

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 645. EMERGENCY SERVICE DISTRICT SUPPLEMENTAL REGULATIONS  
[REVOKED]**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 645 Emergency Service District Supplemental Regulations [REVOKED]

**SUMMARY:**

This chapter is being revoked. The statutory authority for Chapter 645 was repealed in 2005. The regulations are no longer needed or supported by statute.

**AUTHORITY:**

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

**COMMENT PERIOD:**

January 17, 2023 through the close of the Department's normal business hours, 5 PM, on February 17, 2023. 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 February 17, 2023 submit written comments to the contact person identified below, or may, at the hearing, ask to present written or oral views.

**PUBLIC HEARING:**

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on February 17, 2023 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 February 21, 2023 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 February 17, 2023, to the contact person identified below.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT 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](mailto:AudreyT@health.ok.gov).

**INITIAL RULE IMPACT STATEMENT**

**(This document may be revised based on comment received during the public comment period.)**

**TITLE 310. CHAPTER 645. EMERGENCY SERVICE DISTRICT SUPPLEMENTAL REGULATIONS**

**1. DESCRIPTION:**

This rule change will revoke all of this rule chapter. This chapter of rule is being revoked because the enabling legislation for this chapter was repealed in 2005.

**2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:**

There should not be an impact on any persons as a result of the revocation of this chapter.

**3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

There are no expected negative health outcomes affiliated with the revocation of Chapter 645. The revocation of this chapter aligns the regulations with the expired statutory provisions.

**4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:**

There is no economic impact or cost to the agency.

**5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:**

There is no estimated cost by revoking these rules by the agency. Revocation of the chapter will eliminate confusion since the rules are no longer supported by statutory authority.

**6. IMPACT ON POLITICAL SUBDIVISIONS:**

There is no impact for political subdivisions.

**7. ADVERSE EFFECT ON SMALL BUSINESS:**

There will be no impact on small businesses.

**8. EFFORTS TO MINIMIZE COSTS OF RULE:**

There are no less costly means currently identified.

**9. EFFECT ON PUBLIC HEALTH AND SAFETY:**

No effect on public health and safety is projected.

**10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

There are no detrimental effects on public health and safety.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on October 21, 2022.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 645. EMERGENCY SERVICE DISTRICT SUPPLEMENTAL REGULATIONS  
[REVOKED]**

**SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]**

**310:645-1-1. Purpose [REVOKED]**

The purpose of this Chapter is to implement standards for establishment of supplemental Emergency Service Districts.

**310:645-1-2. Definitions [REVOKED]**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Board of Commissioners"** means the duly elected county commissioners of the proposed Supplemental Emergency Service District.

**"Commissioner"** means the State Commissioner of Health.

**"Department"** means the State Department of Health.

**"Division"** means the Division of Emergency Medical Services, Oklahoma State Department of Health.

**"Fire Marshal"** means the Oklahoma State Fire Marshal Office.

**SUBCHAPTER 3. PROCEDURE TO ESTABLISH A DISTRICT [REVOKED]**

**310:645-3-1. Procedure [REVOKED]**

(a) The Board(s) of Commissioners will contact the Division when a Supplemental Emergency Service District is contemplated prior to taking any action toward the formation of such district. The Division will provide technical assistance to the Board of Commissioners on the procedure and feasibility to establish a district. Contact can be made in writing, or by telephone, at the following address: Oklahoma State Department of Health, Emergency Medical Services, Division 1000 Northeast 10th Street, Oklahoma City, Oklahoma 73152, (405) 271-4027 or 4062.

(b) Forms for the establishment of Supplemental Emergency Service District may be obtained at the address given above.

**310:645-3-2. Application to establish a district [REVOKED]**

An application will be submitted to the Department, for the purpose of the establishment of a Supplemental Emergency Service District, and shall include, but not be limited to, a certified copy of the written resolution adopted by the Board(s) of Commissioners and must contain the following information:

(1) A definition and map of the boundaries of the proposed Supplemental Emergency Service District, which must be contiguous with the border of Oklahoma and any neighboring state.

(2) The purpose of the proposed supplemental Emergency Service District, which shall be one of the following:

(A) An Emergency Medical Service and a Fire Protection District;

(B) An Emergency Medical Service District, or;

(C) A Fire Protection District.

(3) The name, address, contact person, and phone number of the emergency service provider who desires to contract for the provision.

~~(4) — A statement of need and a declaration of the finding that a deficiency exists for fast, efficient fire protection or emergency medical services, pursuant to 63 O.S., Supp. 1990, Section 1-2501, et seq.~~

~~(5) — A statement that the proposed contractor is a municipality or other governmental body or a trust whose beneficiary is a municipality or other governmental body.~~

~~(6) — A letter from the state of residence for the emergency service provider, which verifies that such provider complies with, or exceeds, the requirement and terms which license, certify, or permit such provider within that State. Such verification shall satisfy any similar licensing or permit requirements arising pursuant to Oklahoma law, for the purpose of services to be contracted for.~~

~~(7) — Proof of publication, within the proposed district, for two (2) consecutive weeks of the intention to adopt a Supplemental Emergency Service District.~~

~~(8) — Any notification of an objection, or objections, to the establishment of a Supplemental Emergency Service District, which have been properly issued to the Board(s) of Commissioners.~~

~~(9) — Any other information found necessary by the Commissioner to complete the application and formation of a Supplemental Emergency Service District.~~

## **SUBCHAPTER 5. ESTABLISHMENT OF THE DISTRICT [REVOKED]**

### **310:645-5-1. No objection(s) [REVOKED]**

~~If no formal objection occurs during the publication period, the Commissioner shall issue an order to establish the Supplemental Emergency Service District and its boundaries, upon the following considerations:~~

