Volume 42
Number 6
December 2, 2024
Pages 327 - 487

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules

Kevin Stitt, Governor
Josh Cockroft,
Secretary of State
Chris Coffman, Editor-in-Chief

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code.*

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Printed copies of the *Register* are available for public inspection at many County Clerks' offices in Oklahoma and the Jan Eric Cartwright Memorial Law Library at 200 NE 18th Street in the State Capitol Complex. Electronic copies of the *Register* are also available online at the Office of Administrative Rules' website at www.rules.ok.gov.

CITE MATERIAL PUBLISHED IN *THE OKLAHOMA REGISTER* by the volume and the beginning page number of the document in the *Register. For example: 36 Ok Reg 256.*

SUBSCRIPTION RATES for the *Register* are $500.00 per year for the printed issues and $300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for $20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103, by email at oar@sos.ok.gov, or by phone at (405) 521-4911. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Table of Contents

Agency/Action/Subject Index ii
Rules Affected Index v
Agency Index (Title numbers assigned) vii
Notices of Rulemaking Intent
Department of Environmental Quality (Title 252) 327, 328, 329, 330, 331, 333
Oklahoma State Department of Health (Title 310) 334
Oklahoma Health Care Authority (Title 317) 336, 337, 338, 339, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 350, 351, 352, 353, 354, 355, 356, 357, 357, 358, 359, 360, 361, 362, 363, 364, 365
Department of Human Services (Title 340) 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 378, 379, 380
Insurance Department (Title 365) 381, 382
Oklahoma Liquefied Petroleum Gas Board (Title 420) 383, 383
Department of Mental Health and Substance Abuse Services (Title 450) 385, 386, 387, 387, 388, 389, 390, 391
Health Care Workforce Training Commission (Title 540) 392
Real Estate Appraiser Board (Title 600) 393, 394
State Regents for Higher Education (Title 610) 395
Oklahoma Tax Commission (Title 710) 396, 397, 398, 399, 400, 402, 403, 404, 405, 406
Department of Transportation (Title 730) 407
Oklahoma Department of Career and Technology Education (Title 780) 408, 409, 410
Submissions to Governor and Legislature
Oklahoma State Department of Health (Title 310) 412, 412, 412
Withdrawn Rules
Oklahoma State Department of Health (Title 310) 414, 415, 415
Department of Public Safety (Title 595) 419
Emergency Adoptions
Oklahoma Health Care Authority (Title 317) 421, 423, 435, 444, 446, 448
Oklahoma Medical Marijuana Authority (Title 442) 458
Department of Mental Health and Substance Abuse Services (Title 450) 482
Executive Orders
Executive Orders (Title 1) 485, 486

Agency/Action/Subject Index

GOVERNOR

Executive Orders

Declaring disaster emergency in 6 counties caused by severe storms, tornadoes, straight-line winds, and flooding in Oklahoma 485

GOVERNOR

Executive Orders

Amending EO 2024-27, Declaring disaster emergency in 9 counties caused by severe storms, tornadoes, straight-line winds, and flooding in Oklahoma 486

DEPARTMENT OF ENVIRONMENTAL QUALITY (Title 252)

Notice of Rulemaking Intent

Laboratory Services (Chapter 305) 327
State Environmental Laboratory Services (Chapter 306) 328
Disposal of Coal Combustion Residuals from Electric Utilities (Chapter 515) 329
Oklahoma Pollutant Discharge Elimination System (OPDES) Standards (Chapter 606) 330
Public Water Supply Operation (Chapter 631) 331
Waterworks and Wastewater Works Operator Certification (Chapter 710) 333

OKLAHOMA STATE DEPARTMENT OF HEALTH (Title 310)

Notice of Rulemaking Intent

Office of Client Advocacy (Chapter 678) 334

Submission for Review

Body Piercing and Tattooing (Chapter 233) 412
Adult Day Care Centers (Chapter 605) 412
Birthing Centers Regulations (Chapter 616) 412

Withdrawn Rules

Public Bathing Place Facility Standards (Chapter 315) 414
Public Bathing Place Operations (Chapter 320) 415
PUBLIC BATHING PLACE FACILITY STANDARDS AND OPERATIONS (Chapter 321) 415

OKLAHOMA HEALTH CARE AUTHORITY (Title 317)

Notice of Rulemaking Intent

l 336,337,338,339,339,340,341,342,343,344,345,346,347,348,349,350,350,351,352,353,354,355,356,357,357,358
Medical Assistance for Adults and Children-Eligibility (Chapter 35) 359,360,361,362,363
Developmental Disabilities Services (Chapter 40) 364
Managed Care (Chapter 55) 365

Emergency Adoptions

Medical Providers-Fee for Service (Chapter 30) 421,423,435,444,446
Developmental Disabilities Services (Chapter 40) 448

DEPARTMENT OF HUMAN SERVICES (Title 340)

Notice of Rulemaking Intent

Administrative Components (Chapter 2) 366
Adult Protective Services (Chapter 5) 367
Temporary Assistance for Needy Families (TANF) (Chapter 10) 368
~~State Supplemental Payment and the Supplemental Security Income-Disabled Children's Program~~Children and Youth with Special Health Care Needs (CYSHCN) (Chapter 15) 369
Low Income Home Energy Assistance Program (LIHEAP) (Chapter 20) 370
Child Support Services (Chapter 25) 371
Child Care Subsidy Program (Chapter 40) 372
Supplemental Nutrition Assistance Program (Chapter 50) 373
Refugee Resettlement Program (Chapter 60) 374
Public Assistance Procedures (Chapter 65) 375
Child Welfare Services (Chapter 75) 376

Developmental Disabilities Services (Chapter 100) . . . 378
Aging Services (Chapter 105) . . . 379
Licensing Services (Chapter 110) . . . 380

INSURANCE DEPARTMENT (Title 365)
Notice of Rulemaking Intent
Life, Accident and Health (Chapter 10) . . . 381
Other Licensees (Chapter 25) . . . 382

OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD (Title 420)
Notice of Rulemaking Intent
Administrative Rules of Procedure (Chapter 1) . . . 383
Liquefied Petroleum Gas Administration (Chapter 10) . . . 383

OKLAHOMA MEDICAL MARIJUANA AUTHORITY (Title 442)
Emergency Adoptions
Medical Marijuana Regulations (Chapter 10) . . . 458

DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES (Title 450)
Notice of Rulemaking Intent
Administration (Chapter 1) . . . 385
Standards and Criteria for Community Residential Mental Health Facilities (Chapter 16) . . . 386
Standards and Criteria for Community Mental Health Centers (Chapter 17) . . . 387
Standards and Criteria for Substance Related and Addictive Disorder Treatment Services (Chapter 18) . . . 387
Standards and Criteria for Comprehensive Community Addiction Recovery Centers (Chapter 24) . . . 388
Standards and Criteria for Certified Behavioral Health Case Managers (Chapter 50) . . . 389
Standards and Criteria for Certified Peer Recovery Support Specialists (Chapter 53) . . . 390
Standards and Criteria for Opioid Treatment Programs (Chapter 70) . . . 391
Emergency Adoptions
Standards and Criteria for Opioid Treatment Programs (Chapter 70) . . . 482

HEALTH CARE WORKFORCE TRAINING COMMISSION (Title 540)
Notice of Rulemaking Intent
Oklahoma Medical Loan Repayment Program (Chapter 50) . . . 392

DEPARTMENT OF PUBLIC SAFETY (Title 595)
Withdrawn Rules
Motorcycle Rider Safety (Chapter 75) . . . 419

REAL ESTATE APPRAISER BOARD (Title 600)
Notice of Rulemaking Intent
Licensure and Certification Requirements (Chapter 10) . . . 393
Disciplinary Procedures (Chapter 15) . . . 394

STATE REGENTS FOR HIGHER EDUCATION (Title 610)
Notice of Rulemaking Intent
Student Financial Aid and Scholarships (Chapter 25) . . . 395

OKLAHOMA TAX COMMISSION (Title 710)
Notice of Rulemaking Intent
Administrative Operations (Chapter 1) . . . 396
Alcohol and Mixed Beverages (Chapter 20) . . . 397
Coin Operated Vending Devices (Chapter 25) . . . 398
Gross Production (Chapter 45) . . . 399
Income (Chapter 50) . . . 400
Motor Fuel (Chapter 55) . . . 402
Sales and Use Tax (Chapter 65) . . . 403
Tobacco, Tobacco Products, and Cigarettes (Chapter 70) . . . 404
Various Tax Incentives (Chapter 85) . . . 405
Miscellaneous Areas of Regulatory and Administrative Authority (Chapter 95) . . . 406

DEPARTMENT OF TRANSPORTATION (Title 730)
Notice of Rulemaking Intent
Highway Contractors (Chapter 25) . . . 407

OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION (Title 780)
Notice of Rulemaking Intent

Administration and Supervision (Chapter 10) 408
Technology Centers (Chapter 15) 409
Programs and Services (Chapter 20) 410

Rules Affected Index

[(E) Emergency action]

