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Chief

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Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*

For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 25. PERSONNEL ADMINISTRATION RULES

[OAR Docket #24-114]

RULEMAKING ACTION:

Submission to Governor and Legislature

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260:25-7-12. Payment of overtime [AMENDED]

Part 3. PAYROLL

260:25-7-31. Certification of payrolls [AMENDED]

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260:25-15-11. Annual leave [AMENDED]

260:25-15-12. Sick leave [AMENDED]

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260:25-15-59. Paid Maternity Leave [NEW]

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260:25-25-16. Procedures for direct deposit enrollment and changes [AMENDED]

Part 3. HCM ADMINISTRATIVE POLICIES AND PROCEDURES

260:25-25-37. Confidential records; inspection and release of open records [AMENDED]

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January 24, 2024

[OAR Docket #24-114; filed 1-24-24]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 60. FACILITIES MANAGEMENT

[OAR Docket #24-121]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Use of Public Areas of Capitol and Plazas

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260:60-3-12. Damages [AMENDED]

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January 23, 2024

[OAR Docket #24-121; filed 1-25-24]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 130. CIVIL SERVICE AND HUMAN CAPITAL MODERNIZATION RULES [AMENDED]**

[OAR Docket #24-117]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [AMENDED]
Subchapter 3. State Employee Dispute Resolution Program
260:130-3-2. Mediation [AMENDED]
Subchapter 5. Jurisdiction, Rights and Processes [AMENDED]
260:130-5-6. Complaint petition [AMENDED]
260:130-5-11. Transcripts [AMENDED]
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260:130-7-1. Prehearing conference [AMENDED]
260:130-7-4. Hearing [AMENDED]
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260:130-11-1. Confidential whistleblower program [AMENDED]
Subchapter 15. Salary and Payroll Uniform Structure
260:130-15-2. Pay range and pay increase catalog and codes [AMENDED]
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260:130-27-4. Records [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2024

[OAR Docket #24-117; filed 1-24-24]

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

[OAR Docket #24-98]

RULEMAKING ACTION:

Submission to Governor and Legislature

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317:2-1-2.6. Continuation of benefits or services pending appeal [AMENDED]
Subchapter 3. Member Grievances and Appeals, Provider Complaints, and state fair hearings in ~~managed~~
~~care~~ ~~SoonerSelect~~ [AMENDED]
317:2-3-1. Definitions [AMENDED]

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- 317:2-3-2. Timeframes [AMENDED]
- 317:2-3-3. Grievance and appeals system [AMENDED]
- 317:2-3-4. Member grievances [AMENDED]
- 317:2-3-5. Member appeals [AMENDED]
- 317:2-3-5.1. Continuation of benefits pending appeal and state fair hearing [NEW]
- 317:2-3-6. External medical review and clinical expertise [AMENDED]
- 317:2-3-7. Obligation to pay costs of services [AMENDED]
- 317:2-3-8. Grievances and appeals notice [AMENDED]
- 317:2-3-9. Exhaustion of ~~managed care entity~~ CE or DBM appeals [AMENDED]
- 317:2-3-10. Provider complaint system and appeal requests [AMENDED]
- 317:2-3-11. Recordkeeping [AMENDED]
- 317:2-3-12. State fair hearing for members [AMENDED]
- 317:2-3-13. State fair hearing for providers [AMENDED]
- 317:2-3-14. Administrative Law Judge (ALJ) jurisdiction [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-98; filed 1-19-24]

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

[OAR Docket #24-15]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES
- 317:30-5-240.3. Staff credentials [AMENDED]
- 317:30-5-241.5. Support services [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-15; filed 1-19-24]

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

[OAR Docket #24-16]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. General Provider Policies
- Part 1. GENERAL SCOPE AND ADMINISTRATION
- 317:30-3-35. Oklahoma State Health Information Network and Exchange (OKSHINE) [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-16; filed 1-10-24]

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

Submissions to Governor and Legislature

[OAR Docket #24-17]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

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Part 1. GENERAL SCOPE AND ADMINISTRATION

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317:30-3-27.1. Audio-only health service delivery [NEW]

Subchapter 5. Individual Providers and Specialties

Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES

317:30-5-241.2. Psychotherapy [AMENDED]

Part 35. RURAL HEALTH CLINICS

317:30-5-354. Definitions [AMENDED]

317:30-5-355.2. Covered services [AMENDED]

Part 64. CLINIC SERVICES

317:30-5-575. General information [AMENDED]

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317:30-5-664.10. Health Center reimbursement [AMENDED]

317:30-5-664.3. FQHC encounters [AMENDED]

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SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-17; filed 1-10-24]

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

[OAR Docket #24-18]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. LONG-TERM CARE FACILITIES

