 2023, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Government and Community Affairs Director, (405) 521-6616.

[OAR Docket #23-855; filed 11-7-23]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 15. PROPERTY AND CASUALTY**

[OAR Docket #23-856]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 365:15-1-3.3. Oklahoma workers' compensation assigned risk insurance plan [NEW]
- 365:15-1-26. Motor vehicle repairs [NEW]

SUMMARY:

365:15-1-3.3. Adds in parameters for a third-party designation and direct assignment by the Commissioner for the new risk pool created by statute last year.

365:15-1-26. Adds parameters for Insurers to follow when doing market surveys for body shop repairs.

AUTHORITY:

Insurance Commissioner; 15 O.S. § 141.3; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. §§ 358 and 1302.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 5, 2024. Comments shall be directed to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Thursday, January 4th, 2024 at 9:00 a.m. at the Oklahoma Insurance Department, 400 Northeast 50th Street, Room 132, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on January 5, 2024.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after December 15, 2023, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Government and Community Affairs Director, (405) 521-6616.

[OAR Docket #23-856; filed 11-7-23]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. OTHER LICENSEES

[OAR Docket #23-857]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors

365:25-3-13. Surplus line insurance with non-admitted insurer; approval prior to issuance; collection and remittance of taxes; claims for tax adjustments; procedures; forms [AMENDED]

365:25-3-22. Service warranty financial statement filing and fees [NEW]

Subchapter 7. Companies

Part 5. Oklahoma Insurance Holding Company System Regulatory Act

365:25-7-23. Forms: general requirements [AMENDED]

365:25-7-29.1. Transactions subject to prior notice - notice filing (Form D) [AMENDED]

Subchapter 15. Captive Insurance Companies Regulation

365:25-15-1.1. Definitions [AMENDED]

Subchapter 29. Pharmacy Benefit Managers

365:25-29-7.1. Retail pharmacy network access - audit [REVOKED]

365:25-29-8. PBM to file certain financial statements with the Commissioner [AMENDED]

365:25-29-10. Penalty for noncompliance [AMENDED]

365:25-29-14. Inquiry/complaint handling process [REVOKED]

365:25-29-15. Examinations and investigations of PBMs and health insurers [AMENDED]

365:25-29-16. Transparency requirements and aggregate reporting [REVOKED]

SUMMARY:

365:25-3-13. Updates language for a new electronic process for submitting information related to surplus lines quarterly and annual filings and tax payments.

365:25-3-22. Adds new language specifying when quarterly financial statements and fees are due.

365:25-7-23. Updates requirements in the receivership process to be in compliance with accreditation standards.

365:25-7-29.1. Updates requirements in the receivership process to be in compliance with accreditation standards.

365:25-15-1.1. Updates language to include other qualified individuals to be approved by the Commissioner for feasibility studies.

365:25-29-7.1. Removed unnecessary language after enforcement of pharmacy benefit managers ("PBMs") moved to the Attorney General's Office effective November 1, 2023.

365:25-29-8. Removes audited requirement from financial statements.

365:25-29-10. Amended to update language after enforcement of PBMs moved to the Attorney General's Office effective November 1, 2023.

365:25-29-14. Revoked due to changes in statute.

365:25-29-15. Amended to update language due to changes in statute.

365:25-29-16. Revoked due to changes in statute.

AUTHORITY:

Insurance Commissioner; 15 O.S. § 141.3; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. §§ 358 and 1302.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 5, 2024. Comments shall be directed to Ashley Scott, Government and Community Affairs Director, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Thursday, January 4th, 2024 at 9:00 a.m. at the Oklahoma Insurance Department, 400 Northeast 50th Street, Room 132, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Government and Community Affairs Director,

Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on January 5, 2024.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after December 15, 2023, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Insurance Department's website at www.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Government and Community Affairs Director, (405) 521-6616.

[OAR Docket #23-857; filed 11-7-23]

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

[OAR Docket #23-879]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-4.1. [AMENDED]

Subchapter 19. Peer Assistance Program

485:10-19-4. [AMENDED]

SUMMARY:

Proposed changes to 485:10-5-4.1 provide an option for Board-approved nursing education programs with at least 600 total program clinical hours to provide 50% simulated patient care experiences, provided at least one individual within the nursing education program is simulation-certified. With existing limitations of clinical sites in the state of Oklahoma, student learning opportunities can be provided in simulation labs. These changes were undertaken in an emergency rulemaking action adopted by the OK Board of Nursing on January 24, 2023, and approved by Governor Stitt on February 1, 2023.

Proposed changes to 485:10-19-4 allow for expanding the Peer Assistance Committee member applicant criteria to increase the number of Committee members that serve as subject matter experts, monitoring the progression, compliance, and recovery of Peer Program Participants. The Peer Assistance Program was established to ensure the rehabilitation of nurses who may have compromised competency because of a substance use disorder(s). The Peer

Assistance Committee determines Participant Program progression, assuring these nurses with substance use disorder(s) are rehabilitated and are safe to return to practice.

AUTHORITY:

Oklahoma Board of Nursing; 59 O.S., §§ 567.2 (A), 567.4(F), 567.12, 567.17(D)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m. on January 19, 2024, at the following address: Oklahoma Board of Nursing, P.O. Box 52926, Oklahoma City, Oklahoma 73152, Attn: Mike Starchman, RN, CPA, Deputy Executive Director

PUBLIC HEARING:

A public hearing will be held at 5:30 p.m. on Tuesday, January 23, 2024, at The Sheraton Oklahoma City Downtown, 2nd floor Ballroom, 1 North Broadway Avenue, Oklahoma City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 23, 2024.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 19, 2024, at 4:30 p.m., to the Oklahoma Board of Nursing, P.O. Box 52926, Oklahoma City, OK 73152, Attn: Mike Starchman, RN, CPA, Deputy Executive Director

COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Mike Starchman, RN, CPA, Deputy Executive Director, at the Oklahoma Board of Nursing, physical address: 2501 N. Lincoln Blvd., Ste. 207, Oklahoma City, Oklahoma 73105, mailing address: P.O. Box 52926, Oklahoma City, OK 73152, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at: <https://oklahoma.gov/nursing/title-485-rules.html>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Mike Starchman, RN, CPA, Deputy Executive Director, at the Oklahoma Board of Nursing, physical address: 2501 N. Lincoln Blvd., Ste. 207, Oklahoma City, OK 73105, mailing address: P.O. Box 52926, Oklahoma City, OK 73152, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at:

<https://oklahoma.gov/nursing/title-485-rules.html>

CONTACT PERSON:

Mike Starchman, RN, CPA, Deputy Executive Director, (405) 962-1809.