Rule		Register Page
40:50-1-2	[AMENDED](E)	225
40:50-3-2	[AMENDED](E)	225
40:50-3-3	[AMENDED](E)	225
40:50-3-4	[AMENDED](E)	225
40:50-3-5	[AMENDED](E)	225
145:10-11-1	[NEW](E)	15
145:10-11-2	[NEW](E)	15
145:10-11-3	[NEW](E)	15
145:10-11-4	[NEW](E)	15
145:10-11-5	[NEW](E)	15
145:10-11-6	[NEW](E)	15
145:10-11-7	[NEW](E)	15
210:15-3-173	[AMENDED]	106
210:15-3-198	[AMENDED]	106
210:15-3-199	[AMENDED]	106
317:30-5-1091	[AMENDED](E)	421
317:30-5-122	[AMENDED](E)	435
317:30-5-1225	[NEW](E)	421
317:30-5-1226	[NEW](E)	421
317:30-5-1227	[NEW](E)	421
317:30-5-133.3	[AMENDED](E)	447
317:30-5-311	[AMENDED](E)	423
317:30-5-312	[AMENDED](E)	423
317:30-5-313	[AMENDED](E)	423
317:30-5-314	[AMENDED](E)	423
317:30-5-315	[AMENDED](E)	423
317:30-5-316	[AMENDED](E)	423
317:30-5-317	[NEW](E)	423
317:30-5-318	[NEW](E)	423
317:30-5-42.7	[AMENDED](E)	444
317:30-5-422	[AMENDED](E)	435
317:30-5-47	[AMENDED](E)	444
317:30-5-482	[AMENDED](E)	435
317:40-1-1	[AMENDED](E)	449
317:40-5-155	[NEW](E)	449
340:2-39-12	[AMENDED](E)	267
340:2-39-8	[AMENDED](E)	267
340:5-3-4	[AMENDED](E)	276
340:5-7-5	[AMENDED](E)	276
340:60-1-3	[AMENDED](E)	278
340:65-3-2	[AMENDED](E)	280
340:100-3-33.2	[AMENDED](E)	283
340:100-3-34	[AMENDED](E)	296
340:100-3-38.14	[NEW](E)	283
340:100-5-22.1	[AMENDED](E)	283
340:100-5-35	[AMENDED](E)	283
340:100-11-2	[AMENDED](E)	283
340:105-1-7	[AMENDED](E)	299
340:105-10-95	[AMENDED](E)	299
340:105-11-249	[AMENDED](E)	299
442:10-1-4	[AMENDED](E)	18
442:10-3-1	[AMENDED](E)	18
442:10-4-2	[AMENDED](E)	18
442:10-4-3	[AMENDED](E)	18
442:10-4-5	[AMENDED](E)	18
442:10-5-1.1	[AMENDED](E)	18
442:10-5-2	[AMENDED](E)	18
442:10-5-3	[AMENDED](E)	18
442:10-5-5	[AMENDED](E)	18
442:10-5-6	[AMENDED](E)	18
442:10-8-1	[AMENDED](E)	18
442:10-8-2	[AMENDED](E)	18
442:10-8-3	[AMENDED](E)	18
442:10-8-4	[AMENDED](E)	18
442:10-9-2	[AMENDED](E)	18
442:10-9-3	[AMENDED](E)	18
442:10-9-7	[AMENDED](E)	18
442:10-11-1	[AMENDED](E)	18
442:10-1-4	[AMENDED](E)	458
442:10-4-2	[AMENDED](E)	458
442:10-5-16	[AMENDED](E)	458
442:10-5-2	[AMENDED](E)	458
442:10-7-1	[AMENDED](E)	458
442:10-7-2	[AMENDED](E)	458
442:10-8-3	[AMENDED](E)	458
442:10-9-2	[AMENDED](E)	458
450:70-3-5.4	[AMENDED](E)	482
450:70-6-17.2	[AMENDED](E)	482
465:20-1-1	[AMENDED](E)	136
465:20-3-1	[AMENDED](E)	136
465:20-3-2	[AMENDED](E)	136
465:20-3-3	[AMENDED](E)	136
465:20-5-1	[NEW](E)	136
465:20-5-2	[NEW](E)	136
465:20-5-3	[NEW](E)	136
465:20-5-4	[NEW](E)	136
465:20-5-5	[NEW](E)	136
465:20-5-6	[NEW](E)	136
465:20-5-7	[NEW](E)	136
465:20-5-8	[NEW](E)	136
465:20-5-9	[NEW](E)	136
465:20-7-1	[NEW](E)	136
465:20-7-2	[NEW](E)	136
465:20-7-3	[NEW](E)	136
465:20-9-1	[NEW](E)	136
465:20-11-1	[NEW](E)	136
465:20-11-2	[NEW](E)	136
475:1-1-2	[AMENDED](E)	92
475:1-1-3	[NEW](E)	92
475:1-5-1	[AMENDED](E)	92
475:1-5-11	[AMENDED](E)	92
475:1-5-12	[AMENDED](E)	92
475:1-5-13	[AMENDED](E)	92
475:1-5-2	[AMENDED](E)	92
475:1-5-4	[AMENDED](E)	92
475:1-5-6	[AMENDED](E)	92
475:10-1-15	[AMENDED](E)	97
475:10-1-20	[AMENDED](E)	98

475:10-1-22 [AMENDED](E) 98
475:10-1-4 [AMENDED](E) 97
475:10-1-9 [AMENDED](E) 97
475:15-1-3 [AMENDED](E) 103
595:35-1-5 [AMENDED](E) 230
710:50-15-119 [REVOKED](E) 303
710:50-15-170 [NEW](E) 303
710:50-15-171 [NEW](E) 303
710:50-15-172 [NEW](E) 303
710:50-15-173 [NEW](E) 303
710:50-15-174 [NEW](E) 303
710:50-15-175 [NEW](E) 303
715:10-1-6 [AMENDED](E) 316
715:10-3-1 [AMENDED](E) 316
715:10-3-2 [AMENDED](E) 316
715:10-3-3 [AMENDED](E) 316
715:10-3-4 [AMENDED](E) 316
715:10-5-30 [AMENDED](E) 316
715:10-7-1 [AMENDED](E) 316
715:10-7-3 [AMENDED](E) 316
715:10-7-4 [AMENDED](E) 316
715:10-9-3 [AMENDED](E) 316
715:10-9-6 [AMENDED](E) 316
715:10-15-10 [AMENDED](E) 316
715:10-15-11.1 [AMENDED](E) 316
715:10-17-13 [AMENDED](E) 316
715:10-17-15 [REVOKED](E) 316
715:10-17-2 [AMENDED](E) 316
715:10-17-5 [AMENDED](E) 316
715:10-23-6 [AMENDED](E) 316
765:13-3-1 [AMENDED](E) 141
765:13-3-2 [AMENDED](E) 141
765:13-3-3 [AMENDED](E) 141
765:13-3-4 [AMENDED](E) 141
765:13-3-5 [AMENDED](E) 141
765:13-3-6 [NEW](E) 141
765:13-3-7 [NEW](E) 141
765:14-1-1 [NEW](E) 143
765:14-1-2 [NEW](E) 143
765:14-1-3 [NEW](E) 143
765:14-1-4 [NEW](E) 143
765:14-1-5 [NEW](E) 144
765:14-1-6 [NEW](E) 144
765:14-1-7 [NEW](E) 144
765:14-1-8 [NEW](E) 144
765:14-1-9 [NEW](E) 144
765:14-3-1 [NEW](E) 144
765:14-3-2 [NEW](E) 144
765:14-3-3 [NEW](E) 144
765:14-5-1 [NEW](E) 144
765:14-5-2 [NEW](E) 144
765:14-7-1 [NEW](E) 144
765:14-7-2 [NEW](E) 144

Agency/Title Index

[Assigned as of 11-21-24]

Agency	Title
Oklahoma **ABSTRACTORS** Board	5
Oklahoma **ACCOUNTANCY** Board	10
State **ACCREDITING** Agency	15
AD Valorem Task Force (*abolished 7-1-93*)	20
Oklahoma Department of Aerospace and **AERONAUTICS**	25
Board of Regents for the Oklahoma **AGRICULTURAL** and Mechanical Colleges (*exempted 11-1-98*)	30
Oklahoma Department of **AGRICULTURE**, Food, and Forestry	35
Oklahoma Board of Licensed **ALCOHOL** and Drug Counselors	38
Board of Tests for **ALCOHOL** and Drug Influence	40
ALCOHOLIC Beverage Laws Enforcement Commission	45
ANATOMICAL Board of the State of Oklahoma	50
Board of Governors of the Licensed **ARCHITECTS**, Landscape Architects and Registered Commercial Interior Designers of Oklahoma (*Formerly:* Board of Governors of the Licensed **ARCHITECTS** and Landscape Architects of Oklahoma; and Board of Governors of the Licensed **ARCHITECTS**, Landscape Architects and Registered Interior Designers of Oklahoma)	55
ARCHIVES and Records Commission	60
Board of Trustees for the **ARDMORE** Higher Education Program (*exempted 11-1-98*)	65
Oklahoma **ARTS** Council	70
ATTORNEY General	75
State **AUDITOR** and Inspector	80
State **BANKING** Department	85
Oklahoma State Employees **BENEFITS** Council (*consolidated under* Office of Management and Enterprise Services *8-26-11 - See Title 260*)	86
Oklahoma State Employees **BENEFITS** Council	87
Council of **BOND** Oversight	90
Oklahoma State **ATHLETIC** Commission (*Formerly:* Oklahoma Professional **BOXING** Commission)	92
BROADBAND Governing Board	93
State **BURIAL** Board (*abolished 7-1-92*)	95
[RESERVED]	100
Oklahoma State **ATHLETIC** Commission (*Formerly:* Oklahoma Professional **BOXING** Commission) *See* Title - 92	
Oklahoma **CAPITAL** Investment Board	105
Oklahoma **CAPITOL** Improvement Authority	110
State **CAPITOL** Preservation Commission	115
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120
Oklahoma Department of **CAREER** and Technology Education (*Formerly:* Oklahoma Department of **VOCATIONAL** and Technical Education) *See* Title - 780	
Board of Regents of **CARL** Albert State College (*exempted* 11-1-98)	125
Department of **CENTRAL** Services (*Formerly:* Office of **PUBLIC** Affairs) *See* Title - 580	
CEREBRAL Palsy Commission	130
Commission on **CHILDREN** and Youth	135
Board of **CHIROPRACTIC** Examiners	140
Oklahoma Department of**EMERGENCY** Management (*Formerly:* Department of **CIVIL** Emergency Management)	145
Oklahoma Department of **COMMERCE**	150
COMMUNITY Hospitals Authority	152
COMPSOURCE Oklahoma (*Formerly:* State **INSURANCE** Fund) *See* Title - 370	
Oklahoma **CONSERVATION** Commission	155
CONSTRUCTION Industries Board	158
Department of **CONSUMER** Credit	160
CORPORATION Commission	165
Department of **CORRECTIONS**	170