317:30-5-136.2. Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) Enhanced Payment Program [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-18; filed 1-19-24]

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

[OAR Docket #24-19]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Submissions to Governor and Legislature

Part 62. PRIVATE DUTY NURSING

317:30-5-561. Private duty nursing (PDN) payment rates [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-19; filed 1-19-24]

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

[OAR Docket #24-20]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. GENERAL SCOPE AND ADMINISTRATION

317:30-3-5. Assignment and cost sharing [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-20; filed 1-10-24]

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

[OAR Docket #24-37]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 114. DOULA SERVICES [NEW]

317:30-5-1215. General [NEW]

317:30-5-1216. Eligible providers [NEW]

317:30-5-1217. General coverage [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-37; filed 1-19-24]

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

[OAR Docket #24-41]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 3. GENERAL MEDICAL PROGRAM INFORMATION

317:30-3-41. Home and Community Based Services Waivers for persons with physical disabilities [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

Submissions to Governor and Legislature

[OAR Docket #24-41; filed 1-19-24]

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

[OAR Docket #24-43]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 51. HABILITATION SERVICES

317:30-5-482. Description of services [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-43; filed 1-19-24]

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

[OAR Docket #24-45]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 85. ADVANTAGE PROGRAM WAIVER SERVICES

317:30-5-761. Eligible providers [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-45; filed 1-19-24]

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

[OAR Docket #24-47]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. PHARMACIES

317:30-5-87. 340B Drug Discount Program [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-47; filed 1-19-24]

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

Submissions to Governor and Legislature

[OAR Docket #24-48]

RULEMAKING ACTION:

Submission to Governor and Legislature

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. Coverage limitations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-48; filed 1-19-24]

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

[OAR Docket #24-50]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 79. DENTISTS

317:30-5-700.1. Orthodontic prior authorization [AMENDED]

317:30-5-704. Billing instructions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-50; filed 1-19-24]

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

[OAR Docket #24-57]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. HOSPITALS

317:30-5-41. Inpatient hospital coverage/limitations [AMENDED]

317:30-5-47. Reimbursement for inpatient hospital services [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-57; filed 1-19-24]

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

[OAR Docket #24-62]

Submissions to Governor and Legislature

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 3. GENERAL MEDICAL PROGRAM INFORMATION
317:30-3-57. General SoonerCare coverage - categorically needy [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 17. MEDICAL SUPPLIERS
317:30-5-211.13. Orthotics and prosthetics [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-62; filed 1-19-24]

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

[OAR Docket #24-21]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 6. SoonerCare for Pregnant Women and Families With Children
Part 3. APPLICATION PROCEDURES
317:35-6-15. SoonerCare application for pregnant women, families with children, and expansion adults; forms [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-21; filed 1-19-24]

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

[OAR Docket #24-35]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 16. State Plan Personal Care Services for Expansion Adults, TEFRA Eligible Children and Certain MAGI Populations [NEW]
317:35-16-1. State Plan Personal Care Services (SPPC) [NEW]
317:35-16-2. Determination of medical eligibility for State Plan Personal Care (SPPC) services for Expansion Adults, TEFRA, and certain MAGI populations [NEW]
317:35-16-3. Certification for State Plan Personal Care [NEW]
317:35-16-4. Agency State Plan Personal Care (SPPC) service authorization and monitoring [NEW]
317:35-16-5. Agency State Plan Personal Care services; billing, and problem resolution [NEW]
317:35-16-6. Financial eligibility redetermination for State Plan Personal Care [NEW]
317:35-16-7. Medical eligibility redetermination for State Plan Personal Care (SPPC) services [NEW]
317:35-16-8. Case changes [NEW]
317:35-16-9. Billing procedures for State Plan Personal Care [NEW]
317:35-16-10. Social services referral [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

Submissions to Governor and Legislature

[OAR Docket #24-35; filed 1-19-24]

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

[OAR Docket #24-42]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 17. Advantage Waiver Services

317:35-17-1. Overview of long-term medical care services; relationship to Qualified Medicare Beneficiary Plus (QMBP), Specified Low-Income Medicare Beneficiary (SLMB), and other Medicaid (SoonerCare) services eligibility [AMENDED]

317:35-17-3. ADvantage program services [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-42; filed 1-19-24]

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

[OAR Docket #24-44]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Medical Services

Part 7. CERTIFICATION, REDETERMINATION AND NOTIFICATION

317:35-7-61.1. Special redetermination procedures for Tax Equity and Fiscal Responsibility Act (TEFRA) [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

317:35-9-48.1. Determining ICF/IID institutional level of care for TEFRA children [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-44; filed 1-19-24]