[OAR Docket #23-879; filed 11-8-23]

Notices of Rulemaking Intent

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 1. PROCEDURES OF THE PARDON AND PAROLE BOARD

[OAR Docket #23-884]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Meetings
515:1-7-1 [AMENDED]
515:1-7-2 [AMENDED]

SUMMARY:

The amended language in Subchapter 7 modifies the location of Board meetings and facilitation of meeting security to reflect current practice. Additionally, the amendments provide the Chair discretion to set reasonable time limits for persons appearing before the Board and limit comments if more than one person addresses the Board on the same topic.

This rulemaking action is submitted as part of a package of proposed rule changes. The overarching goal is to promote fairness, transparency, efficiency, and consistency in the Pardon and Parole Board's procedures.

AUTHORITY:

Oklahoma Pardon and Parole Board; Okla. Const., Art. 6, § 10; 57 O.S. § 332.2

COMMENT PERIOD:

Written comments accepted until the conclusion of the public hearing on January 8, 2024, at the Oklahoma Pardon and Parole Board meeting. Written comments may be mailed to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105, or emailed to rules@ppb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at OK Health Care Authority, Meeting Rm 1013, 4345 N Lincoln Blvd, OKC 73105, January 8, 2024, at 9:00 a.m. Each person will be allowed a maximum of three (3) minutes to speak and must sign in at the door by 9:10 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.ok.gov/ppb, by emailing rules@ppb.ok.gov, or by mailing a written request to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available at the addresses above.

CONTACT PERSON:

Kyle Counts, General Counsel, Oklahoma Pardon and Parole Board, 405-521-6600, Kyle.Counts@ppb.ok.gov.

[OAR Docket #23-884; filed 11-8-23]

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 10. CLEMENCY HEARINGS

[OAR Docket #23-885]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Clemency Hearing Procedures
515:10-5-1 [AMENDED]

SUMMARY:

The amended language requires an PDF electronic copy of the Clemency Hearing Packet to be submitted to the Board.

This rulemaking action is submitted as part of a package of proposed rule changes. The overarching goal is to promote fairness, transparency, efficiency, and consistency in the Pardon and Parole Board's procedures.

AUTHORITY:

Oklahoma Pardon and Parole Board; Okla. Const., Art. 6, § 10; 57 O.S. § 332.2

COMMENT PERIOD:

Written comments accepted until the conclusion of the public hearing on January 8, 2024, at the Oklahoma Pardon and Parole Board meeting. Written comments may be mailed to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105, or emailed to rules@ppb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at OK Health Care Authority, Meeting Rm 1013, 4345 N Lincoln Blvd, OKC 73105, January 8, 2024, at 9:00 a.m. Each person will be allowed a maximum of three (3) minutes to speak and must sign in at the door by 9:10 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.ok.gov/ppb, by emailing rules@ppb.ok.gov, or by mailing a written request to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available at the addresses above.

CONTACT PERSON:

Kyle Counts, General Counsel, Oklahoma Pardon and Parole Board, 405-521-6600, Kyle.Counts@ppb.ok.gov.

[OAR Docket #23-885; filed 11-8-23]

**TITLE 515. PARDON AND PAROLE BOARD
CHAPTER 15. COMMUTATION
PROCEDURES**

[OAR Docket #23-886]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 515:15-1-2 [AMENDED]
- Subchapter 3. Commutation Eligibility Criteria
- 515:15-3-1 [AMENDED]
- 515:15-3-2 [NEW]
- 515:15-3-3 [NEW]
- 515:15-3-4 [NEW]
- 515:15-3-5 [NEW]
- Subchapter 5. Commutation Application
- 515:15-5-1 [AMENDED]
- 515:15-5-2 [AMENDED]
- Subchapter 7. Victim Notification Program
- 515:15-7-1 [AMENDED]
- Subchapter 11. Board Review Process and Commutation Application Hearing
- 515:15-11-1 [AMENDED]
- 515:15-11-2 [AMENDED]
- 515:15-11-4 [AMENDED]
- 515:15-11-5 [AMENDED]
- 515:15-11-6 [AMENDED]
- Subchapter 15. Reapplication
- 515:15-15-1 [AMENDED]

SUMMARY:

In Subchapter 1, a definition for "Adverse Decisions" is added for purposes of reapplication requirements.

Subchapter 3 is amended to clarify general commutation eligibility requirements, and new Sections provide the four distinct criteria for establishing commutation eligibility:

The first eligibility criteria applies to inmates with a change in the sentencing range for one or more of their current offense(s) since the time of sentencing.

Second, inmates without a projected release date become eligible for commutation consideration after 30 years of incarceration.

The third eligibility criteria applies to inmates whose application is made pursuant to a recommendation from a trial official.

Fourth, inmates whose eligibility is certified thereto by the Governor will be docketed for Board consideration, in accordance with 57 O.S. Section 332.2(A).

Subchapter 5 regarding commutation applications is being amended to provide solutions to excessive illegible, incomplete, and falsified applications. Section 515:15-5-1 updates commutation application requirements to clarify when an application is considered altered.