State Board of **COSMETOLOGY** and Barbering 175
Oklahoma State **CREDIT** Union Board 180
CRIME Victims Compensation Board 185
Joint **CRIMINAL** Justice System Task Force Committee 190
Board of **DENTISTRY** 195
Oklahoma **DEVELOPMENT** Finance Authority 200
Office of **DISABILITY** Concerns
(*Formerly:* Office of **HANDICAPPED** Concerns) *See* Title - 305
Board of Regents of **EASTERN** Oklahoma State College
(*exempted 11-1-98*) 205
EDGE Fund Policy Board 208
State Department of **EDUCATION** 210
EDUCATION Oversight Board
(*merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218*) 215
Office of **EDUCATIONAL** Quality and Accountability 218
Oklahoma **EDUCATIONAL** Television Authority 220
[RESERVED] 225
State **ELECTION** Board 230
Oklahoma Department of **EMERGENCY** Management
(*Formerly:* Department of **CIVIL** Emergency Management) *See* Title - 145
Oklahoma **FUNERAL** Board
(*Formerly:* Oklahoma State Board of **EMBALMERS** and Funeral Directors) 235
Oklahoma **EMPLOYMENT** Security Commission 240
Oklahoma **ENERGY** Resources Board 243
State Board of Licensure for Professional **ENGINEERS** and Land Surveyors
(*Formerly:* State Board of Registration for Professional **ENGINEERS** and Land Surveyors) 245
Board of Trustees for the **ENID** Higher Education Program
(*exempted 11-1-98*) 250
Department of **ENVIRONMENTAL** Quality 252
State Board of **EQUALIZATION** 255
ETHICS Commission
(*Title revoked*) 257
ETHICS Commission 258
Office of **MANAGEMENT** and Enterprise Services
(*Formerly:* Office of State **FINANCE**) 260
State **FIRE** Marshal Commission 265
Oklahoma Council on **FIREFIGHTER** Training 268
Oklahoma **FIREFIGHTERS** Pension and Retirement System 270
[RESERVED] 275
FORENSIC Review Board 277
State Board of Registration for **FORESTERS** 280
FOSTER Care Review Advisory Board 285
Oklahoma **FUNERAL** Board
(*Formerly:* Oklahoma State Board of Embalmers and Funeral Directors) *See* Title - 235
Oklahoma **FUTURES** 290
GOVERNOR
(*See also* Title 1, Executive Orders) 295
GRAND River Dam Authority 300
Group Self-Insurance Association **GUARANTY** Fund Board 302
Individual Self-Insured **GUARANTY** Fund Board 303
STATE Use Committee
(*Formerly:* Committee on Purchases of Products and Services of the
Severely **HANDICAPPED**; *consolidated under* Office of Management and Enterprise Services *8-26-11 - See Title 260*) 304
Office of **DISABILITY** Concerns
(*Formerly:* Office of **HANDICAPPED** Concerns) 305
Oklahoma State Department of **HEALTH** 310
Oklahoma Basic **HEALTH** Benefits Board
(*abolished 11-1-97*) 315
Oklahoma **HEALTH** Care Authority 317
HIGHWAY Construction Materials Technician Certification Board 318
Oklahoma **HISTORICAL** Society 320
Oklahoma **HORSE** Racing Commission 325
Oklahoma **HOUSING** Finance Agency 330
Oklahoma **HUMAN** Rights Commission 335
Department of **HUMAN** Services 340
Committee for **INCENTIVE** Awards for State Employees 345
Oklahoma **INDIAN** Affairs Commission 350
Oklahoma **INDIGENT** Defense System 352

Oklahoma **INDUSTRIAL** Finance Authority 355
INJURY Review Board 357
Oklahoma State and Education Employees Group **INSURANCE** Board (*consolidated under* Office of Management and Enterprise Services *8-26-11 - See Title 260*) 360
INSURANCE Department 365
COMPSOURCE Oklahoma (*Formerly:* State **INSURANCE** Fund) 370
Oklahoma State Bureau of **INVESTIGATION** 375
Council on **JUDICIAL** Complaints 376
Office of**JUVENILE** Affairs 377
Department of **LABOR** 380
Department of the Commissioners of the **LAND** Office 385
Council on **LAW** Enforcement Education and Training 390
Oklahoma **LAW** Enforcement Retirement System 395
Board on **LEGISLATIVE** Compensation 400
Oklahoma Department of **LIBRARIES** 405
LIEUTENANT Governor 410
Oklahoma **LINKED** Deposit Review Board 415
Oklahoma **LIQUEFIED** Petroleum Gas Board 420
Oklahoma **LIQUEFIED** Petroleum Gas Research, Marketing and Safety Commission 422
LITERACY Initiatives Commission 425
LONG-RANGE Capital Planning Commission 428
Oklahoma State Board of Examiners for **LONG-TERM** Care Administrators (*Formerly:* Oklahoma State Board of Examiners for **NURSING** Home Administrators) *See* Title - 490
LOTTERY Commission, Oklahoma 429
Office of **MANAGEMENT** and Enterprise Services (*Formerly:* Office of State **FINANCE**) *See* Title - 260
Board of Trustees for the **MCCURTAIN** County Higher Education Program (*exempted 11-1-98*) 430
Commission on **MARGINALLY** Producing Oil and Gas Wells 432
State Board of **MEDICAL** Licensure and Supervision 435
MEDICAL Technology and Research Authority of Oklahoma 440
Oklahoma **MEDICAL** Marijuana Authority 442
Board of **MEDICOLEGAL** Investigations 445
Department of **MENTAL** Health and Substance Abuse Services 450
MERIT Protection Commission 455
MILITARY Planning Commission, Oklahoma Strategic 457
Department of **MINES** 460
Oklahoma New **MOTOR** Vehicle Commission 465
Board of Regents of **MURRAY** State College (*exempted 11-1-98*) 470
Oklahoma State Bureau of **NARCOTICS** and Dangerous Drugs Control 475
Board of Regents of **NORTHERN** Oklahoma College (*exempted 11-1-98*) 480
Oklahoma Board of **NURSING** 485
Oklahoma State Board of Examiners for **LONG-TERM** Care Administrators (*Formerly:* Oklahoma State Board of Examiners for **NURSING** Home Administrators) 490
Board of Regents of **OKLAHOMA** City Community College (*exempted 11-1-98*) 495
Board of Regents of **OKLAHOMA** Colleges (*exempted 11-1-98*) 500
Board of Examiners in **OPTOMETRY** 505
State Board of **OSTEOPATHIC** Examiners 510
PARDON and Parole Board 515
Oklahoma **PEANUT** Commission 520
Oklahoma State **PENSION** Commission 525
State Board of Examiners of **PERFUSIONISTS** 527
Office of **PERSONNEL** Management (*consolidated under* Office of Management and Enterprise Services *8-26-11 - See Title 260*) 530
Board of Commercial **PET** Breeders (*abolished 7-1-12 - See Title 35*) 532
Oklahoma State Board of **PHARMACY** 535
Health Care **WORKFORCE** Training Commission 540
Board of **PODIATRIC** Medical Examiners 545