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

[OAR Docket #24-46]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 15. State Plan Personal Care Services

317:35-15-2. State Plan Personal Care (SPPC) services [AMENDED]

317:35-15-4. State Plan Personal Care (SPPC) services medical eligibility determination [AMENDED]

317:35-15-8. Agency State Plan Personal Care (SPPC) service authorization and monitoring [AMENDED]

Submissions to Governor and Legislature

- 317:35-15-8.1. Agency State Plan Personal Care services; billing, and problem resolution [AMENDED]
- 317:35-15-10. Medical eligibility redetermination for State Plan Personal Care (SPPC) services [AMENDED]
- 317:35-15-13.1. Individual personal care assistant (IPCA) service management [REVOKED]
- 317:35-15-13.2. Individual personal care assistants (IPCA) provider contractor; billing, training, and problem resolution [REVOKED]
- Subchapter 17. Advantage Waiver Services
 - 317:35-17-2. Level of care medical eligibility determination [AMENDED]
 - 317:35-17-4. Application for ADvantage services [AMENDED]
 - 317:35-17-5. ADvantage program medical eligibility determination [AMENDED]
 - 317:35-17-14. Case management services [AMENDED]
 - 317:35-17-18. ADvantage services during hospitalization or NF placement [AMENDED]
 - 317:35-17-19. Closure or termination of ADvantage services [AMENDED]
 - 317:35-17-21.1. ADvantage and agency Personal Care provider certification [AMENDED]
 - 317:35-17-26. Ethics of Care Committee [AMENDED]
- Subchapter 19. Nursing Facility Services
 - 317:35-19-2. Nursing Facility (NF) program medical eligibility determination [AMENDED]
 - 317:35-19-18. Change in level of long-term medical care [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-46; filed 1-19-24]

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

[OAR Docket #24-49]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Member Services
- Part 9. SERVICE PROVISIONS
- 317:40-5-101. Architectural modifications [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-49; filed 1-19-24]

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

[OAR Docket #24-36]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Insure Oklahoma Qualified Benefit Plans
- 317:45-5-1. Qualified Benefit Plan requirements [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-36; filed 1-19-24]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY

Submissions to Governor and Legislature

CHAPTER 55. MANAGED CARE

[OAR Docket #24-99]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

317:55-1-1. Purpose; use of manuals [AMENDED]

317:55-1-2. Monitoring system for all managed care programs [REVOKED]

317:55-1-3. Definitions [AMENDED]

317:55-1-4. Eligible entities [NEW]

317:55-1-5. Program administration requirements [NEW]

Subchapter 3. General Program Information

Part 1. ELIGIBILITY, ENROLLMENT AND CONTINUITY OF CARE [AMENDED]

317:55-3-1. Mandatory, voluntary, and excluded populations [AMENDED]

317:55-3-2. Excluded populations Enrollment and disenrollment process [AMENDED]

317:55-3-3. Voluntary enrollment and disenrollment Enrollee rights [AMENDED]

Part 3. SCOPE AND ADMINISTRATION ACCESS TO COVERED SERVICES AND PROVIDER NETWORK

STANDARDS [AMENDED]

317:55-3-10. Grievances and appeals Covered services [AMENDED]

317:55-3-11. Intermediate sanctions Cost sharing [AMENDED]

317:55-3-12. Non-compliance damages and remedies Provider contracting and network requirements [AMENDED]

317:55-3-13. Termination of managed care contract Time, distance, and access standards [AMENDED]

317:55-3-14. Record retention Primary care requirements [AMENDED]

317:55-3-15. Provider agreement/contract termination [NEW]

317:55-3-16. Non-licensed providers [NEW]

Part 5. REQUIRED FEDERAL AUTHORIZATIONS GRIEVANCE, APPEAL AND PROVIDER COMPLAINT

SYSTEM [AMENDED]

317:55-3-20. Authorizations SoonerSelect enrollee grievance and appeal system [AMENDED]

317:55-3-21. Firming Provider complaint system [AMENDED]

Subchapter 5. Requirements for Managed Care Organizations Contracted Entities and Dental Benefits Managers

[AMENDED]

Part 1. ACCREDITATION AND READINESS MONITORING, PROGRAM INTEGRITY, DATA, AND REPORTING

[AMENDED]

317:55-5-1. MCO or DBM accreditation Monitoring system for all SoonerSelect programs [AMENDED]

317:55-5-2. MCO or DBM readiness Program integrity; data and reporting [AMENDED]

317:55-5-3. Critical incident reporting system [NEW]

Part 3. PROVIDER REQUIREMENTS NON-COMPLIANCE OF A CE AND/OR DBM AND NOTIFICATIONS

[AMENDED]