The proposed amendments in Section 515:15-5-1 specify that the agency will verify commutation applications to ensure all eligibility criteria are satisfied and all required information is complete. The amendment also increases the deadline to review, verify and provide notification to the inmate of incomplete or unsatisfied eligibility criteria from 10 to 15 business days of receipt of the application. The amended language further specifies the manner in which the inmate shall provide missing information.

The amended language in Section 515:15-5-2 confirms that applicants may be denied by the Board, without further consideration, for knowingly and purposefully submitting falsified applications.

Subchapter 7 is updated with correct information.

Subchapter 11 adds clarifying language that specifies eligible applications will be set for review by the Board. Additionally, Subchapter 11 updates location and security information for meetings and gives the Chair discretion to set reasonable time limits for persons appearing before the Board.

Revisions to Subchapter 15 are proposed to address docketing of inmates with multiple recent denials and adverse decisions by the Board.

This rulemaking action is submitted as part of a package of proposed rule changes. The overarching goal is to promote fairness, transparency, efficiency, and consistency in the Pardon and Parole Board's procedures.

AUTHORITY:

Oklahoma Pardon and Parole Board; Okla. Const., Art. 6, § 10; 57 O.S. § 332.2

COMMENT PERIOD:

Written comments accepted until the conclusion of the public hearing on January 8, 2024, at the Oklahoma Pardon and Parole Board meeting. Written comments may be mailed to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105, or emailed to rules@ppb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at OK Health Care Authority, Meeting Rm 1013, 4345 N Lincoln Blvd, OKC 73105, January 8, 2024, at 9:00 a.m. Each person will be allowed a maximum of three (3) minutes to speak and must sign in at the door by 9:10 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.ok.gov/ppb, by emailing rules@ppb.ok.gov, or by mailing a written request to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available at the addresses above.

CONTACT PERSON:

Kyle Counts, General Counsel, Oklahoma Pardon and Parole Board, 405-521-6600, Kyle.Counts@ppb.ok.gov.

[OAR Docket #23-886; filed 11-8-23]

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 20. PARDON PROCEDURES

[OAR Docket #23-887]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Pardon Eligibility Criteria
515:20-3-1 [AMENDED]
- Subchapter 5. Pardon Application
515:20-5-1 [AMENDED]
515:20-5-2 [AMENDED]
- Subchapter 7. Pre-Pardon Investigations
515:20-7-1 [AMENDED]
- Subchapter 9. Victim Notification
515:20-9-1 [AMENDED]
- Subchapter 13. Board Review Process and Pardon Application Hearing
515:20-13-1 [AMENDED]
515:20-13-2 [AMENDED]
515:20-13-3 [AMENDED]
515:20-13-4 [AMENDED]
515:20-13-5 [AMENDED]

SUMMARY:

In Subchapter 3, pardon eligibility is amended to require applicants to: (1) discharge sentences at least five years prior to application, (2) if on probation or parole during any part of previous five years, have five consecutive years of success prior to application, without supervision, or with a favorable reference from the applicant's supervising officer, or (3) be certified by the Governor as eligible for Board consideration, in accordance with 57 O.S. Section 332.2(A).

Subchapter 5 is amended to reflect the current practice of providing pardon application instructions on the agency's website and on the application and providing notifications for incomplete applications.

The proposed amendments in Subchapter 7 specify that the agency will verify pardon applications to ensure all eligibility criteria are satisfied and all required information is complete prior to a referral to the Department of Corrections for a Pre-Pardon Investigation.

The amended language in Subchapter 9 updates a website address.

Subchapter 13 is amended to reflect changes in eligibility and incorporates a policy the Board has recently implemented

in meetings when considering pardon applications. Additionally, Subchapter 13 updates location and security of meetings and gives the Chair discretion to set reasonable time limits for persons appearing before the Board.

This rulemaking action is submitted as part of a package of proposed rule changes. The overarching goal is to promote fairness, transparency, efficiency, and consistency in the Pardon and Parole Board's procedures.

AUTHORITY:

Oklahoma Pardon and Parole Board; Okla. Const., Art. 6, § 10; 57 O.S. § 332.2

COMMENT PERIOD:

Written comments accepted until the conclusion of the public hearing on January 8, 2024, at the Oklahoma Pardon and Parole Board meeting. Written comments may be mailed to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105, or emailed to rules@ppb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at OK Health Care Authority, Meeting Rm 1013, 4345 N Lincoln Blvd, OKC 73105, January 8, 2024, at 9:00 a.m. Each person will be allowed a maximum of three (3) minutes to speak and must sign in at the door by 9:10 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.ok.gov/ppb, by emailing rules@ppb.ok.gov, or by mailing a written request to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available at the addresses above.

CONTACT PERSON:

Kyle Counts, General Counsel, Oklahoma Pardon and Parole Board, 405-521-6600, Kyle.Counts@ppb.ok.gov.

[OAR Docket #23-887; filed 11-8-23]

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 25. PAROLE PROCEDURES

[OAR Docket #23-888]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Victim Notification Program
515:25-5-1 [AMENDED]
- Subchapter 13. Revocation
515:25-13-1 [NEW]
515:25-13-2 [NEW]

515:25-13-3 [NEW]
515:25-13-4 [NEW]
515:25-13-5 [NEW]

SUMMARY:

The amended language in Subchapter 5 updates a website address.

New Sections in Subchapter 13 establish revocation proceeding rules to reflect current practice.

This rulemaking action is submitted as part of a package of proposed rule changes. The overarching goal is to promote fairness, transparency, efficiency, and consistency in the Pardon and Parole Board's procedures.

AUTHORITY:

Oklahoma Pardon and Parole Board; Okla. Const., Art. 6, § 10; 57 O.S. § 332.2

COMMENT PERIOD:

Written comments accepted until the conclusion of the public hearing on January 8, 2024, at the Oklahoma Pardon and Parole Board meeting. Written comments may be mailed to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105, or emailed to rules@ppb.ok.gov.