Oklahoma **POLICE** Pension and Retirement System 550
State Department of **POLLUTION** Control (*abolished 1-1-93*) 555
POLYGRAPH Examiners Board 560
Oklahoma Board of **PRIVATE** Vocational Schools 565
State Board for **PROPERTY** and Casualty Rates (*abolished 7-1-06; see also Title 365*) 570
State Board of Examiners of **PSYCHOLOGISTS** 575
Department of **CENTRAL** Services (*Formerly:* Office of **PUBLIC** Affairs; consolidated under Office of Management and Enterprise Services *8-26-11 - See Title 260*) 580
PUBLIC Employees Relations Board 585
Oklahoma **PUBLIC** Employees Retirement System 590
Department of **PUBLIC** Safety 595
REAL Estate Appraiser Board 600
Oklahoma **REAL** Estate Commission 605
Board of Regents of **REDLANDS** Community College (*exempted 11-1-98*) 607
State **REGENTS** for Higher Education 610
State Department of **REHABILITATION** Services 612
Board of Regents of **ROGERS** State College (*exempted 11-1-98*) 615
Board of Regents of **ROSE** State College (*exempted 11-1-98*) 620
ROUTE 66 Commission 623
Oklahoma **SAVINGS** and Loan Board (*abolished 7-1-93*) 625
SCENIC Rivers Commission 630
Oklahoma Commission on **SCHOOL** and County Funds Management 635
Advisory Task Force on the Sale of **SCHOOL** Lands (*functions concluded 2-92*) 640
The Oklahoma School of **SCIENCE** and Mathematics 645
Oklahoma Center for the Advancement of **SCIENCE** and Technology 650
SECRETARY of State 655
Department of **SECURITIES** 660
Board of Regents of **SEMINOLE** State College (*exempted 11-1-98*) 665
SERVICE Oklahoma 670
State Board of Licensed **SOCIAL** Workers 675
SOUTHERN Growth Policies Board 680
Oklahoma **SOYBEAN** Commission (*abolished 7-1-97*) 685
Board of Examiners for **SPEECH-LANGUAGE** Pathology and Audiology (*Formerly:* Board of Examiners for **SPEECH** Pathology and Audiology) 690
STATE Use Committee (*Formerly:* Committee on Purchases of Products and Services of the Severely **HANDICAPPED**) *See* Title - 304
STATE Employee Charitable Contributions, Oversight Committee for (*Formerly:* **STATE** Agency Review Committee) 695
Oklahoma **STUDENT** Loan Authority 700
TASK Force 2000 705
Oklahoma **TAX** Commission 710
Oklahoma Commission for **TEACHER** Preparation (*merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218*) 712
TEACHERS' Retirement System 715
State **TEXTBOOK** Committee 720
TOBACCO Settlement Endowment Trust Fund 723
Oklahoma **TOURISM** and Recreation Department 725
Department of **TRANSPORTATION** 730
Oklahoma **TRANSPORTATION** Authority (*Name changed to* Oklahoma **TURNPIKE** Authority *11-1-05*) *See* Title - 731
Oklahoma **TURNPIKE** Authority (*Formerly:* Oklahoma **TRANSPORTATION** Authority **AND** Oklahoma **TURNPIKE** Authority) *See* Title - 745 731
State **TREASURER** 735
Board of Regents of **TULSA** Community College (*exempted 11-1-98*) 740
Oklahoma **TURNPIKE** Authority (*Name changed to* Oklahoma **TRANSPORATION** Authority *11-1-99 - no rules enacted in this Title - See* Title 731) 745
Oklahoma **UNIFORM** Building Code Commission 748
Board of Trustees for the **UNIVERSITY** Center at Tulsa (*exempted 11-1-98*) 750
UNIVERSITY Hospitals Authority 752
UNIVERSITY Hospitals Trust 753
Board of Regents of the **UNIVERSITY** of Oklahoma (*exempted 11-1-98*) 755

Board of Regents of the **UNIVERSITY** of Science and Arts of Oklahoma (*exempted 11-1-98*) 760
Oklahoma **USED** Motor Vehicle and Parts Commission 765
Oklahoma Department of **VETERANS** Affairs 770
Board of **VETERINARY** Medical Examiners 775
Statewide **CHARTER** School Board 777
Oklahoma Department of **CAREER** and Technology Education (*Formerly:* Oklahoma Department of **VOCATIONAL** and Technical Education) 780
Oklahoma **WATER** Resources Board 785
Board of Regents of **WESTERN** Oklahoma State College (*exempted 11-1-98*) 790
Oklahoma **WHEAT** Commission 795
Department of **WILDLIFE** Conservation 800
WILL Rogers and J.M. Davis Memorials Commission 805
Oklahoma **WORKERS'** Compensation Commission 810

Notices of Rulemaking Intent

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

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

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

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 305. LABORATORY SERVICES [REVOKED]

[OAR Docket #24-1196]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

252:305-1-1. Purpose [REVOKED]
252:305-1-2. Basis and authority [REVOKED]
252:305-1-3. Applicability [REVOKED]
252:305-1-4. Terms [REVOKED]
252:305-1-5. Severability [REVOKED]
252:305-1-6. Definitions [REVOKED]
252:305-1-7. Laboratory services [REVOKED]
252:305-1-8. Quality assurance/quality control [REVOKED]
252:305-1-11. Required fees and other pricing [REVOKED]
Appendix A. Samples Submitted by Government Entities [REVOKED]
Appendix B. Samples Submitted by Private Citizens [REVOKED]

SUMMARY:

This Chapter contains rules about the fees and services offered by the State Environmental Laboratory Services Division (SELSD), DEQ. The proposed revocation of this Chapter in its entirety is intended to be the second step in a two-step process to revoke and replace Chapter 305. Chapter 305 is outdated, and revocation will simplify the process of updating fees and services provided by SELSD, in compliance with Oklahoma Statutes. Since this Chapter was last updated, the Oklahoma statutory language pertaining to Advisory Councils has been amended. The types of laboratory services offered have changed. SELSD's quality assurance and quality control objectives are now part of its Quality System, to ensure consistency with laboratory accreditation requirements to enhance accuracy and reliability. SELSD may provide analytical sample collection and transport services with associated fees based on time and travel expenses. New services have been developed because of state and federal program changes. Updated fees and services, statutory references, Advisory Council authority, Quality System objectives, and fee adjustment options will be incorporated into a new Chapter. The Office of Administrative Rules has authorized the use of Chapter 306 if the Water Quality Advisory Management Council recommends adoption of the revocation of Chapter 305, and replacement by 306, to the Environmental Quality Board.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302. Water Quality Advisory Management Council; 27A O.S., Sections 2-2-201 and 2-4-302. Laboratory Services; 27A O.S., Sections 2-4-201 through 2-4-302.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 2, 2024, through January 7, 2025. Oral comments may be made at the January 7, 2025, Water Quality Management Advisory Council meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 7, 2025, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for January 21, 2025, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, Oklahoma 73102. Persons with disabilities who desire to attend the public hearing and need accommodation, should notify the contact person three (3) working days in advance at (405) 702- 9145. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

The contact person is Susan Mensik, Environmental Programs Manager, Department of Environmental Quality, State Environmental Laboratory Services Division, ATTN: Susan Mensik, P.O. Box 1677, Oklahoma City, OK 73101-1677, email susan.mensik@deq.ok.gov, by phone (405) 702-9145, or by fax at (405) 702-7102.

[OAR Docket #24-1196; filed 11-7-24]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 306. STATE ENVIRONMENTAL LABORATORY SERVICES [NEW]

[OAR Docket #24-1195]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

252:306-1-1. Purpose, basis, authority, and applicability [NEW]
252:306-1-2. Terms [NEW]
252:306-1-3. Definitions [NEW]
252:306-1-4. Services [NEW]
252:306-1-5. Quality system [NEW]
252:306-1-6. Fee and service adjustments [NEW]
Appendix A. Laboratory Services and Fee Schedule [NEW]

SUMMARY:

This Chapter contains rules regarding fees and services offered by the State Environmental Laboratory Services Division (SELSD), DEQ. The proposed addition of Chapter 306 to OAC Title 252 is intended to replace Chapter 305, which is proposed for revocation, in its entirety, through the rulemaking process. Chapter 306 provides updated fees and services offered by SELSD, in compliance with Oklahoma Statutes. Chapter 306 includes updated references to statutory language, which grants the Water Quality Management Advisory Council (WQMAC) authority to recommend to the Environmental Quality Board (EQB), rules on behalf of SELSD. The types of services provided are detailed for both DEQ's needs as well as those outside of DEQ including citizens, municipalities, industry, and other agencies. SELSD's Quality Assurance Manual is referenced as well as DEQ's Quality Management Plan, which together represent SELSD's Quality System. The number and types of laboratory analysis services offered are detailed, including all applicable base fees, in Appendix A, and an annual, optional, fee adjustment using the Consumer Price Index (CPI) is included. Chapter 306 also details other analysis, special services, possible discounts for large volume requests, and EPA's grant of primacy naming SELSD as the Principal State Laboratory with laboratory accreditation responsibilities for analytical measuring of contaminants specified in OAC 252:631 (state primary drinking water requirements). The Office of Administrative Rules has pre-authorized the use of Chapter 306 if the Water Quality Advisory Management Council recommends adoption of the revocation of Chapter 305, and replacement by 306, to the Environmental Quality Board.

AUTHORITY:

Environmental Quality Board; 27A O.S., Sections 2-2-101, 2-2-201, and 2-4-302. Water Quality Management Advisory Council; 27A O.S., Sections 2-2-201 and 2-4-302. Laboratory Services; 27A O.S., Sections 2-4-201 through 2-4-302.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 2, 2024, through January 7, 2025. Oral comments may be made at the January 7, 2025, Water Quality Management Advisory Council meeting.

PUBLIC HEARING:

Oral comments will be heard before the Water Quality Management Advisory Council at 2:00 p.m. on Tuesday, January 7, 2025, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for January 21, 2025, at the DEQ Headquarters, 707 N Robinson, Oklahoma City, Oklahoma 73102. Person with disabilities who desire to attend the public hearing and need accommodation, should notify the contact person three (3) working days in advance at (405) 702- 9145. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

The contact person is Susan Mensik, Environmental Programs Manager, Department of Environmental Quality, State Environmental Laboratory Services Division, ATTN: Susan Mensik, P.O. Box 1677, Oklahoma City, OK 73101-1677, email susan.mensik@deq.ok.gov, by phone (405) 702-9145, or by fax at (405) 702-7102.