317:55-5-10. Provider contracts and credentialing standards Non-compliance of contracted entities [AMENDED]

317:55-5-11. Network adequacy standards Non-compliance of dental benefit managers [AMENDED]

317:55-5-12. Prior authorization requirements, generally Termination of contract [AMENDED]

317:55-5-13. Notification of material change [AMENDED]

317:55-5-14. Patient data [AMENDED]

Part 5. FINANCE

317:55-5-20. Capitation rates Financial standards and third-party liability [AMENDED]

317:55-5-21. Medical loss ratio Payment to CEs ad DBMs [AMENDED]

317:55-5-22. Value-based purchasing Payment to providers [AMENDED]

317:55-5-23. Special contract provisions related to payment Timely claims filing and processing [AMENDED]

317:55-5-24. Hospital readmission damages [AMENDED]

317:55-5-25. Claims processing and methodology; post payment audits [AMENDED]

317:55-5-26. Prohibited payments [NEW]

Part 7. THE MANAGED CARE SOONERSELECT QUALITY ADVISORY COMMITTEE [AMENDED]

317:55-5-30. Managed care SoonerSelect quality advisory committee [AMENDED]

317:55-5-31. Quality scorecard [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-99; filed 1-19-24]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-11]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Description of Forms and Instructions

365:1-9-5. Surplus lines forms [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 9, 2024

[OAR Docket #24-11; filed 1-9-24]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 10. LIFE, ACCIDENT AND HEALTH

[OAR Docket #24-12]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

Part 1. GENERAL PROVISIONS

365:10-1-18. Annual provider directory audit report [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 9, 2024

[OAR Docket #24-12; filed 1-9-24]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY

[OAR Docket #24-13]

RULEMAKING ACTION:

Submission to Governor and Legislature

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]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 9, 2024

[OAR Docket #24-13; filed 1-9-24]

TITLE 365. INSURANCE DEPARTMENT

Submissions to Governor and Legislature

CHAPTER 25. OTHER LICENSEES

[OAR Docket #24-14]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Producers, Brokers, Limited Lines Producers, Service Warranties and Vehicle Protection Product Warrantors [AMENDED]

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 quarterly statement filings 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]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 9, 2024

[OAR Docket #24-14; filed 1-9-24]

TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE CHAPTER 20. SALE AND OPERATION OF HARD ROCK MINING AND OTHER MINERAL LEASES

[OAR Docket #24-84]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

385:20-1-2. Mailing list for notice of lease sale [AMENDED]

385:20-1-11. Fines [REVOKED]

385:20-1-13. Request to offer land for lease; advertising deposit and requirements [AMENDED]

385:20-1-14. Bidding process [AMENDED]

385:20-1-15. Issuance of hard rock or other mineral lease [AMENDED]

385:20-1-16. Lease cancellation [REVOKED]

385:20-1-18. Commission records [REVOKED]

385:20-1-23. Brine Leasing [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-84; filed 1-18-24]

TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE CHAPTER 25. SURFACE LEASING FOR AGRICULTURAL AND COMMERCIAL PURPOSES

[OAR Docket #24-82]

Submissions to Governor and Legislature

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

385:25-1-2. Definitions [AMENDED]

385:25-1-12. Reservations in surface lease; easements [AMENDED]

385:25-1-20. Holdover tenants [AMENDED]

385:25-1-31. Subleasing and adding lessees [AMENDED]

385:25-1-33. Procedure for appraisal of commercial leases [AMENDED]

385:25-1-41. Procedure for Exchanging Land [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-82; filed 1-18-24]

**TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE
CHAPTER 30. SALE OF SCHOOL LAND**

[OAR Docket #24-80]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

385:30-1-3. Request for sale of school land [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2024

[OAR Docket #24-80; filed 1-18-24]

**TITLE 485. OKLAHOMA BOARD OF NURSING
CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

[OAR Docket #24-116]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-4.1. Clinical learning experiences [AMENDED]

Subchapter 19. Peer Assistance Program

485:10-19-4. Peer Assistance Committee(s) [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 24, 2024

[OAR Docket #24-116; filed 1-24-24]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRIVE OPERATIONS**

[OAR Docket #24-130]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 14. Scheduled or Controlled Dangerous Substances Classifications or Exclusions

Submissions to Governor and Legislature

535:1-14-3. Procedure [AMENDED]

535:1-14-4. Exclusion of Rx Only products not federally scheduled from Oklahoma Controlled dangerous substances scheduling [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 25, 2024

[OAR Docket #24-130; filed 1-25-24]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 10. PHARMACISTS; AND INTERNS, PRECEPTORS AND TRAINING AREAS

[OAR Docket #24-127]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Interns, Preceptors and Training Areas