PUBLIC HEARING:

A public hearing will be held at OK Health Care Authority, Meeting Rm 1013, 4345 N Lincoln Blvd, OKC 73105, January 8, 2024, at 9:00 a.m. Each person will be allowed a maximum of three (3) minutes to speak and must sign in at the door by 9:10 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.ok.gov/ppb, by emailing rules@ppb.ok.gov, or by mailing a written request to the following address: Oklahoma Pardon and Parole Board, Attn: Rules, 2501 N. Lincoln Blvd., Suite 201, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available at the addresses above.

CONTACT PERSON:

Kyle Counts, General Counsel, Oklahoma Pardon and Parole Board, 405-521-6600, Kyle.Counts@ppb.ok.gov.

[OAR Docket #23-888; filed 11-8-23]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #23-851]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 14. Scheduled or Controlled Dangerous Substances Classifications or Exclusions
535:1-14-3. Procedure [AMENDED]

SUMMARY:

The revision in 535:1-14-3 corrects a cite from 535:1-13-1 to 535:1-8-1. The revision in 535:1-14-4 removes the (a) from the implied (a) to correct formatting as require by the Administrative Rules on Rulemaking (ARR).

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11 - 353.20.1, 353.22, 353.24 - 354, 375.1-375.5; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

COMMENT PERIOD:

Persons may submit written comments through January 22, 2024, at 9:00 a.m. to Marty Hendrick at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212 or by email to pharmacy@pharmacy.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Wednesday, January 24, 2024, at 2920 N Lincoln Blvd Ste A, Board room, Oklahoma City, OK 73105-4212. Anyone who wishes to speak must sign in at the door by 8:35 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s). Business entities may submit this information in writing to Marty Hendrick at the above addresses, before the close of the comment period at 9:00 a.m. on January 22, 2024.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and may be obtained from OSBP at the above address beginning November 1, 2023. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Marty Hendrick, 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212, (405) 521-3815, pharmacy@pharmacy.ok.gov.

[OAR Docket #23-851; filed 11-3-23]

Notices of Rulemaking Intent

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

[OAR Docket #23-852]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Pharmacies

535:15-3-2. Pharmacy responsibilities [AMENDED]

Subchapter 4. Remote Medication Order Processing (RMOP) and RMOP Pharmacy for Hospital Pharmacies

535:15-4-2. Definitions [AMENDED]

535:15-4-5. Responsibilities and duties of RMOP pharmacies and pharmacy manager [pharmacist in charge (PIC's)] [AMENDED]

Subchapter 5. Hospital Pharmacies

535:15-5-2. Definitions [AMENDED]

535:15-5-9. Hospital pharmacy physical requirements [AMENDED]

535:15-5-19. Remote medication order processing (RMOP) [AMENDED]

Subchapter 6. Hospital Drug Room

535:15-6-2. Definitions [AMENDED]

535:15-6-6. Physical requirements [AMENDED]

535:15-6-9. Emergency room pre-packaged medications formulary [AMENDED]

535:15-6-20. Remote medication order processing (RMOP) [AMENDED]

Subchapter 7. Drug Supplier Permits

535:15-7-1. Definitions [AMENDED]

Subchapter 10. Good Compounding Practices

Part 1. Good Compounding Practices for Non-Sterile Preparations [AMENDED]

535:15-10-1.1 Preparation of compounded drug products for over-the-counter (OTC) sale [NEW]

SUMMARY:

The revision in 535:15-3.2 (j) implied (1) is renumbered to (1), (2) is added describing a change in the pharmacist in charge (PIC) report is required to the Board within ten days (10 days), (3) is added requiring pharmacies that are closing for lack of staffing or other reasons where the pharmacy will not be open during their normal business hours to report to the Board; and describes what must be included in this report.

In 535:15-4-2. the 'Remote medication order processing' and the 'remote medication order processing pharmacy' definitions are changed.

For both 535:15-4-5 (1) (G) and 535:15-4-5 (2) (B) the cites are corrected from 535:15-5-9 (1) (B) and (l) (C) to 535:15-5-9.1.

In 535:15-5-2. the Remote medication order processing definition in changed.

535:15-5-9. Implied (a) (6) Security adds (A) to the implied (A) and adds (B) requiring electronic alarm and video recording system to protect against theft and diversion.

Revised in 535:15-5-19 (d) the cites are corrected from 535:15-5-9 (1) (B) and (l) (C) to 535:15-5-9.1.

In 535:15-6-2. the Remote medication order processing definition in changed.

Revised in 535:15-6-2 implied (a) the word insure is corrected to ensure. In 535:15-6-2 (a) (2) (A) ', 1 through 5' is deleted. 535:15-6-2 (a) (6) Security adds (A) to the implied (A) and adds (B) requiring electronic alarm and video recording system to protect against theft and diversion.

The revision in 535:15-6-9 (b) (9) will allow up to three types of Asthma medication per ER formulary.

The revision in 535:15-6-20 (d) the cites are corrected from 535:15-5-9 (1) (B) and (l) (C) to 535:15-5-9.1.

Revised 535:15-7-2 (c) adds "name and address of supplier" and "lot number and expiration date of drug".

New 535:15-10-1.1 are rules for pharmacist preparation of compounded drug products in the pharmacy for over-the counter (OTC) sale to implement new legislation.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments through January 22, 2024, at 9:00 a.m. to Marty Hendrick at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212 or by email to pharmacy@pharmacy.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:00 am on Wednesday, January 24, 2024, at 2920 N Lincoln Blvd, Ste A, Board room, Oklahoma City, OK 73105-4212. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s). Business entities may submit this information in writing to Marty Hendrick at the above addresses, before the close of the comment period at 9:00 am on January 22, 2024.