[OAR Docket #24-1195; filed 11-7-24]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 515. DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES

[OAR Docket #24-1222]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
252:517-1-1. Scope and purpose [AMENDED]
252:517-1-2. Applicability of other regulations [AMENDED]
252:517-1-3. Definitions [AMENDED]
Subchapter 9. Groundwater Monitoring/Corrective Action
252:517-9-1. General provisions [AMENDED]
252:517-9-6. Assessment monitoring program [AMENDED]
Subchapter 11. Design Criteria
252:517-11-4. Structural integrity criteria for existing CCR surface impoundments [AMENDED]
252:517-11-6. Requirements for identifying CCR management units [NEW]
Subchapter 13. Operational Requirements
252:517-13-1. Air criteria [AMENDED]
252:517-13-3. Hydrologic and hydraulic capacity requirements for CCR surface impoundments [AMENDED]
252:517-13-4. Inspection requirements for CCR surface impoundments [AMENDED]
Subchapter 15. Closure and Post-Closure Care
252:517-15-5. Inactive CCR surface impoundments and legacy CCR surface impoundments [AMENDED]
252:517-15-6. Closure or retrofit of CCR units [AMENDED]
252:517-15-7. Criteria for conducting the closure or retrofit of CCR units and closure of CCR management units [AMENDED]
252:517-15-9. Post-closure care requirements [AMENDED]

Subchapter 19. Record Keeping, Notification, and Posting of Information to the Internet
252:517-19-1. Recordkeeping requirements [AMENDED]
252:517-19-2. Notification requirements [AMENDED]
252:517-19-3. Publicly accessible internet site requirements [AMENDED]

SUMMARY:

The Department of Environmental Quality (DEQ) is proposing to amend Oklahoma Administrative Code (OAC) 252:517 to incorporate federal changes to maintain Oklahoma's Coal Combustion Residuals (CCR) program approval. Included are new requirements for two formerly unregulated CCR units: legacy CCR surface impoundments and CCR management units. Under this proposed rule, owners and operators of these CCR units will be required to come into compliance with a subset of regulations and commence closure of these units within specified timeframes. Additional minor changes include updated closure standards, increased documentation retention timelines for CCR websites, and citation corrections. The gist of this rulemaking is to add new requirements for legacy CCR surface impoundments and CCR management units and to make other changes to ensure Oklahoma's state CCR program is at least as protective as the federal counterpart.

AUTHORITY:

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

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person beginning December 2, 2024, and continuing through January 9, 2025. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 10:00 a.m. on January 9, 2025.

PUBLIC HEARING:

Before the Solid Waste Management Advisory Council at 10:00 a.m. on January 9, 2025, in the Multi-Purpose Room, first floor of the DEQ, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board on January 21, 2025, at the DEQ, first floor, 707 N. Robinson, Oklahoma City, OK 73102. Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #24-1222; filed 11-7-24]

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

[OAR Docket #24-1208]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-4. Date of federal regulations incorporated [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to update its rules concerning the date of incorporation by reference for the Code of Federal Regulations from July 12, 2023, to July 8, 2024. The first regulatory change was the Clean Water Act Section 401 Water Quality Certification Improvement Rule that became effective November 27, 2023. The purpose of the final rule was to provide stakeholders with a clear and consistent certification process while ensuring protection of vital state, territory, and Tribal water resources. The second regulatory change, effective on June 17, 2024, consisted of EPA finalizing changes to its test procedures required to be used by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other samples for reporting under the EPA's National Pollutant Discharge Elimination System permit program. This provides timelier access to new measurement techniques and greater flexibility in the selection of analy

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203; Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person beginning December 2, 2024, and continuing through January 7, 2025. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 7, 2025.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 7, 2025, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, January 21, 2025 at 9:30 a.m. at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=.

CONTACT PERSON:

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

[OAR Docket #24-1208; filed 11-7-24]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION

[OAR Docket #24-1210]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:631-1-2. Definitions [AMENDED]

252:631-1-3. Adoption of U.S. EPA regulations by reference [AMENDED]

Subchapter 3. Operations
252:631-3-1. PWS Criteria [AMENDED]
252:631-3-2. Laboratory accreditation [AMENDED]
252:631-3-3. Disinfection requirements [AMENDED]
252:631-3-4. Validation of data [AMENDED]
252:631-3-6. Disinfection profiling and benchmarking [AMENDED]
252:631-3-8. Public notice requirements [AMENDED]
252:631-3-9. ~~Annual consumer confidence reports~~Consumer Confidence Reports [AMENDED]
252:631-3-10. Process control tests [AMENDED]
252:631-3-11. Operating records & reports [AMENDED]
252:631-3-17. Water system connections [AMENDED]
252:631-3-18. Operator certification [AMENDED]
252:631-3-21. Public water supply annual service fees [AMENDED]
252:631-3-23. Source water development [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to: (1) update the rule concerning the date of incorporation by reference of certain federal regulations from August 17, 2022, to October 30, 2024; (2) correct a grammatical error; (3) remove references to Fecal Coliform and replace, where appropriate, with E. coli; (4) update laboratory emergency notification requirements to match Tier 1 public notice (PN) requirements in the C.F.R.; (5) update validation of data requirements for sampling procedures to match the intent of the C.F.R.; (6) update Consumer Confidence Reports (CCR) delivery requirements to match the CCR requirements in the C.F.R.; (7) remove total chlorine residual testing requirements for systems that use free chlorine; and (8) update public water supply (PWS) immediate notification requirements to match Tier 1 PN requirements in the C.F.R. and to account for physical and cybersecurity concerns.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203; Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person beginning December 2, 2024, and continuing through January 7, 2025. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 7, 2025.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 7, 2025, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, January 21, 2025, at 9:30 a.m. at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=.

CONTACT PERSON:

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

[OAR Docket #24-1210; filed 11-7-24]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION

[OAR Docket #24-1227]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
252:710-1-1. Purpose, authority, and applicability [AMENDED]
252:710-1-2. Duty to comply [AMENDED]
252:710-1-4. Definitions [AMENDED]
252:710-1-5. Application requirements [AMENDED]
252:710-1-6. ~~Validated examinations~~Examinations [AMENDED]
252:710-1-7. Renewals [AMENDED]
252:710-1-7.1. Submission of standard and general courses [NEW]
252:710-1-8. Operator disciplinary actions [AMENDED]
252:710-1-11. Identification credentials [AMENDED]
252:710-1-12. ~~FeeSchedules~~Fee Schedules [AMENDED]
Subchapter 3. Certification
252:710-3-31. Certificate required [AMENDED]
252:710-3-32. Types of certifications [AMENDED]
252:710-3-33. Classes of facilities [AMENDED]
252:710-3-34. Classes of certifications [AMENDED]
252:710-3-35. Requirements for certification [AMENDED]
252:710-3-36. Approved equivalents for waterworks/wastewater works operators [AMENDED]
252:710-3-37. Approved instructor [AMENDED]
252:710-3-38. Reciprocity [AMENDED]
Subchapter 5. Duties and Responsibilities
252:710-5-51. Waterworks operator [AMENDED]
252:710-5-52. Wastewater works operator [AMENDED]
252:710-5-53. Laboratory operator [AMENDED]
252:710-5-55. ~~Registered~~Non-certified helpers [AMENDED]
252:710-5-56. Individual recordkeeping [AMENDED]
252:710-5-57. Responsibility of owners [AMENDED]
252:710-5-58. Distribution and collection operator [AMENDED]
252:710-5-59. Distribution and collection technician [AMENDED]
Subchapter 7. Shared Operators for Small Systems
252:710-7-2. Requirements [AMENDED]
Appendix A. Classification of Community and Non-Transient, Non-Community Water Systems, Wastewater Systems ~~and Laboratories~~, and Laboratories (OAC 252:710-3-33) [AMENDED]
Appendix B. ~~Certificate~~Certification Requirements (252:710-3-35) [AMENDED]
Appendix C. Number of Professional Development Hours (PDHs) Needed Per Certificate Level for Operators and Laboratory Operators [AMENDED]

SUMMARY:

The gist of this rule and the underlying reason for the rulemaking is to (1) correct grammatical errors; (2) clarify that operator experience means licensed experience; (3) allow approval of virtual classes that are less than 4 hours; (4) require attendance records to be submitted in a DEQ-approved format; (5) cite military exception statute for renewals; (6) rename registered helper to non-certified helper; (7) change CPI from every five years to annually; (8) allow DEQ to determine if a non-community and minor systems need an operator; (9) clarify approved equivalents; and, (10) fix footnotes in Appendices A & B.

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-6-103, and 2-6-203; Water Quality Management Advisory Council; 27A O.S. § 2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person beginning December 2, 2024, and continuing through January 7, 2025. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 7, 2025.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 7, 2025, at 2:00 p.m. at the Department of Environmental Quality offices, First Floor, 707 N. Robinson, Oklahoma City, OK 73102. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled on Tuesday, January 21, 2025, at 9:30 a.m. at the DEQ Headquarters, First Floor, 707 N. Robinson Avenue, Oklahoma City, OK 73102. Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) or reviewed online at https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at https://www.deq.ok.gov/council-meeting-single/?meetingid=MTc2Njg=.

CONTACT PERSON:

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

[OAR Docket #24-1227; filed 11-7-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 678. OFFICE OF CLIENT ADVOCACY

[OAR Docket #24-1193]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Administration

310:678-1-1. Purpose [AMENDED]

310:678-1-2. Definitions [AMENDED]

310:678-1-3. Customer complaint process [AMENDED]

Subchapter 3. Investigations

310:678-3-1. ~~Office of Client Advocacy (OCA)~~OCA investigations [AMENDED]

310:678-3-2. Procedure for reporting suspected abuse, neglect, verbal abuse, caretaker misconduct, and exploitation [AMENDED]

310:678-3-3. Facility administrator's responsibilities regarding allegations reportable to ~~Office of Client Advocacy (OCA)~~OCA [AMENDED]

310:678-3-4. Processing referrals received by the ~~Office of Client Advocacy (~~OCA) [AMENDED]

310:678-3-5. ~~Office of Client Advocacy (OCA)~~OCA investigation procedures for cases involving child victims [AMENDED]

310:678-3-6. ~~Office of Client Advocacy (OCA)~~OCA investigation procedures for cases involving vulnerable adults [AMENDED]

310:678-3-7. Caretaker conduct review (CCR) [AMENDED]

310:678-3-9. Program Review process for substantiated child abuse or neglect findings in ~~Office of Client Advocacy~~OCA investigations [AMENDED]