535:10-5-3. Intern requirements; licenses [AMENDED]

Subchapter 7. Pharmacist Licensure

535:10-7-2. Definitions [AMENDED]

535:10-7-8. Foreign pharmacy graduate licensure applicants [AMENDED]

Subchapter 9. Pharmaceutical Care

535:10-9-15. ~~Naloxone~~ Opioid Antagonist [AMENDED]

Subchapter 11. Pharmacist Administration of Immunizations

535:10-11-3. D.Ph. administered immunization, training and CE requirements [AMENDED]

535:10-11-4. Immunization registration [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 25, 2024

[OAR Docket #24-127; filed 1-25-24]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 15. PHARMACIES

[OAR Docket #24-128]

RULEMAKING ACTION:

Submission to Governor and Legislature

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 [AMENDED]

Subchapter 7. Drug Supplier Permits

Submissions to Governor and Legislature

535:15-7-2. Drug supplier requirements [AMENDED]

Subchapter 10. Good Compounding Practices

Part 1. GOOD COMPOUNDING PRACTICES FOR NON-STERILE PREPARATIONS

535:15-10-1.1. Preparation of compounded drug products for over-the-counter (OTC) sale [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 25, 2024

[OAR Docket #24-128; filed 1-25-24]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 25. RULES AFFECTING VARIOUS REGISTRANTS**

[OAR Docket #24-129]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 6. Post and Active Duty Military Service and Their Spouse Applicants

535:25-6-2. Active duty military and their spouse requirements [AMENDED]

Subchapter 7. Rules of Registrant Conduct

535:25-7-7. Reporting [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 25, 2024

[OAR Docket #24-129; filed 1-25-24]

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

[OAR Docket #24-94]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Credited Service

590:10-3-6. Full-time-equivalent employment [AMENDED]

Subchapter 17. Step-Up Election and Benefits

590:10-17-7. Step-Up participating service calculations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-94; filed 1-19-24]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 25. DEFERRED COMPENSATION**

[OAR Docket #24-95]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Benefits

590:25-9-1. Commencement of benefits [AMENDED]

590:25-9-5. Late retirement [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-95; filed 1-19-24]

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

[OAR Docket #24-96]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Defined Contribution 457(B) Plan

Part 7. BENEFITS

590:40-9-25. Commencement of benefits [AMENDED]

590:40-9-28. Late retirement [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-96; filed 1-19-24]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 25. HIGHWAY CONTRACTORS

[OAR Docket #24-87]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Contractor ~~Prequalification~~ Prequalification and Proposals [AMENDED]

730:25-3-1. Prequalification [AMENDED]

Subchapter 5. Construction Contracts [AMENDED]

730:25-5-7. Highway Construction Materials Technician Certification [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-87; filed 1-19-24]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 35. MAINTENANCE AND CONTROL OF STATE HIGHWAY SYSTEM

[OAR Docket #24-88]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Traffic Control Devices [AMENDED]

730:35-7-3. Traffic control responsibilities [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 19, 2024

[OAR Docket #24-88; filed 1-19-24]

Submissions to Governor and Legislature

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE, DISMANTLER, AND MANUFACTURED HOUSING
COMMISSION
CHAPTER 13. TEMPORARY LICENSE PLATES**

[OAR Docket #24-24]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Design

765:13-3-2. Form and substance of the temporary license plate [AMENDED]

765:13-3-3. Content of the temporary license plate [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 10, 2024

[OAR Docket #24-24; filed 1-11-24]

Submissions to Governor and Legislature_____

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

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

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

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action. *For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 20. RETAIL SPIRIT STORES, MIXED BEVERAGE, CATERERS, SPECIAL EVENTS AND BOTTLE CLUBS

[OAR Docket #24-32]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 14. Educational Alcoholic Beverage Training For Employees [NEW]

45:20-14-1. Educational alcoholic beverage training/tastings for licensees and their employees [NEW]

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S. § 1-107.

COMMENT PERIOD:

N/A

PUBLIC HEARING:

January 10, 2024

ADOPTION:

January 3, 2024

EFFECTIVE:

January 10, 2024

APPROVED BY GOVERNOR:

January 9, 2024

EXPIRATION:

Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

Emergency Adoptions

Adoption of this rule is necessary as an emergency measure pursuant to the criteria set forth in 75 O.S. § 253(A), especially to protect the public health, safety or welfare.

GIST/ANALYSIS:

The creation of 45:20-14-1 allows for limited educational alcoholic beverage training/tastings for certain licensees and their employees so that they may become familiar with the products that they sell and serve to customers.

CONTACT PERSON:

Brandon Clabes, Executive Director: (405) 521-3484; Lori Carter, Assistant Director and General Counsel: (405) 521-3484; James Crawford, Assistant Attorney General: (405) 522-3787 or james.crawford@oag.ok.gov.

