

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

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 21. Rules of Procedure Governing Individual Proceedings

310:2-21-4. [AMENDED]

Subchapter 29. Criminal History Background Checks

310:2-29-1. [AMENDED]

310:2-29-5. [AMENDED]

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

310:2-37-1 [NEW]

310:2-37-2 [NEW]

310:2-37-3 [NEW]

Subchapter 39. Military Reciprocity Licensure [NEW]

310:2-39-1. [NEW]

310:2-39-2. [NEW]

310:2-39-3. [NEW]

310:2-39-4 [NEW]

**SUMMARY:**

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

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

Subchapter 37. Initial Determination on Criminal History as a Disqualification for License or Certification. This new Rule will implement 59 O.S. § 4000.1 relating to processes to request an initial determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license or certification. This process will apply to all occupational licenses, permits or

certifications issued by the Oklahoma State Department of Health. The rule defines the process for requesting a determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license, permit, or certification consistent with 59 O.S. § 4000.1 and defines the fee at Ninety-five Dollars (\$95.00), consistent with the fee authorized at 59 O.S. § 4000.1(F). This change is necessary because of House Bill 1373, which created new law at 59 O.S. § 4000.1 establishing these requirements and was effective November 1, 2019. The effect of the rule change will be a rule implementing the law.

Subchapter 39. Military Reciprocity Licensure. This new Rule will implement 59 O.S. § 4100.8 relating to processes for active duty military personnel and their spouses to request an expedited temporary, reciprocal or comity license or certification for a currently held valid license or certification. This process will apply to all occupational licenses, permits or certifications issued by the Oklahoma State Department of Health. The rule defines the process for requesting a temporary, reciprocal or comity license consistent with 59 O.S. § 4108(B). The rule establishes that there will be no fee to request a reciprocity license and that there will be an appeal procedure in the event the request is denied. This change is necessary because of Senate Bill 670, which created new law at 59 O.S. § 4100.8 establishing these requirements and was effective November 1, 2019. The effect of the rule change will be a rule implementing the law.

**AUTHORITY:**

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

**COMMENT PERIOD:**

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

**PUBLIC HEARING:**

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

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from the 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:**

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

## **INITIAL RULE IMPACT STATEMENT**

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

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

#### **1. DESCRIPTION:**

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

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

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

Subchapter 39. Military Reciprocity Licensure. This new Rule will implement 59 O.S. § 4100.8 relating to processes for active duty military personnel and their spouses to request an expedited temporary, reciprocal or comity license or certification for a currently held valid license or certification. This process will apply to all occupational licenses, permits or certifications issued by the Oklahoma State Department of Health. The rule defines the process for requesting a temporary, reciprocal or comity license consistent with 59 O.S. § 4108(B). The rule establishes that there will be no fee to request a reciprocity license and that there will be an appeal procedure in the event the request is denied. This change is necessary because of Senate Bill 670, which created new law at 59 O.S. § 4100.8 establishing these requirements and was effective November 1, 2019. The effect of the rule change will be a rule implementing the law.

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

It is anticipated that those persons affected by the changes at Subchapter 21, Rules of Procedure Governing Individual Proceedings, will be those parties appearing before the Department in administrative proceedings.

It is anticipated that those persons affected by the changes at Subchapter 29, Criminal History Background Checks, will be applicants seeking for waivers from disqualifying employment eligibility determinations and applicants seeking to appeal denials of eligibility for a license, certification, or permit based on criminal history.

It is anticipated that those persons affected by the new Rule at Subchapter 37, Initial Determination on Criminal History as a Disqualification for License or Certification, will be applicant's with a criminal history seeking to obtain a occupational license or certification from the Department.

It is anticipated that those persons affected by new Rule at Subchapter 39, Military Reciprocity Licensure, will be active duty military personnel and their spouses requesting a temporary, reciprocal or comity license or certification for a currently held valid license or certification.

Those persons potentially affected are requested to provide the agency with information, in dollar amounts if possible, regarding any 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 individual or entity due to compliance with the proposed rule.