310:678-3-10. Reconsideration process for substantiated findings of vulnerable adult maltreatment in ~~Office of Client Advocacy (OCA) investigations and~~OCA investigations and OKDHS Community Services Worker Registry (CSWR) procedures [AMENDED]
Subchapter 5. Grievances
310:678-5-1. Grievance system protocols [AMENDED]
310:678-5-2. Contested grievances appealed to the State Office [AMENDED]
310:678-5-3. Grievances of minors being served by Child Welfare Services [AMENDED]
310:678-5-4. Foster parent grievances [AMENDED]
310:678-5-5. Developmental Disabilities Services (DDS) Greer Center Facility (Greer) resident [AMENDED]
310:678-5-6. Grievances of Hissom class members [AMENDED]
310:678-5-7. Grievances of clients receiving services from the Developmental Disabilities Services (DDS) [AMENDED]
310:678-5-8. Grievances of residents of private group homes for individuals with developmental disabilities [AMENDED]
310:678-5-9. DHS client grievances not covered by another grievance system [AMENDED]
310:678-5-10. Foster Care Ombudsman (FCO) services [AMENDED]
Subchapter 7. Grievance and Abuse Review Committee
310:678-7-1. Grievance and Abuse Review Committee (GARC) [AMENDED]
310:678-7-2. Grievance and Abuse Review Committee (GARC) review of ~~Office of Client Advocacy (OCA)~~OCA investigation reports regarding foster parent complaints [AMENDED]
310:678-7-3. Grievance and Abuse Review Committee (GARC) review of unresolved contested grievances [AMENDED]
Subchapter 9. Advocacy Programs
310:678-9-1. Office of Client Advocacy (OCA) general advocacy services [AMENDED]
310:678-9-2. ~~Office of Client Advocacy (OCA)~~OCA services specific to residents of Robert M. Greer Center (Greer) and Laura Dester Children's Center (SHIELD) [AMENDED]
310:678-9-3. ~~Office of Client Advocacy (OCA)~~OCA advocacy services specific to Hissom Class Members (HCM)s and former Northern Oklahoma Resource Center of Enid (NORCE) and Southern Oklahoma Resource Center (SORC) residents [AMENDED]

SUMMARY:

SB 1709 directed the transfer of employees, powers, duties, monies, contractual rights, and certain administrative rues from the Office of Client Advocacy within the Department of Human Services (OCA) to the Oklahoma State Department of Health (Department) effective November 1, 2024. The legislation transfers all duties and authority of OCA to the Commissioner of Health and the Department. The proposed ruled amendments remove the reference of the Department of Human Services and its authority and replaces it throughout with the designation of the Commissioner of Health and the Department as the authority for OCA.

AUTHORITY:

Commissioner of Health; 63 O.S. § 1-104, 10A O.S. §1-9-112, 10A O.S. §1-9-112a, 10A O.S. §1-9-117, 43A O.S. §10-115, 10 O.S. §1430.27

COMMENT PERIOD:

December 2, 2024 through the close of the Department's normal business hours, 5 PM, on January 2, 2025. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on January 2, 2025 you may submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on January 2, 2025 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is January 6, 2025 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through January 2, 2025, to the contact person identified below.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #24-1193; filed 10-31-24]

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

[OAR Docket #24-1164]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 62. PRIVATE DUTY NURSING
317:30-5-558. Private duty nursing (PDN) coverage limitations [AMENDED]
317:30-5-559. How Private Duty Nursing (PDN) services are authorized [AMENDED]
317:30-5-560. Treatment plan [AMENDED]
317:30-5-560.1. Prior authorization requirements [AMENDED]

SUMMARY:

These revisions are necessary to provide families and Private Duty Nursing (PDN) agencies with the flexibility to staff cases according to the family's need and the member's level of care. Revisions will clarify the criteria for virtual visits when a member is assessed for PDN services. Other policy revisions will change the designated care hours from "per day" to "per week". Language will be amended to reflect maximum hours authorized from 16 hours per day to 112 hours per week. Revisions will also add that a member's medical necessity can be determined by an OHCA physician's appointed designee.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 440.230 of Title 42 of the Code of Federal Regulations

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1164; filed 11-8-24]

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

[OAR Docket #24-1166]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 3. GENERAL MEDICAL PROGRAM INFORMATION

317:30-3-62. ~~Serious reportable events - never events~~Provider Preventable Conditions [AMENDED]

317:30-3-63. Hospital acquired conditions [REVOKED]

SUMMARY:

Federal regulations at 42 CFR, Section 447.26, protect Medicaid beneficiaries by prohibiting the State from paying for services that relate to provider preventable conditions (PPCs), including health care-acquired conditions (HCACs) and other provider-preventable conditions (OPPCs), which are medical conditions or complications that a patient develops during a hospital stay, or ambulatory surgical encounter that was not present at admission. These revisions amend administrative rules to clarify these statutory provisions and improve reporting of PPCs.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1166; filed 11-8-24]

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

[OAR Docket #24-1167]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 58. HOSPICE
317:30-5-531. Coverage ~~for adults~~ [AMENDED]
317:30-5-532. Coverage for children [REVOKED]

SUMMARY:

These revisions are to comply with House Bill 3980 of the 2024 Regular Legislative Session that directed the Oklahoma Health Care Authority to provide hospice coverage for all Medicaid members so long as they meet the established criteria for hospice services and the services fall within the existing scope of their categorical eligibility. Currently, hospice coverage is limited to children, expansion adults, and the dual eligible population. Existing criteria and payment methodologies will be applied to the new populations.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; and Section 1011.25 of Title 56 of Oklahoma Statutes

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1167; filed 11-8-24]

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

[OAR Docket #24-1169]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 3. General Provider Policies
Part 1. GENERAL SCOPE AND ADMINISTRATION
317:30-3-34. Electronic visit verification (EVV) system [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 85. ADVANTAGE PROGRAM WAIVER SERVICES
317:30-5-764. Reimbursement [AMENDED]
Part 95. AGENCY PERSONAL CARE SERVICES
317:30-5-950. Eligible providers [AMENDED]
317:30-5-953. Billing [AMENDED]
SUMMARY:
The 21st Century Cures Act requires home health agencies to use Electronic Visit Verification (EVV). These proposed revisions align agency policy with the Cures Act by requiring EVV for home health agencies and add live-in caregivers as a provider for personal care services that must use EVV. Additionally, language is being revised to reflect the name change for Oklahoma Human Services and the Community, Aging and Protective Services department who oversee the ADvantage program.
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 12006(a) of the 21st Century Cures Act.
COMMENT PERIOD:
Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.
PUBLIC HEARING:
A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.
CONTACT PERSON:
Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1169; filed 11-8-24]

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

[OAR Docket #24-1137]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 5. Individual Providers and Specialties
Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES
317:30-5-241.7. Medication-assisted treatment (MAT) services for eligible individuals with opioid use disorder (OUD) [AMENDED]
SUMMARY:
The proposed rule revisions are a request from the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) to obtain compliance with the changes to 42 CFR § 8.12. The new federal requirements state that a patient's refusal of counseling shall not preclude them from receiving Medication Assisted Treatment (MAT.) OHCA policy will be amended to reflect this change—noting that a patient's refusal to participate in the treatment phases shall not preclude the individual from receiving medications from the opioid treatment program (OTP).
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; SUPPORT Act, HR 6, Section 1006(b)
COMMENT PERIOD:
Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.
PUBLIC HEARING:
A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.
CONTACT PERSON:
Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org.

[OAR Docket #24-1137; filed 11-8-24]

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

[OAR Docket #24-1140]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 5. Individual Providers and Specialties
Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES

317:30-5-241.1. Screening, assessment and service plan [AMENDED]
Part 25. PSYCHOLOGISTS
317:30-5-276. Coverage by category [AMENDED]
Part 26. LICENSED BEHAVIORAL HEALTH PROVIDERS
317:30-5-281. Coverage by Category [AMENDED]

SUMMARY:

The proposed rule revisions are a request from the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) to increase the initial limit on psychological testing hours from eight (8) hours to ten (10) hours. This change will allow for coverage of testing to allow adequate hours for most instruments. Providers may still request an additional (6) hours for complex testing, bringing the total to sixteen (16) hours.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org

[OAR Docket #24-1140; filed 11-8-24]

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

[OAR Docket #24-1154]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. OUTPATIENT BEHAVIORAL HEALTH AGENCY SERVICES
317:30-5-241.4. Crisis Intervention [AMENDED]

SUMMARY:

The proposed rule revisions modify crisis service limitation policy. Currently, crisis services are limited to a maximum of eight units per month and established mobile crisis response teams can bill a maximum of 4 hours per month and ten hours each year per member. Policy revisions will remove hard limits on these services to ensure that all members who utilize crisis invention services have adequate treatment hours.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org

[OAR Docket #24-1154; filed 11-8-24]

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

[OAR Docket #24-1155]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. INPATIENT PSYCHIATRIC AND SUBSTANCE USE DISORDER SERVICES

317:30-5-95.1. Medical necessity criteria and coverage for adults aged twenty-one (21) to sixty-four (64) [AMENDED]

317:30-5-95.25. Medical necessity criteria for acute psychiatric admissions for children [AMENDED]

SUMMARY:

The proposed rule revision seeks to exclude diagnoses for inpatient psychiatric treatment. Specifically, Autism Spectrum Disorder (ASD) and Intellectual Disability (ID) will no longer be the primary diagnoses for admission to inpatient psychiatric services. Instead, the primary diagnosis for admission into an inpatient psychiatric facility must be depression, intermittent explosive disorder, anxiety, or other similar conditions. ASD and ID can be secondary diagnoses, but not primary. These changes will apply to inpatient psychiatric services for both adults and children.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 441.151

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org

[OAR Docket #24-1155; filed 11-8-24]