COPIES OF PROPOSED RULES:

Proposed rules are available for review at 2920 N Lincoln Blvd Ste A, Oklahoma City OK 73105-4212. Copies may be viewed in our offices or on website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and may be obtained from OSBP at the above address beginning November 1, 2023. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Dr. Marty Hendrick, 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212, (405) 521-3815, pharmacy@pharmacy.ok.gov.

[OAR Docket #23-852; filed 11-3-23]

**TITLE 540. HEALTH CARE WORKFORCE TRAINING COMMISSION
CHAPTER 15. INTERNSHIP AND RESIDENCY PROGRAM**

[OAR Docket #23-813]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 540:15-1-1. Purpose [AMENDED]
- 540:15-1-2. Statutory administration of program [AMENDED]
- 540:15-1-3. Terms and conditions of assistance [AMENDED]

SUMMARY:

The Health Care Workforce Training Commission proposes revising its rules related to its Internship and Residency Program. This rule change will correct the rule language to include reference to the program administered in cooperation with the University of Oklahoma College of Medicine ("OU") and the University of Oklahoma College of Medicine at Tulsa ("OU Tulsa") (70 O.S., § 625.14), and not just the program administered in cooperation with Oklahoma State University College of Osteopathic Medicine ("OSU") (70 O.S., §§ 697.1 and 697.2). The rule change will also specifically detail the terms and conditions that residency programs must comply with in order to receive reimbursement, as well as establishing priority of reimbursement and use of carryover funds.

AUTHORITY:

Health Care Workforce Training Commission; 70 O.S., § 697.21a.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 8, 2024, at the Health Care Workforce Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Janie Thompson, or by email to Janie.Thompson@HWTC.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 8, 2024, at 10:00 a.m. in the office of the HWTC, 5th floor, Suite 520, center conference room, 119 North Robinson Avenue, Oklahoma City, OK 73102-4603.

Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 10:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information by 4:30 p.m., January 8, 2024, at the Health Care Workforce Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Janie Thompson, or by email to Janie.Thompson@HWTC.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Health Care Workforce Training Commission office located at 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603 or email to Janie.Thompson@HWTC.ok.gov. The proposed rules may also be viewed on the agency's website at Oklahoma.gov/hwtc.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Health Care Workforce Training Commission at the above address beginning December 1, 2023.

CONTACT PERSON:

Janie Thompson, Executive Director (405), 604-0020, Janie.Thompson@HWTC.ok.gov. For legal questions, contact Maria Maule, Assistant Attorney General, (405) 522-0055, Maria.Maule@oag.ok.gov.

[OAR Docket #23-813; filed 11-1-23]

**TITLE 540. HEALTH CARE WORKFORCE TRAINING COMMISSION
CHAPTER 55. HEALTH CARE WORKFORCE DEVELOPMENT GRANT PROGRAM**

[OAR Docket #23-814]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Program Administration
- 540:55-3-6. Reimbursements [AMENDED]

SUMMARY:

The Health Care Workforce Training Commission proposes revising one of its rules relating to the Health Care Workforce Development Grant Program. This rule change will allow grantees to submit reimbursement requests to the Executive Director for purchases less than \$50,000 more frequently, from once every two (2) months, to once every month. The rule change will also authorize the Executive Director to approve reimbursement of construction-related expenses that are equal to or more than \$50,000, but less than \$500,000, provided that the reimbursement request is received by HWTC on a date at least two (2) weeks before a scheduled Commission meeting and the Commission is informed of any such approvals at the next Commission meeting.

Notices of Rulemaking Intent

These proposed rule changes, if approved, will decrease the number of special meetings called by the Board and facilitate more timely reimbursement.

AUTHORITY:

Health Care Workforce Training Commission; S.B. 1188, 59th Leg., Reg. Sess. (Okla. 2023) (enacted); S.B. 39x, 59th Leg., 1st Spec. Sess. (Okla. 2023) (enacted); S.B. 1458, 58th Leg., 2d Reg. Sess. (Okla. 2022) (enacted); S.B. 8xx, 58th Leg., 2d Spec. Sess. (Okla. 2022) (enacted); S.B. 9xx, 58th Leg., 2d Spec. Sess. (Okla. 2022) (enacted); S.B. 10xx, 58th Leg., 2d Spec. Sess. (Okla. 2022) (enacted); S.B. 17xx, 58th Leg., 2d Spec. Sess. (Okla. 2022) (enacted); and H.B. 1025, 58th Leg., 2d Spec. Sess. (Okla. 2022) (enacted).

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 8, 2024, at the Health Care Workforce Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Janie Thompson, or by email to Janie.Thompson@HWTC.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 8, 2024, at 10:00 a.m. in the office of the HWTC, 5th floor, Suite 520, center conference room, 119 North Robinson Avenue, Oklahoma City, OK 73102-4603.

Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 10:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information by 4:30 p.m., January 8, 2024, at the Health Care Workforce Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Janie Thompson, or by email to Janie.Thompson@HWTC.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Health Care Workforce Training Commission office located at 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603 or email to Janie.Thompson@HWTC.ok.gov. The proposed rules may also be viewed on the agency's website at Oklahoma.gov/hwtc.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Health Care Workforce Training Commission at the above address beginning December 1, 2023.

CONTACT PERSON:

Janie Thompson, Executive Director (405), 604-0020, Janie.Thompson@HWTC.ok.gov. For legal questions, contact

Maria Maule, Assistant Attorney General, (405) 522-0055, Maria.Maule@oag.ok.gov.

[OAR Docket #23-814; filed 11-1-23]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE, DISMANTLER, AND MANUFACTURED HOUSING COMMISSION CHAPTER 13. TEMPORARY LICENSE PLATES

[OAR Docket #23-853]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Design

765:13-3-2 [AMENDED]

765:13-3-3 [AMENDED]

SUMMARY:

The proposed rules extend the expiration date of temporary license plates from thirty (30) days to two (2) months.