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 14. EDUCATIONAL ALCOHOLIC BEVERAGE TRAINING FOR EMPLOYEES [NEW]

45:20-14-1. Educational alcoholic beverage training/tastings for licensees and their employees [NEW]

Mixed beverage, catering mixed beverage, and beer and wine licensees shall be authorized to host educational alcoholic beverage training which includes tastings for employees who are licensed to serve or sell alcoholic beverages. Alcoholic beverages for training purposes may be provided by wine and spirits wholesaler licensees and beer distributor licensees and shall be subject to the following requirements:

- (1) All such tastings shall be conducted on a licensed premises and under the direct supervision of the licensee.
- (2) Samples shall be poured by a licensee who is lawfully permitted to serve alcoholic beverages in the State of Oklahoma.
- (3) Tastings shall be restricted to employees who are twenty-one (21) years of age or older.
- (4) Although participation in tastings for educational purposes may be required by an employer, the choice to taste or consume alcoholic beverages shall always be voluntary. No employee may be required to taste or consume alcohol at tastings as a term of employment.
- (5) An educational training beer tasting flight may consist of no more than six (6) separate individual beers of not more than two (2) ounces each, served together at one time. No employee may sample more than a total of twelve (12) fluid ounces of beer per day.
- (6) An educational training wine tasting flight may consist of no more than six (6) separate individual wines of not more than one (1) ounce each, served together at one time. No employee may sample more than a total of six (6) fluid ounces of wine per day.
- (7) An educational training spirit tasting flight shall consist of no more than three (3) separate individual spirits of not more than one-half (0.5) ounce each, served together at one time. No employee may sample more than a total of one and one-half (1.5) fluid ounces of spirits per day.
- (8) Only one (1) type of alcoholic beverage (beer, wine or spirits) shall be allowed at any educational training tasting. No combination tasting shall be allowed.
- (9) Employees who choose to taste an alcoholic beverage but do not wish to consume the alcoholic beverage shall be allowed to spit the beverage in a cup for disposal.
- (10) Employees may participate in educational tastings before, during or after regular business hours unless otherwise prohibited by law. If employees consume alcoholic beverages as part of an educational training before or during regular business hours, they shall not be allowed to begin or resume performing regularly scheduled work duties earlier than one (1) hour after completion of the tasting. Employees who do not consume alcoholic beverages as part of an educational training or tasting may be allowed to begin or resume performing regularly scheduled work duties immediately after completion of training.
- (11) All licensees serving samples of beer shall ensure that all samples are poured only from original sealed packaging; any alcoholic beverages remaining in unsealed packaging used to provide samples, excluding spirits and wine, are poured out by the end of the day; no more than six (6) bottles of alcoholic beverages are unsealed at any given time during a tasting; and no person removes any poured samples from the licensed premises or location where the tasting has occurred.
- (12) A copy of this administrative rule shall be posted at the licensed premise where a tasting will occur.

[OAR Docket #24-32; filed 1-11-24]

Emergency Adoptions

TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-109]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

442:1-1-13. Appeal of adverse credential determination [NEW]

AUTHORITY:

Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 427.14b

COMMENT PERIOD:

N/A

PUBLIC HEARING:

January 23, 2024

ADOPTION:

December 20, 2023

EFFECTIVE:

January 23, 2024

APPROVED BY GOVERNOR:

January 23, 2024

EXPIRATION:

Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

N/A

GUBERNATORIAL APPROVAL:

N/A

REGISTER PUBLICATION:

N/A

DOCKET NUMBER:

N/A

INCORPORATIONS BY REFERENCE:

INCORPORATED STANDARDS:

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

The proposed emergency rules implement legislative changes mandated by Senate Bill 1704 and address changes in statute under 63 O.S. § 427.14b. The emergency rules govern proceedings before the agency, including provisions regarding appeal of adverse credential determinations. The rules are intended to ensure consistent process is afforded to both the Agency as well as credential applicants and commercial licensees subject to administrative actions, penalties, fines, and adverse agency orders affecting licenses. In exigent circumstances that require emergency action, the Authority may issue an order stating the existence of said emergency and require that action be taken by the commercial licensee. Permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2024.

GIST/ANALYSIS:

The amendments govern proceedings before the agency, including provisions regarding appeal of adverse credential determinations. OAC 442:1-1-13 governs the appeal of adverse credential determinations.

CONTACT PERSON:

Ashley Crall, Senior Policy Analyst and Legislative Liaison, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov.