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

It is anticipated that those persons benefitting by the changes at Subchapter 21, Rules of Procedure Governing Individual Proceedings, will be the public, licensees of the Department, and the Department, through expedited execution of service of legal instruments. The value of this change will be seen though the avoided costs of repeated efforts to obtain service of a legal instrument in a legal proceeding where the licensee was avoiding legal service of the instrument. This change will also provide benefit by removing delays in the administrative hearing process where sanction of a licensee is warranted and/or to remove threats to public health and/or safety.

It is anticipated that those persons affected by the changes at Subchapter 29, Criminal History Background Checks, will be applicants seeking for waivers from disqualifying employment eligibility determinations and applicants seeking to appeal denials of eligibility for a license, certification, or permit based on criminal history. The value of this change will be seen in a more equitable hearing

process that makes provision for applicants to re-apply for an appeal or waiver after additional time has elapsed and the applicant has used that time to show additional evidence of rehabilitation.

It is anticipated that those persons affected by the new Rule at Subchapter 37, Initial Determination on Criminal History as a Disqualification for License or Certification, will be applicant's with a criminal history seeking to obtain a occupational license or certification from the Department. This new rule implements requirements in statute.

It is anticipated that those persons affected by new Rule at Subchapter 39, Military Reciprocity Licensure, will be active duty military personnel and their spouses requesting a temporary, reciprocal or comity license or certification for a currently held valid license or certification. This new rule implements requirements in statute.

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

The economic impact associated with these changes is related to the cost to licensees to maintain a current address with Department and the expanded employment opportunities available to Oklahoma Citizens who will have expanded job opportunities, as they are able to show evidence of rehabilitation after a disqualifying criminal conviction. The fee referenced in Subchapter 37 is that fee authorized at Title 59, Section 4000.1(F). Public comment is sought to further assess economic impact and the cost of compliance.

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

It is anticipated that the Department will experience cost savings from the changes at Subchapter 21, Rules of Procedure Governing Individual Proceedings. The Department, through expedited execution of service of legal instruments, will avoid the costs of repeated efforts to obtain service of a legal instrument in a legal proceeding where the licensee was avoiding legal service of the instrument. This change will also provide benefit by removing delays in the administrative hearing process where sanction of a licensee is warranted, and/or to remove threats to public health and/or safety.

Annual Avoided Costs for Duplicate Delivery of Certified Mail

Avoided certified mail pieces sent to licensees after avoiding service:	50
Avoided Costs in certified mail	\$747.50
Staff Cost avoided in processing duplicate mail:	<u>340.81</u>
Avoided Costs in certified mail	\$ 1,088.31

Avoided Cost of Certified Mail Issued To Multiple Respondents

Avoided Certified mail pieces	4,000
Avoided Costs in certified mail	\$ 27,200.00
Avoided Staff Costs to issue certified mail	\$ <u>27,264.66</u>
Total Cost Avoided	\$ 54,464.66

It is anticipated that the Department will experience increased costs from the changes at Subchapter 29, Criminal History Background Checks. These costs will be applicants seeking waivers from disqualifying employment eligibility determinations and applicants seeking re-hearings on denials of eligibility for a license, certification, or permit based on criminal history. The per review cost for staff time processing is estimated as shown below

Estimated additional reviews annually	120
Estimated additional reviews requiring hearing	60

Determination Analyst (APO I) Staff Cost (Salary and Fringe) @ .5 hours:	\$ 1,774.04
Attorney II (Salary and Fringe):	6,317.31
Hearing Clerk Staff Time Processing Mailing/Filing/Logging/Archiving	<u>1,170.87</u>
Total Staff cost:	\$ 9,262.22

It is anticipated that there will be minimal cost impact from the new Rule at Subchapter 37, Initial Determination on Criminal History as a Disqualification for License or Certification. The Department estimates fewer than 20 applicants were denied a license, certificate, or permit based on disqualifying history. Existing staff are trained to review complex criminal history records. Ten complex reviews are anticipated annually. Time on these reviews is estimated to average 45 minutes. Time per unit of clerical processing is estimated at 40 minutes. The average per unit cost of processing applications is estimated at \$41.00 dollars. To account for other costs and to provide a 5 year window for inflation, the per review cost to the applicant is set at \$45.00

It is anticipated that there will be no additional costs to the agency from the new Rule at Subchapter 39, Military Reciprocity Licensure. Reciprocity for active military and their spouses is currently provided. The new rule provides guidance for expedited review.