AUTHORITY:

Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission;

47 O.S. Section 582(E)(1);

75 O.S. Section 583 B.3.;

75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma 73103, by January 2nd, 2024.

PUBLIC HEARING:

The public hearing will be held on Tuesday, January 9th, 2024, at 10:30 AM, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 100, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle Dismantler, and Manufactured Housing Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Brian Wilson, at the above address, before the close of the comment period on January 2nd, 2024.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after December 1st, 2023, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission.

CONTACT PERSON:

Brian Wilson, Director, Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421, NW 13th, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

[OAR Docket #23-853; filed 11-7-23]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent or Notice of Expedited Repeal Request, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #23-849]

RULEMAKING ACTION:

Cancelled public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 14. Scheduled or Controlled Dangerous Substances Classifications or Exclusions

535:1-14-3. Procedure [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 41 Ok Reg 117.

CANCELLED PUBLIC HEARING:

1:30 p.m. on Wednesday, January 24, 2024, at 9:00 a.m. at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212

ADDITIONAL INFORMATION:

The Public Hearing will be re-scheduled for 9:00 a.m. on Wednesday, January 24, 2024, at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212, to correct the duplicate times included in the NRI in error. See the replacement Notice of Rulemaking Intent.

[OAR Docket #23-849; filed 11-3-23]

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

[OAR Docket #23-850]

RULEMAKING ACTION:

Cancelled public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 3. Pharmacies

535:15-3-2. Pharmacy responsibilities [AMENDED]

Subchapter 4. Remote Medication Order Processing (RMOP) and RMOP Pharmacy for Hospital Pharmacies
535:15-4-2. Definitions [AMENDED]

535:15-4-5. Responsibilities and duties of RMOP pharmacies and pharmacy manager [pharmacist in charge (PIC's)] [AMENDED]

Subchapter 5. Hospital Pharmacies

535:15-5-2. Definitions [AMENDED]

535:15-5-9. Hospital pharmacy physical requirements [AMENDED]

535:15-5-19. Remote medication order processing (RMOP) [AMENDED]

Subchapter 6. Hospital Drug Room

535:15-6-2. Definitions [AMENDED]

535:15-6-6. Physical requirements [AMENDED]

535:15-6-9. Emergency room pre-packaged medications formulary [AMENDED]

535:15-6-20. Remote medication order processing (RMOP) [AMENDED]

Subchapter 7. Drug Supplier Permits

535:15-7-1. Definitions [AMENDED]

Subchapter 10. Good Compounding Practices

Part 1. Good Compounding Practices for Non-Sterile Preparations [AMENDED]

535:15-10-1.1 Preparation of compounded drug products for over-the-counter (OTC) sale [NEW]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 41 Ok Reg 118.

CANCELLED PUBLIC HEARING:

9:00 a.m. on Wednesday, January 24, 2024, at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212, Anyone who wishes to speak must sign in at the door by 1:35 p.m.

ADDITIONAL INFORMATION:

The Public Hearing will be re-scheduled for 9:00 a.m. on Wednesday, January 24, 2024, at 2920 N Lincoln Blvd Ste A, Oklahoma City, OK 73105-4212, Anyone who wishes to speak must sign in at the door by 8:35 a.m.

[OAR Docket #23-850; filed 11-3-23]

Emergency Adoptions

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

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

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

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

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

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #23-816]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 15. Oklahoma Taxable Income
Part 7. Credits Against Tax
710:50-15-119 [NEW]

AUTHORITY:

68 O.S. § 203 and 70 O.S. 2023, § 28-102; Oklahoma Tax Commission

ADOPTION:

October 24, 2023

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 27, 2023

EXPIRATION:

Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

A compelling public interest exists in the need for emergency implementation of rules to implement the provisions of legislative changes made by the First Regular Session of the 59th Legislature (2023), which enacted a new income tax credit beginning with tax year 2024.

GIST/ANALYSIS:

The proposed emergency rules implement the provisions of HB 1934, First Regular Session of the 59th Legislature, which created the Oklahoma Parental Choice Tax Credit Act and the Oklahoma Parental Choice Tax Credit Program.

CONTACT PERSON:

Lisa Haws, OBA #12695, Tax Policy Analyst; (405) 521-3133.

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 15. OKLAHOMA TAXABLE INCOME

PART 7. CREDITS AGAINST TAX

710:50-15-119. Parental Choice Tax Credit

(a) **General provisions.** There is hereby created the Oklahoma Parental Choice Tax Credit Program to provide an income tax credit to a taxpayer for qualified expenses to support the education of eligible students in Oklahoma. For tax year 2024 and subsequent tax years, there shall be allowed against the tax imposed by Section 2355 of Title 68 of the Oklahoma Statutes a refundable income tax credit for any Oklahoma taxpayer who incurs a qualified expense on behalf of an eligible student. [See: 70 O.S. 2023, § 28-100, et seq.]

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

(1) **"Curriculum"** means a complete course of study for a particular content area or grade level.

(2) **"Education service provider"** means a person, business, public school district, public charter school, magnet school, or organization that provides educational goods and/or services to eligible students.

(3) **"Eligible student"** means a resident of Oklahoma who is eligible to enroll in a public school within the state at educational levels of pre-kindergarten through 12th grade. Eligible student shall include a student who is enrolled in and attends a private school in Oklahoma that is accredited by the State Board of Education or another accrediting association or a student who is educated pursuant to the other means of education exception provided for in 70 O.S. § 10-105(A).

(4) **"Home school tax credit"** means credits authorized pursuant to 70 O.S. 2023, § 28-101(C)(1)(b).

(5) **"Household"** means the persons who reside in the same home as and provide financial support for the eligible student as of the date the application for the tax credit is submitted.