Emergency Adoptions

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):

442:1-1-13. Appeal of adverse credential determination [NEW]

(a) If the third-party vendor determines that an employee of a medical marijuana business does not meet the minimum statutory requirements for a credential, the applicant or employee shall have no recourse against the third-party vendor but may appeal such adverse determination to the Authority.

(b) An applicant for an employee credential whose application has been denied may make a written request for a hearing on appeal not later than thirty (30) days after the Authority provided notice to the applicant of the adverse determination.

(c) Notice of an adverse determination shall be sent to the applicant in the same method the application was submitted to the Authority.

(d) At a hearing on the appeal of an adverse credential determination, the sole issue is whether the application submitted by the applicant for an employee credential met the minimum statutory requirements for a credential at the time of submission.

(e) No evidence, other than what is contained in the application for an employee credential, shall be introduced, offered, or referenced by any party.

[OAR Docket #24-109; filed 1-23-24]

**TITLE 442. OKLAHOMA MEDICAL MARIJUANA AUTHORITY
CHAPTER 10. MEDICAL MARIJUANA REGULATIONS**

[OAR Docket #24-110]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Medical Marijuana Businesses

442:10-5-1.1. Responsibilities of the license holder [AMENDED]

AUTHORITY:

Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 427.14b

COMMENT PERIOD:

N/A

PUBLIC HEARING:

January 23, 2024

ADOPTION:

December 20, 2023

EFFECTIVE:

January 23, 2024

APPROVED BY GOVERNOR:

January 23, 2024

EXPIRATION:

Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

SUPERSEDED RULES:

Subchapter 5. Medical Marijuana Businesses [AMENDED]

442:10-5-1.1 [AMENDED]

GUBERNATORIAL APPROVAL:

September 11, 2023

REGISTER PUBLICATION:

41 Ok Reg 58

DOCKET NUMBER:

23-741

INCORPORATIONS BY REFERENCE:**INCORPORATED STANDARDS:**

N/A

INCORPORATING RULES:

N/A

AVAILABILITY:

N/A

FINDING OF EMERGENCY:

The proposed emergency rules implement legislative changes mandated by Senate Bill 1704 and address changes in statute under 63 O.S. § 427.14b. The emergency rules are intended to provide a structure for the implementation of the employee credential. Permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2024.

GIST/ANALYSIS:

The emergency rules are intended to provide a structure for the implementation of the employee credential. The amendments require employees of a medical marijuana business licensee to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business. The amendments to OAC 442:10-5-1.1(13) clarify that a medical marijuana business license holder shall require all individuals employed under their license to be issued a credential and defines “employee”.

CONTACT PERSON:

Ashley Crall, Senior Policy Analyst and Legislative Liaison, Oklahoma Medical Marijuana Authority, 2501 N. Lincoln Blvd., OK 73105, 405-568-5766. Ashley.Crall@omma.ok.gov

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

SUBCHAPTER 5. MEDICAL MARIJUANA BUSINESSES

442:10-5-1.1. Responsibilities of the license holder [AMENDED]

Upon acceptance of the license issued by the Authority, the license holder in order to retain the license shall:

- (1) Post the license or permit in a location in the licensed premises that is conspicuous;
- (2) Comply with the provisions in this Chapter;
- (3) Allow representatives of the Authority access to the medical marijuana business as specified under OAC 442:10-5-4 and OAC 442:10-5-6(i);
- (4) Comply with directives of the Authority including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives issued by the Authority in regard to the license holder's medical marijuana business or in response to community emergencies;
- (5) Accept notices issued and served by the Authority according to law;
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Authority, including time frames for corrective actions specified in inspection reports, audit reports, notices, orders, warnings, and other directives;
- (7) Ensure that all information and records maintained in the licensee's online OMMA license account-including the hours of operation for all licensed premises, trade name, and a valid mailing address, if applicable-are complete, accurate, and updated in a timely manner in accordance with these Rules;
- (8) If applicable, submit the annual renewal application and pay all renewal license and late fees, if any;
- (9) Bear the financial responsibility for all compliance and inventory tracking obligations and responsibilities set forth in Oklahoma statutes and these Rules. The Authority will not contribute to, fund, or subsidize any commercial licensee's compliance or tracking expenses. Nothing herein shall be construed to require the Authority to contribute to, subsidize, or fund in any way a commercial licensee's compliance or tracking expenses; and
- (10) If multiple commercial licensees are located at the same location, each commercial license must ensure that all inventory is separately and properly tracked, accounted for, and physically and distinctly separated from the inventory of any other commercial licensee such that licensees and the Authority are readily able to distinguish as to which licensee each item of medical marijuana and medical marijuana products belongs.