**6. IMPACT ON POLITICAL SUBDIVISIONS:**

There are no anticipated impacts on political subdivisions and cooperation is not anticipated in implementing or enforcing the proposed amendment. Public comment is sought regarding any impacts.

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

There is no anticipated adverse economic effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act. Public comment is sought regarding any adverse economic effects.

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

There are no less costly means currently identified.

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

See the descriptions in section three of this rule impact statement for a discussion of the persons benefiting and value of benefit.

**10. DETERRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION**

Without adoption of these rules inefficient administrative hearing processes will continue with delays in administrative hearings and delayed actions to protect the public health and safety. Applicants will be denied access to appeals and reconsiderations to show evidence of rehabilitation, and rule will not be adopted to implement law.

**11. PREPARATION AND MODIFICATION DATES:**

This rule impact statement was initially prepared on December 9, 2019.

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

**SUBCHAPTER 21. RULES OF PROCEDURE GOVERNING INDIVIDUAL PROCEEDINGS**

**310:2-21-4. Service of instruments initiating an administrative proceeding**

Any instruments initiating an administrative proceeding ~~shall~~ must be served ~~upon~~ on every named Respondent in accordance with the provisions of 12 O.S. § 2004(C)(1)(e) by either personal service, certified mail, return receipt requested, restricted delivery, or issuing a report by hand-delivery. If service is being sent by certified mail, return receipt requested, and the intended Respondent refuses to sign the return receipt or otherwise does not sign or is unavailable to sign and accept service through the certified mail at the address identified on Department records, then Respondent is deemed to have been served. A person designated by the Commissioner may be used to accomplish service for the Department. Service of the instrument initiating an administrative proceeding may be made by certified mail, return receipt requested, restricted delivery. If service is by personal service, The the person serving the instrument initiating an administrative proceeding shall file proof of service with the Hearing Clerk within twenty (20) days of service or before the date of the first hearing, whichever is sooner. If an inspection is performed, the report and/or the notice to correct violations issued by the inspectors/sanitarians to the license holder or to the person in charge, requesting a signed acknowledgement of receipt of the report or notice, shall constitute service of the report and/or notice. Acknowledgement in writing by the Respondent or appearing at the hearing without objection to service is equivalent to service.

**SUBCHAPTER 29. CRIMINAL HISTORY BACKGROUND CHECKS**

**310:2-29-1. Purpose**

These rules implement the Long Term Care Security Act as established at Title 63 O.S. Section 1-1944 et seq., as amended, and ~~eligibility appellate procedures for those Chapters under Title 310, which provide for denials of eligibility for a license, certification, or permit based on criminal history.~~

**310:2-29-5. Appeals**

(a) Notice. A determination by the Department that finds an applicant not eligible for a license, certification, permit or employment will result in a notice to the applicant to ~~include the reasons why the applicant is not eligible for employment and a statement that the applicant has a right to appeal the decision made by the Department regarding the employment eligibility. The notice shall also include information regarding where to file and describe the appellate procedures [63 O.S. § 1-1947(K)(2)]~~ include the reasons why the applicant is not eligible for license, certification, permit or employment and a statement that the applicant has a right to appeal the decision made by the Department regarding the eligibility. The notice shall also include information regarding where to file and describe the appellate procedures.

(b) Days to initiate an appeal.

(1) Pursuant to Title 63 O.S. 1-1947(T)(1), any individual who has been disqualified from or denied employment by an employer pursuant to Title 63 O.S. Section 1-1947 may file an appeal with the Department within thirty (30) days of the receipt of the notice of disqualification. ~~An applicant under 63 O.S. 1-1947(T)(1) may receive an extension of the thirty (30) days allowed to appeal where good cause is shown.~~

(2) An individual who has been found not eligible for a license, certification, or permit based on their criminal history may file an appeal with the Department at any time following receipt of the notice of disqualification.

(c) Types of appeals. An applicant may appeal the determination by:

- (1) Challenging the finding that the applicant is the true subject of the results from a name-based registry background check;
- (2) Challenging the criminal history record as inaccurate; ~~or~~
- (3) Requesting a waiver which gives the applicant the opportunity to demonstrate that the applicant should be allowed to work because he or she does not pose a risk to patients, facilities or their property; ~~or~~
- (4) Requesting a reconsideration of eligibility, which may be considered no sooner than twelve (12) months from the previous appeal of a determination of ineligibility.