~~(1) — All requirements of the procedure and application are found to be valid.~~

~~(2) — This review, and subsequent written report, are conducted by the Department, and Fire Marshal, if a Fire District is called for.~~

~~(3) — The review is based upon a determination by the Department, and/or Fire Marshal, that no Oklahoma emergency service provider or fire department will be adversely affected.~~

### **310:645-5-2. Formal objection(s) [REVOKED]**

~~If a formal objection occurs during the publication, the Commissioner, or a duly appointed hearing officer, shall conduct a hearing, as an individual proceeding within the meaning and pursuant with the provisions of the Administrative Procedure Act (75 O.S. 1981, Section 315.1). Written notice, established by verification of delivery, and a reasonable opportunity to be heard shall be given to all objecting parties and the Board(s) of Commissioners. Objecting parties will be those established by the Board of Commissioners resolution, as required by 63 O.S. Supp. 1990, Section 30.87(A), or this Chapter.~~

~~(1) — Objections must be based upon the reason that the described area of such county, or counties, is currently being adequately served by fast, efficient fire protection or emergency medical services, which are provided by a municipality or other governmental body located in the State of Oklahoma.~~

~~(2) — If a final determination by the Commissioner is that the area in question is not adequately served as described within 63 O.S. Supp. 1990, Section 30.85, et seq., the Commissioner shall issue an order to establish the Supplemental Emergency Service District and its boundaries, based upon the following considerations:~~

~~(A) — That all requirements of the procedure and application are found to be valid.~~

~~(B) — That this review, and subsequent written report, will be conducted by the Department, or Fire Marshal as appropriate.~~

~~(C) — That the review will be based upon a determination by the Department, and/or Fire Marshal, that no Oklahoma emergency service provider or fire department will be adversely affected.~~

~~(3) — The Commissioner shall provide written authorization within thirty (30) working days in the form of a certified mail receipt, to establish a Supplemental Emergency Service District. This~~

authorization will be sent to the Board(s) of Commissioners who initiated the application for a Supplemental Emergency Service District.

## **SUBCHAPTER 7. DENIAL OF A DISTRICT [REVOKED]**

### **310:645-7-1. Denial of a district [REVOKED]**

If a denial occurs, the Commissioner shall provide written denial within thirty (30) working days. This denial will be sent to the Board(s) of Commissioners who initiated the application for a Supplemental Emergency Service District.

### **310:645-7-2. Written denial format and remedy [REVOKED]**

(a) The written denial to establish a Supplemental Emergency Service District, shall state each item or requirement which failed to meet the application or establishment process.

(b) The applicant or any party may request reconsideration of the Department's decision to issue or deny a Supplemental Emergency Service District. A request for reconsideration must be in writing and must be received by the Department within thirty (30) days after receipt of the denial. A reconsideration hearing may be held by the Department, if a determination for "good cause" is established.

(c) The applicant or any party aggrieved by the Department's determination may file a petition in a court of competent jurisdiction within thirty (30) days after receipt of the denial.

(d) Contacts concerning projects before the Commissioner or the Department should be directed to the Department staff. Applicants and other parties shall not attempt to discuss the merits of a particular case with the Commissioner or the hearing officer except during the preliminary conference or public hearing. Any party who attempts to make an improper ex parte communication with the Commissioner or the hearing officer may be disqualified from further participation in the review of the case.

### **310:645-7-3. New application requirement [REVOKED]**

After a written denial has been issued, any newly adopted resolution by the Board(s) of Commissioners to re-establish the same District must be presented, and will be considered, under an initial application process for the Supplemental Emergency Service District.

## **SUBCHAPTER 9. CONTRACT FOR A PROVIDER [REVOKED]**

### **310:645-9-1. Provider contract requirements [REVOKED]**

The contract for an emergency service provider must contain, but not be limited to, provisions for the following:

(1) A requirement that an out-of-state emergency service provider shall meet, and continue to meet, all terms and provisions which recognize any license or permit required by the state of residence. Such license or permit shall satisfy any similar licensing or permit requirements arising pursuant to Oklahoma law, only for the purposes of services rendered pursuant to this contract.

(2) The contractual term will be for one (1) year. A clause requiring the Department to monitor for a continual need within the District and to meet the requirement of paragraph 601.1, of these rules and regulations.

(3) A clause that the contract can be canceled within forty five (45) days, by either party.

(4) The provision for authority to investigate complaints which may arise during performance of the contract, and pursue remedy under Oklahoma law.

(5) A provision that the emergency medical provider will furnish service within the district, when called upon.

(6) A provision that the contractor must provide the Department written notice of any change in the condition or terms covering the emergency service provider within the state in which it is situated.

~~Further, the contractor will provide the Division with annual verification of any license or permit covering the provision within the state in which it is situated. Such notice will be within thirty (30) days of any change in the condition or terms, as described.~~

~~(7) A clause that charges for the service shall be determined only an amount sufficient to cover the full cost of rendering such service, including the cost of commercial liability insurance which may cover the service performed by the contractor. These charges shall be commensurate to those comparable in Oklahoma for the same purpose.~~

~~(8) The allowance for a fee which will be collected to process a contract to establish an emergency service provider within the Supplemental Emergency Service District, which is equivalent to the fee for the establishment of an ambulance provider license in Oklahoma.~~

~~(9) A paragraph which mandates compliance with state law, to be submitted on forms supplied by the Department along with other information as required.~~

## **SUBCHAPTER 11. DISSOLUTION AND NEW CONTRACTS [REVOKED]**

### **310:645-11-1. Dissolution of districts and contracts [REVOKED]**

~~The Commissioner may dissolve any established district, if the need ceases to exist for same.~~