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

[OAR Docket #24-1156]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. INPATIENT PSYCHIATRIC AND SUBSTANCE USE DISORDER SERVICES

317:30-5-95.43. Residential substance use disorder treatment [AMENDED]

317:30-5-95.46. Residential substance use disorder (SUD) - Covered services and medical necessity criteria [AMENDED]

317:30-5-95.47. Residential substance use disorder (SUD) - Individualized service plan requirements [AMENDED]

317:30-5-95.52. Documentation of records for adults receiving inpatient services [AMENDED]

SUMMARY:

The proposed rule revisions modify residential substance use disorder (SUD) policies. Currently, American Society of Addiction Medicine (ASAM) level 3.7 requires physician supervision. This update will allow for RN supervision and add licensed independent practitioners (physician, Advanced Practice Registered Nurse (APRN), and Physician Assistant (PA)) as providers of this level of care which includes medically supervised withdrawal and administering assessments. Additional changes clarify the time frame for assessments and progress notes, when service plans and reviews are valid, and the requirements for signature.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 440.130(d)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org

[OAR Docket #24-1156; filed 11-8-24]

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

[OAR Docket #24-1157]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 112. Public Health Clinic Services

317:30-5-1154. County health department (CHD)and city-county health department (CCHD) services/limitations [AMENDED]

317:30-5-1162. Community Health Services [NEW]

SUMMARY:

The proposed emergency rule changes are a request of Oklahoma State Department of Health (OSDH) to add coverage and reimbursement for Community Health Services provided within a public health clinic. These services are provided by a Community Health Worker (CHW) and must be ordered by a physician. Services include screening and assessments, health education/coaching, and health system navigation. Eligible providers must obtain a certificate of completion of a C3 core competency-based training offered by OSDH or an affiliated local health department and work and bill under a licensed provider. Eligible members must have a diagnosis of a chronic condition, unmet health-related social need, received a screening, or be pregnant to receive services.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 440.90

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org

[OAR Docket #24-1157; filed 11-8-24]

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

[OAR Docket #24-1121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 30. APPLIED BEHAVIOR ANALYSIS (ABA) SERVICES

317:30-5-311. Eligible providers and requirements [AMENDED]

317:30-5-312. Treatment plan components and documentation requirements [AMENDED]

317:30-5-313. Medical necessity criteria ~~for members under twenty-one (21) years of age~~ and covered services for members under twenty-one (21) years of age and frequency and duration [AMENDED]

317:30-5-314. Prior authorization, service limitations, and exclusions to treatment [AMENDED]

317:30-5-315. ABA extension requests [AMENDED]

317:30-5-316. Reimbursement methodology [AMENDED]

317:30-5-317. Restraint, Seclusion and Serious Occurrence Reporting Requirements [NEW]

317:30-5-318. Service Quality Review [NEW]

SUMMARY:

The proposed rule revisions update outdated applied behavioral analysis (ABA) policies to ensure that services meet a standard level of quality for all applicable members. This includes updates to documentation requirements for Behavior Intervention Plans, critical incident reporting, family training requirements, and billing guidelines. Additionally, these rules update the medical necessity criteria and describe various exclusions to treatment. Lastly, language is added to ensure ABA providers do not use restraint, except in extreme and documented circumstances.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 440.60

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Bradley Downs, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Bradley Downs, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Bradley Downs, Senior Policy & Program Advisor, (405) 522-7289, petitions@okhca.org.

[OAR Docket #24-1121; filed 11-8-24]

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

[OAR Docket #24-1122]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. GENERAL SCOPE AND ADMINISTRATION
317:30-3-24. Third party liability [AMENDED]

SUMMARY:

The Oklahoma Health Care Authority proposes policy revisions to ensure compliance with federal and state regulations. These revisions prevent third-party insurers from denying Medicaid members' claims solely due to the lack of prior authorization for services covered under the state plan or waivers. Additionally, these changes align with Section 1903(c) of the Social Security Act, designating Medicaid as the payer of first resort for Medicaid-covered services listed in a Medicaid-eligible student’s Individualized Education Program (IEP) or Individual Family Service Plan (IFSP).

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1396a of Title 42 of United States Code, Section 5051.2 of Title 63 of Oklahoma Statutes; 42 C.F.R. part 433 subpart D; section 1903(c) of the Act.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Jeanette Cosby, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanette Cosby, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Jeanette Cosby, Senior Policy & Program Advisor, (405) 522-7281, petitions@okhca.org.

[OAR Docket #24-1122; filed 11-8-24]

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

[OAR Docket #24-1190]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 114. DOULA SERVICES
317:30-5-1216. Eligible providers [AMENDED]

SUMMARY:

The proposed policy revisions clarify OHCA's requirements for agency recognition of doula certifying organizations. There are neither national standards nor minimum certification requirements for doulas. Each doula certifying organization sets its own requirements for doula certification. For that reason, OHCA has developed minimum criteria that doula certifying organizations must meet to be recognized as an approved certifying organization. OHCA will only contract with doulas who are certified by an OHCA-recognized certifying organization. The proposed criteria address geographic location, specialty certifications offered by the organization, frequency of recertification, training modalities, support experience required, references, and practice guidelines and standards (including ethics guidelines and a grievance/disciplinary policy).

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Kelsey Dewbre, Senior Policy & Program Advisor, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

compliance with the proposed rules. Business entities may submit this information in writing to Kelsey Dewbre, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning December 2, 2024.

CONTACT PERSON:

Kelsey Dewbre, Senior Policy & Program Advisor, (405) 522-7286, petitions@okhca.org.

[OAR Docket #24-1190; filed 11-8-24]

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

[OAR Docket #24-1192]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 110. INDIAN HEALTH SERVICES, TRIBAL PROGRAMS, AND URBAN INDIAN CLINICS (I/T/Us)
317:30-5-1091. Definition of I/T/U services [AMENDED]
Part 115. PHARMACISTS [NEW]
317:30-5-1225. Eligible Providers [NEW]
317:30-5-1226. Covered Services [NEW]
317:30-5-1227. Reimbursement [NEW]

SUMMARY:

House Bill 2322 of the 2022 Regular Legislative Session directed the OHCA to reimburse pharmacists for services rendered within their scope of practice at the same rate paid to other providers for provision of the same services. The proposed additions will implement pharmacists' services as a covered benefit to SoonerCare members. The policy additions require pharmacists to be licensed by the Oklahoma State Board of Pharmacy, allows coverage of services within pharmacists' statutory scope of practice, and establishes a reimbursement methodology for pharmacists that is identical to that of physicians. Further, the proposed changes add pharmacists' services to definition of I/T/U facility encounter services, allowing them to be reimbursed at the OMB rate.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 4002.12 of Title 56 of Oklahoma Statutes

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Kelsey Dewbre, Senior Policy & Program Advisor, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kelsey Dewbre, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning December 2, 2024.
CONTACT PERSON:
Kelsey Dewbre, Senior Policy & Program Advisor, (405) 522-7286, petitions@okhca.org.

[OAR Docket #24-1192; filed 11-8-24]

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

[OAR Docket #24-1182]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 5. Individual Providers and Specialties
Part 75. FEDERALLY QUALIFIED HEALTH CENTERS
317:30-5-660.3. Health Center enrollment requirements for specialty behavioral health services [AMENDED]
SUMMARY:
These revisions align policy with HB1071 from the 2021 Regular Legislative Session, which added Federally Qualified Health Centers (FQHCs) to the list of providers exempt from Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) certification. This change aims to reduce barriers for FQHCs in delivering ambulatory substance use disorder services within primary care settings.
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 43A O.S. § 3-415
COMMENT PERIOD:
Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.
PUBLIC HEARING:
A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.
CONTACT PERSON:
Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #24-1182; filed 11-8-24]

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

[OAR Docket #24-1183]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 5. Individual Providers and Specialties
Part 1. PHYSICIANS
317:30-5-2. General coverage by category [AMENDED]
SUMMARY:
These proposed rule revisions are to comply with Senate Bill 444 of the 2023 Regular Legislative Session, which directed the Oklahoma Health Care Authority to implement a "Collaborate Care Model" which provides reimbursement for behavioral health and substance use disorder services delivered in a primary care setting. The revisions add “behavioral health integration” as a covered physician’s service.
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 36O.S. §6060.11a
COMMENT PERIOD:
Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.
PUBLIC HEARING:
A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.
CONTACT PERSON:
Carmen Banks, Senior Policy & Program Advisor, (405) 522-7211, petitions@okhca.org.