(d) Inaccuracy of criminal history record. To demonstrate that the criminal history record is inaccurate, the applicant shall submit to the Department written documents, issued and certified by a governmental entity that demonstrate that the information contained in the criminal history report is inaccurate.

(e) Criteria for consideration in a waiver review. ~~Pursuant to Title 63 O.S. Section 1-1947(T)(2), the~~ The Department shall consider the following criteria in considering whether the applicant merits a waiver of the applicant's determination of ineligibility:

- (1) The time elapsed since the disqualifying criminal conviction, whether the applicant has fulfilled the sentence requirements, and whether there are any subsequent arrests or convictions of any nature;
- (2) Any extenuating circumstances such as the offender's age at the time of conviction, substance abuse history and treatment, or mental health issues and treatment;
- (3) Rehabilitation as demonstrated by character references and recommendation letters from past employers, the applicant's record of employment history, education, and training subsequent to conviction; ~~and~~
- (4) The relevancy of the particular disqualifying information with respect to the proposed employment of the individual to include the job type and duties, ~~and the extent to which the applicant has unsupervised access to service recipients;~~ ~~and~~ (5) For appeals under the authority of 63 O.S. 1-1947(T)(2), whether the crime was committed against a vulnerable child or adult, and whether the conviction was related to an employer subject to the requirements of the Long Term Care Security Act.

(f) Where to file. The applicant's appeal shall be submitted in writing to the Administrative Hearings Clerk for the Oklahoma State Department of Health, 1000 Northeast 10<sup>th</sup> Street, Oklahoma City, OK 73117, and shall address the criteria specified in (d) of this Section and how the applicant merits a waiver of the disqualification from employment.

(g) Conduct of hearing. The appeal shall be conducted as an individual proceeding pursuant to this Chapter and the Administrative Procedures Act.

## **SUBCHAPTER 37. INITIAL DETERMINATION ON CRIMINAL HISTORY AS A DISQUALIFICATION FOR LICENSE OR CERTIFICATION**

### **310:2-37-1. Purpose**

These rules implement Section 4000.1 of Title 59 (2019) of the Oklahoma Statutes relating to processes to request an initial determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license or certification. This process shall apply to all occupational licenses, permits or certifications issued by the Oklahoma State Department of Health.

### **310:2-37-2. Requesting a Determination**

The process for requesting a determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license, permit or certification is defined in the Oklahoma Statutes at Title 59, Section 4000.1

### **310:2-37-3. Fee**

The fee for requesting a determination of whether an applicant's criminal history record would potentially disqualify him or her from obtaining an occupational license, permit or certification is forty-five dollars (\$45.00) for each initial determination.

## **SUBCHAPTER 39. MILITARY RECIPROCITY LICENSURE**

### **310:2-39-1. Purpose**

These rules implement Section 4100.8 of Title 59 (2019) of the Oklahoma Statutes relating to processes to request an expedited temporary, reciprocal or comity license or certification for their currently held valid license or certification. This process shall apply to all occupational licenses, permits or certifications issued by the Oklahoma State Department of Health.

### **310:2-39-2. Requesting a temporary, reciprocal or comity license**

Active duty military personnel and their spouses seeking a temporary, reciprocal or comity license shall complete an application as established by the occupational program and shall provide satisfactory evidence of equivalent education, training and experience from another state program. The Department shall evaluate an applicant's education, training and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification in this state [59 O.S. 4100.8(B)].

### **310:2-39-3. Fee**

Pursuant to Title 59 O.S. 4100.8(D), there will be no application fee for a temporary, reciprocal or comity license for active duty military personnel and the license or certification fee for the first period of issuance is waived.

### **310:2-39-4. Appeals**

Pursuant to Title 59 O.S. 4100.8(C), any active duty military applicant, and their spouses, receiving a notice of denial of full licensure or certification shall have the right to obtain and submit the documentation required to complete full license or certificate requirements in this state or to appeal the denial determination pursuant to the Administrative Procedures Act [75 O.S. 250 et seq.] and OAC 310:2-21, relating to Department procedure governing individual proceedings.