Emergency Adoptions

(11) All medical marijuana commercial grower licensees who operate an outdoor medical marijuana production facility shall be required to register with the Oklahoma Department of Agriculture, Food, and Forestry as an environmentally sensitive crop owner. Registration shall provide notice to commercial and private pesticide applicators of the locations of medical marijuana crops and help minimize the potential for damaging pesticide drift. Medical marijuana commercial grower licensees shall provide their business name, address, Global Positioning System (GPS) coordinates for all outdoor medical marijuana production facilities, and any other information required by the Department when registering with the Environmentally Sensitive Area Registry.

(12) All medical marijuana commercial grower licensees shall file with the Authority a bond or attestation as required under OAC 442:10-5-3.3 and ensure that all information and records are complete, accurate, and updated in a timely manner in accordance with OAC 442:10-5-2(e)(3).

(13) Beginning January 1, 2024, the Authority shall require employees of a medical marijuana business licensee to apply for and receive a credential authorizing the employee to work in a licensed medical marijuana business.

(A) For purposes of this Section, "employee" means any natural person who:

(i) Grows, harvests, dries, cures, purchases, sells, transfers, transports, processes, produces, manufactures, creates, or packages medical marijuana, medical marijuana products, and/or medical marijuana waste on behalf of or for a medical marijuana licensed commercial grower, processor, or dispensary;

(ii) Samples, trains, or educates on behalf of or for a medical marijuana licensed education or research facility;

(iii) Disposes of or transports medical marijuana, medical marijuana products, and/or medical marijuana waste on behalf of a medical marijuana waste disposal facility licensee;

(iv) Tests and/or conducts research on medical marijuana and/or medical marijuana products on behalf of a medical marijuana licensed testing laboratory;

(v) Transports, stores, distributes, but does not take ownership of, medical marijuana and/or medical marijuana products on behalf of a medical marijuana licensed commercial transporter;

(vi) Tracks, traces, reports, and/or inputs any information into the State inventory tracking system on behalf of a medical marijuana commercial licensee; or

(vii) Conducts any other additional business for the benefit of a medical marijuana commercial licensee authorized under OAC 442:10.

(B) A credential will be issued to an individual employee and can be associated with multiple medical marijuana businesses or employers.

(C) A medical marijuana business license holder shall require all individuals employed under their license to have an active, unexpired credential prior to employment and must associate all employee credentials with the corresponding commercial license in a manner prescribed by the Authority.

(D) Employee credentials shall be valid from the date of issuance until January 31st of the following year.

(E) An employee may voluntarily surrender a credential to the Authority at any time.

(i) If an employee voluntarily surrenders a credential, the employee shall:

(I) Destroy or return the credential to the Authority;

(II) Submit a surrender employee credential form provided by the Authority; and

(III) Submit proof of the employee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity).

(ii) The surrender of a credential is effective upon written acceptance by the Authority.

(iii) Employee credential surrender forms and any other documentation or information submitted by an employee shall be confidential.

[OAR Docket #24-110; filed 1-23-24]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2024-1.

EXECUTIVE ORDER 2024-1

To the Honorable Members of the Oklahoma House of Representatives and the Honorable Members of the Oklahoma State Senate:

WHEREAS, the people of the great State of Oklahoma have experienced the highest level of inflation in four decades and need relief now; and

WHEREAS, the vast majority of Oklahoma voters support cutting income taxes so they can keep more of their hard-earned money and slow the growth of government; and

WHEREAS, the citizens of the State of Oklahoma deserve to know where each elected legislator stands on giving the people of Oklahoma the tax relief they desperately need; and

WHEREAS, given historic state savings and recent historic and expected future levels of state revenues, I believe the State should seize the opportunity to allow taxpayers to keep more of their hard-earned money-because Oklahomans know how to spend their money better than the government.

THEREFORE, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Article VI, § 7 of the Oklahoma Constitution, hereby convoke an Extraordinary Session of the Fifty-Ninth Legislature to convene at the State Capitol on January 29, 2024. The Legislature shall only act:

1. To put up for a vote a 0.25% decrease in individual income tax rates.

Copies of this Executive Order shall be distributed to every member of the House of Representatives, every member of the State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of Management and Enterprise Services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of January, 2024.

THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-67; filed 1-24-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-2.

EXECUTIVE ORDER 2024-2

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 5:00 p.m. Tuesday, January 30, 2024, to 5:00 p.m. on Wednesday, January 31, 2024, to honor the life and service of Tulsa Firefighter Harrison Moseby.

Mr. Moseby is a 5-year veteran of fire service in Oklahoma. His exemplary service to the Tulsa Fire Department and our state will not be forgotten. Mr. Moseby leaves behind a loving wife, and two daughters.

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

Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 23rd day of January, 2024.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA
J. Kevin Stitt

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-107; filed 2-2-24]