(6) **"Oklahoma taxpayer"** means:

(A) Any person owing or liable to pay any Oklahoma tax;

(B) Any person required to file a report, a return, or remit any tax required by the provisions of any Oklahoma tax law; or

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- (C) Any person required to obtain a license or a permit or to keep any records under the provisions of any Oklahoma tax law. [See: 68 O.S. § 202]
- (7) **"Priority consideration"** means an application will be reviewed and considered for approval before other applications received by the Tax Commission, regardless of whether the other applications were submitted on an earlier date. An application for the private school tax credit will only receive priority consideration if submitted on or before the deadline set by the Tax Commission and for an eligible student who is a member of a household in which the total federal adjusted gross income (AGI) does not exceed \$150,000.
- (8) **"Private school tax credit"** means credits authorized pursuant to 70 O.S. 2023, § 28-101(C)(1)(a).
- (9) **"Qualified expense"** means:
- (A) For the purpose of claiming the private school tax credit in subsection (c) of this Section, qualified expense means tuition and fees at a private school accredited by the State Board of Education or another accrediting association. Although not an exhaustive list fees may include enrollment, registration, or application fees; textbook fees; technology fees; activity fees; testing and assessment fees; and fees paid for school uniforms, if paid directly to the school.
- (B) For the purpose of claiming the home school tax credit in subsection (d) of this Section, qualified expense means the following expenditures:
- (i) Tuition and fees for nonpublic online learning programs;
- (ii) Academic tutoring services provided by an individual or a private academic tutoring facility;
- (iii) Textbooks, curriculum, or other instructional materials including, but not limited to, supplemental materials or associated online instruction required by an education service provider; and
- (iv) Fees for nationally standardized assessments including, but not limited to, assessments used to determine college admission and advanced placement examinations as well as tuition and fees for tutoring or preparatory courses for the assessments.
- (10) **"Second preceding tax year"** means the tax year occurring two taxable years prior to the tax year for which the credit application is submitted.
- (11) **"Taxpayer"** means an Oklahoma taxpayer who is a biological or adoptive parent, grandparent, aunt, uncle, legal guardian, custodian, or other person with legal authority to act on behalf of an eligible student.
- (A) A foster parent, or the foster parents, shall be included within the meaning of other person with legal authority to act on behalf of an eligible student.
- (B) Taxpayer shall not include a parent or the parents of an eligible student whose parental rights over the eligible student has been legally terminated.
- (12) **"Warrant"** means an order for payment directing the State Treasurer to disburse funds to a designated payee. A warrant operates like a paper check.
- (c) **Private school tax credit.**
- (1) **Amount of credit.** If the eligible student attends or will attend a private school accredited by the State Board of Education or another accrediting association, the credit amount shall be equal to the amount of tuition and fees charged to or that will be paid by the taxpayer for attending the private school, subject to the following limitations:
- (A) The maximum credit amount allowed is \$7,500 if the eligible student is a member of a household in which the total federal (AGI) during the second preceding tax year does not exceed \$75,000;
- (B) The maximum credit amount allowed is \$7,000 if the eligible student is a member of a household in which the total federal AGI during the second preceding tax year is more than \$75,000 but does not exceed \$150,000;
- (C) The maximum credit amount allowed is \$6,500 if the eligible student is a member of a household in which the total federal AGI during the second preceding tax year is more than \$150,000 but does not exceed \$225,000;
- (D) The maximum credit amount allowed is \$6,000 if the eligible student is a member of a household in which the total federal AGI during the second preceding tax year is more than \$225,000 but does not exceed \$250,000; or
- (E) The maximum credit amount allowed is \$5,000 if the eligible student is a member of a household in which the total federal AGI during the second preceding tax year is more than \$250,000.
- (2) **Annual cap and limitation of credit.**
- (A) The total amount of private school tax credits is subject to the following caps:
- (i) For tax year 2024, the total amount of credits shall not exceed \$150,000,000.
- (ii) For tax year 2025, the total amount of credits shall not exceed \$200,000,000.
- (iii) For tax year 2026, and subsequent tax years, the total amount of credits shall not exceed \$250,000,000.
- (B) The total amount of credits allowed may be reduced pursuant to the provisions 70 O.S. 2023, § 28-101(D).
- (3) **Claiming the private school tax credit.**
- (A) Pursuant to 70 O.S. §28-101(C)(1)(a) for the tax year 2024 and subsequent tax years, if an Oklahoma taxpayer incurs or will incur a qualified expense on behalf of an eligible student during the tax year, the taxpayer may be eligible to claim the private school tax credit. If a taxpayer has more than one eligible student, the taxpayer may complete and submit a single application that includes each eligible student. The taxpayer shall complete and submit the application online, and attach the applicable documentation, which includes an Affidavit (Enrollment Verification

Form). Taxpayer shall include the following with the application:

- (i) The name, address, and social security or individual taxpayer identification number (ITIN) of the taxpayer;
- (ii) The name, address, date of birth, and social security number or individual taxpayer identification number (ITIN) of the eligible student(s);
- (iii) The name and address of the eligible student's parent(s) or legal guardians(s), if different from the taxpayer; and
- (iv) Verification of federal AGI for the second preceding tax year for the household of which the eligible student is a member, which may include providing copies of the applicable Oklahoma income tax return(s) or federal income tax return(s). For example, if a taxpayer is applying for the private school tax credit for tax year 2024 and has not previously filed an Oklahoma income tax return or the Tax Commission cannot verify a tax return has been filed the taxpayer may be required to provide a copy of the 2022 Oklahoma income tax return or federal income tax return of the household, even if the student did not reside in the household during that reporting period. If the household had no tax filing requirement, the taxpayer shall submit an Affidavit for No Filing Requirement and/or an Internal Revenue Service (IRS) Verification of Non-filing Letter, which provides proof from the IRS that there is no record of a filed tax form for the tax year requested.

(B) The Tax Commission will make available an Affidavit (Enrollment Verification Form) to be completed by the private school in which the eligible student is enrolled or is expected to enroll with the following information:

- (i) The name, address and date of birth of eligible student.
- (ii) The designated semester(s) and tax year during which the qualified expenses will be paid;
- (iii) The name and address of the school;
- (iv) The name and telephone number of a contact person(s) with the private school;
- (v) The amount of qualified tuition and fees to be charged the taxpayer for the eligible student during the tax year.

(C) The private school tax credit shall be exclusively claimed through the submission of an application, as set out in this paragraph. The credit cannot be claimed on the Oklahoma income tax return.

- (i) The application process for tax year 2024 will commence on December 1, 2023, at 8:30 a.m. (CST). For any eligible student who is a member of a household in which the total federal AGI does not exceed \$150,000, applications must be submitted to the Tax Commission on or before February

1, 2024, to receive priority consideration as authorized by 70 O.S. 2023, § 28-101(E). The application shall include qualified expenses paid or expected to be paid for tax year 2024.

(ii) If the application is approved, the credit will be paid in two installments. Each installment will be half of the amount of the anticipated private school tuition and fees the taxpayer expects to incur during the tax year based on the private school's Affidavit (Enrollment Verification Form), or half the amount of the allowable credit, whichever is less.

(iii) The application deadline is on or before December 31 of the tax year the taxpayer incurs a qualified expense on behalf of an eligible student or until the annual cap has been met, whichever occurs first.

(iv) The application process for subsequent tax years will commence at 8:30 a.m. (CST) on December 1 preceding the applicable tax year. For any eligible student who is a member of a household in which the total federal AGI does not exceed \$150,000, applications must be submitted to the Tax Commission on or before February 1 of the applicable tax year to receive priority consideration as authorized by 70 O.S. 2023, § 28-101(E).

(v) If December 1 falls on a Saturday, Sunday or legal holiday, the application process will open on the next day that is not a Saturday, Sunday or legal holiday.

(D) After all timely-filed applications entitled to priority consideration have been reviewed and processed, the Tax Commission will review and process remaining applications for the credit in the order received, provided the annual cap has not been reached.

(E) Installment payments of the credit shall be made by the Tax Commission with individual warrants made payable to the taxpayer and mailed to the private school where the eligible student is enrolled or expected to enroll. The taxpayer shall restrictively endorse the warrant to the private school for deposit into the account of the school unless the tuition and fees for the eligible student have already been paid by the taxpayer.

(F) Each participating private school will respond electronically to the Tax Commission's request to verify certain information to determine if the refundable tax credit was applied toward a qualified expense during the applicable tax year. Responses to the requested information are due on or before November 1 of each year. Information requested for verification shall include the following information for each eligible student for whom the school received a credit payment for the current tax year:

- (i) The name and address of the private school;
- (ii) The amount of credit received by the private school on behalf of the eligible student;

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- (iii) Dates of attendance of the eligible student; and
- (iv) The name, address and date of birth of eligible student.

(G) The credit can be claimed only for the tax year in which the qualified expenses are actually incurred. Where qualified expenses are incurred in excess of the allowable credit for any given tax year, the excess of qualified expenses shall not be used in claiming the credit for any other tax year.

(H) If a taxpayer's application for the credit is denied, the taxpayer may file an application for a hearing before the Tax Commission pursuant to the provisions of 68 O.S. § 207(c).

(I) The total federal AGI of a student's household shall be determined as follows:

(i) If the student's parents or custodians have an income tax filing status of "married, filing jointly", the federal AGI reported on the parents' or custodians' second preceding year tax return will be used.

(ii) If the student's parents or custodians have an income tax filing status of "married, filing separately", the parents' or custodians' federal AGI reported on each tax return for the second preceding tax year will be added together to determine the student's household federal AGI.

(iii) If the student's household includes any additional person that is providing financial support to the student, the additional person's federal AGI for the second preceding tax year will be added to the federal AGI of the parents or custodians for the second preceding tax year.

(J) Each private school accredited by the State Board of Education or another accrediting association, shall initially complete an online Participation Agreement with the Tax Commission. The Participation Agreement shall include:

(i) Name, address, phone number, FEIN, and website of the private school;

(ii) Contact information for the private school;

(iii) Proof of accreditation from the State Board of Education or another accrediting association; and

(iv) Other school identification information.

(d) **Home school tax credit.**

(1) If the eligible student is educated pursuant to the other means of education exception [70 O.S. § 10-105(A)] the maximum annual credit amount shall be \$1,000 per eligible student.

(2) For tax year 2025, and subsequent tax years, the total amount of credits shall not exceed \$5,000,000 annually.

(3) The tax credit may be claimed on the applicable tax year's Oklahoma income tax return.

(4) The credit must be claimed for the tax year in which the qualified expenses are actually incurred and paid. Where qualified expenses are incurred in excess of the allowable credit for any given tax year, the excess of qualified expenses shall not be used in claiming the credit for any other tax year.

(e) **Records.** A taxpayer claiming the Parental Choice Tax Credit shall maintain records of proof as to the qualified expenses paid for by the taxpayer. Records maintained by the taxpayer shall be subject to inspection by the Tax Commission and its duly authorized agents and employees.

(f) **Offset.** Pursuant to 68 O.S. §205.2(F) the Tax Commission shall deduct from the amount of the credit due to a taxpayer the amount of delinquent state tax, penalty, and interest thereon, which the taxpayer owes pursuant to any state tax law prior to payment of such refund. [See 68 O.S. § 205.2(F)]

(g) **Recapture.** The Tax Commission shall recapture tax credits if:

(1) The credit was claimed for expenditures that were not qualified expenses;

(2) The taxpayer has claimed an eligible student who no longer attends a private school or has enrolled in a public school for the period for which the credit was claimed; or

(3) Taxpayer fails to comply with any other provisions of 70 O.S. 2023, § 28-100, et seq.

[OAR Docket #23-816; filed 11-2-23]