[OAR Docket #24-1183; filed 11-8-24]

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

[OAR Docket #24-1184]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 34. SECURE BEHAVIORAL HEALTH TRANSPORTATION [NEW]
317:30-5-347. Definitions [NEW]
317:30-5-348. Program overview [NEW]
317:30-5-349. Program eligibility and covered services [NEW]
317:30-5-350. Service requirements [NEW]
317:30-5-351. Authorization and reimbursement [NEW]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1184; filed 11-8-24]

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

[OAR Docket #24-1186]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. LONG-TERM CARE FACILITIES
317:30-5-130. Inspections of care in Intermediate Care Facilities for ~~the Mentally Retarded (ICF/MR~~Individuals with Intellectual Disabilities (ICF/IID) [AMENDED]

Part 43. AGENCY COMPANION, SPECIALIZED FOSTER CARE, DAILY LIVING SUPPORTS, GROUP HOMES, AND COMMUNITY TRANSITION SERVICES

317:30-5-423. Coverage limitations [AMENDED]

SUMMARY:

These revisions will update policy by removing outdated and inappropriate language. Specifically, references to 'mentally retarded' and 'mental retardation' will be replaced with 'individuals with intellectual disabilities' or 'intellectual disability.' This update aligns policy language with current terminology, supporting dignity and inclusivity.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 20 CFR Parts 404 & 416; and Sections 25-40 of Title 25 Oklahoma Statute

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1186; filed 11-8-24]

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

[OAR Docket #24-1215]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. PHARMACIES

317:30-5-78. Reimbursement [AMENDED]

Part 17. MEDICAL SUPPLIERS

317:30-5-218. Reimbursement [AMENDED]

SUMMARY:

These revisions are necessary to avoid violation of federal law at 42 USC 1395w (Section 11403 of the Inflation Reduction Act of 2022). The proposed additions will align reimbursement for certain biosimilar products with the Medicare Part B fee schedule. The Inflation Reduction Act (2022) included a provision directing Medicare Part B to increase reimbursement for certain biosimilar products from Average Sales Price (ASP) + 6% to ASP + 8%. Based on

CMS guidance, OHCA is amending policy to replace specific references to ASP + 6% with language indicating payment will match Medicare Part B's fee schedule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1395w of Title 42 of United States Code

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1215; filed 11-8-24]

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

[OAR Docket #24-1216]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 5. PHARMACIES
317:30-5-72. Categories of service eligibility [AMENDED]

SUMMARY:

The proposed revisions remove the list of medications exempt from the prescription limits policy, with the list hosted on the OHCA website instead. The rule revision and approved companion State Plan amendment are intended to streamline the process of adding new exemptions. New exemptions are approved by a committee including representatives from Pharmacy and Finance before being posted online.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1216; filed 11-8-24]

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

[OAR Docket #24-1219]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. HOSPITALS
317:30-5-50. Abortions [AMENDED]

SUMMARY:

The proposed revisions will align Oklahoma Health Care Authority (OHCA) policy with the strictest interpretation of state statute. Currently, policy includes that abortion services can be accessed in instances of rape, incest, and/or when the mother's life is in danger; however, the exceptions of rape and incest will be removed in accordance with state law.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 1-731.3 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1219; filed 11-8-24]

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

[OAR Docket #24-1220]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 69. CERTIFIED REGISTERED NURSE ANESTHETISTS
317:30-5-607. Billing instructions [AMENDED]
317:30-5-611. Payment methodology [AMENDED]

SUMMARY:

The OHCA proposes rule revisions to increase access to care and help alleviate workforce shortages by increasing rates for CRNAs practicing within scope of practice, in collaboration with a physician or dentist licensed in this state. Reimbursement will be increased to 100% of the physician fee schedule, from the existing 80%. In situations when the CRNA is practicing under medical direction, reimbursement will remain consistent with established methodology within the Title XIX State Plan, which is 50% of the physician fee schedule.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1220; filed 11-8-24]

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

[OAR Docket #24-1221]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 5. PHARMACIES
317:30-5-87. 340B Drug Discount Program [AMENDED]

SUMMARY:

he proposed revisions seek to remove certain drugs and therapies from the 340b Drug Pricing Program. The 340b program is a federal initiative that allows health care organizations to purchase certain drugs at a discount direct from pharmaceutical manufacturers. One restriction on this program is that no rebates can be collected from any drug or therapy purchased under the program, including supplemental rebates. These revisions would prohibit purchasing drugs which are in a supplemental rebate agreement from being purchased under the 340b program.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1221; filed 11-8-24]

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

[OAR Docket #24-1249]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 5. Individual Providers and Specialties
Part 9. LONG-TERM CARE FACILITIES
317:30-5-133.3. Nursing home ventilator-dependent and tracheostomy care services [AMENDED]
SUMMARY:
Oklahoma Health Care Authority is proposing policy to establish criteria for an add-on rate for nursing facilities that serve tracheostomy patients who meet the high-acuity criteria. The rate will help to cover the high cost associated with this type of care and is determined using existing cost data based on four components: direct care and allied staff costs, social and support staff costs, cost of drugs and medical supplies, and general and administrative costs.
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board
COMMENT PERIOD:
Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.
PUBLIC HEARING:
A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.
CONTACT PERSON:
Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1249; filed 11-8-24]

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

[OAR Docket #24-1232]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. HOSPITALS
317:30-5-42.7. Emergency department (ED) care/services [AMENDED]
317:30-5-47. Reimbursement for inpatient hospital services [AMENDED]

SUMMARY:

These revisions are to comply with Senate Bill 712 of the 2023 Regular Legislative Session that directed The Oklahoma Health Care Authority to separately reimburse Hospitals for opioid antagonists provided to members in an emergency department when they present with symptoms of an opioid overdose, opioid disorder, or any other adverse opioid- related event.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 43A Oklahoma Statute § Section 2-401.2

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1232; filed 11-8-24]

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

[OAR Docket #24-1233]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. LONG-TERM CARE FACILITIES
317:30-5-122. Levels of care [AMENDED]
Part 43. AGENCY COMPANION, SPECIALIZED FOSTER CARE, DAILY LIVING SUPPORTS, GROUP HOMES, EXTENSIVE RESIDENTIAL SUPPORTS, AND COMMUNITY TRANSITION SERVICES [AMENDED]
317:30-5-422. Description of services [AMENDED]
Part 51. HABILITATION SERVICES
317:30-5-482. Description of services [AMENDED]

SUMMARY:

These revisions align policy with the 1915(c) HCBS waivers, which were previously approved by CMS on June 28, 2024, and made effective July 1, 2024. The proposed revisions will add language that allows the diagnosis of Global Developmental Delay as an acceptable diagnosis for admission to a DDS HCBS waiver for individuals under 6 years of age and clarify that a diagnosis of intellectual disability (ID) is based on Social Security Administration criteria for ID. Other revisions remove the requirement for authorization of community transition services to be issued for the date a member transitions. Additional revision add a new residential service to be provided to members in custody of OKDHS and adult members with extensive behavioral support needs that cannot be safely met with current available support. Finally, revisions permit legally responsible individuals to serve as a Habilitation Training Specialist to individuals for whom they are legally responsible.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 56 O.S. Section 1020; and Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1233; filed 11-8-24]

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

[OAR Docket #24-1165]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
317:35-1-2. Definitions [AMENDED]
Subchapter 6. Soonercare for Pregnant Women and Families With Children
Part 7. CERTIFICATION, REDETERMINATION AND NOTIFICATION
317:35-6-60. Certification for SoonerCare for pregnant women and families with children [AMENDED]
317:35-6-60.1. Changes in circumstances [AMENDED]
317:35-6-61. Redetermination of eligibility for persons receiving SoonerCare [AMENDED]

Subchapter 7. Medical Services
Part 3. APPLICATION PROCEDURES
317:35-7-16. Special application procedures for children in OKDHS custody [AMENDED]

SUMMARY:

These revisions are necessary to comply with Public Law 117-328, H.R. 2617 – Consolidated Appropriations Act of 2023, which mandates that all states provide 12-months of continuous Medicaid eligibility for children, regardless of a change in circumstances, with limited exceptions. This mandate went into effect on January 1, 2024.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; H.R. 2617 – Consolidated Appropriations Act of 2023 (Public Law 117-328)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1165; filed 11-8-24]

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

[OAR Docket #24-1170]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. State Plan Personal Care Services
317:35-15-8.1. Agency State Plan Personal Care services; billing, and problem resolution [AMENDED]
317:35-15-14. Billing procedures for State Plan personal care [AMENDED]
Subchapter 17. Advantage Waiver Services
317:35-17-22. Billing procedures for ADvantage services [AMENDED]

SUMMARY:

The Oklahoma Health Care Authority proposes rule revisions to remove outdated language referencing Individual Personal Care Assistants, a provider type no longer utilized by the agency. Additionally, language is being revised to reflect the name change for Oklahoma Human Services and the Community, Aging and Protective Services department who oversee the ADvantage program.

AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board
COMMENT PERIOD:
Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.
PUBLIC HEARING:
A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the agency's website at oklahoma.gov/ohca/policies-and-rules/proposed-changes and copies may be obtained by written request emailed to petitions@okhca.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.
CONTACT PERSON:
Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1170; filed 11-8-24]

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

[OAR Docket #24-1191]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 18. Programs of All-Inclusive Care for the Elderly (Pace)
317:35-18-4. Provider regulations [AMENDED]
317:35-18-5. Eligibility criteria [AMENDED]
317:35-18-8. Enrollment [AMENDED]
317:35-18-10. Disenrollment (voluntary and involuntary) [AMENDED]
SUMMARY:
The proposed rule changes remove the requirement that PACE providers be licensed as an adult day care and clarify some OHCA regulatory requirements of PACE providers. HB3238 of the 2024 Regular Legislative Session amended the Adult Day Care Act and the Home Care Act to exempt PACE organizations from the licensure requirements of adult day cares and home health organizations. It also assigned new regulatory authority to OHCA to create administrative rules necessary to enforce federal PACE regulations (42 CFR Part 460.) These rule revisions will reduce the administrative burden on PACE providers and ensure OHCA's expectations and requirements are clear. The proposed changes also clarify the PACE organization’s responsibilities in addressing housing insecurity for a potential or current participant, requirements of the involuntary disenrollment process, and participant use of assisted living.
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 56 OS 1017.7; 63 OS 1-872; 63 OS 1-1961

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Kelsey Dewbre, Senior Policy & Program Advisor, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kelsey Dewbre, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the Agency at the above address beginning December 2, 2024.

CONTACT PERSON:

Kelsey Dewbre, Senior Policy & Program Advisor, (405) 522-7286, petitions@okhca.org.

[OAR Docket #24-1191; filed 11-8-24]

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

[OAR Docket #24-1188]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income

Part 3. NON-MEDICAL ELIGIBILITY REQUIREMENTS

317:35-5-26. Residence requirements; residents of public institutions; homeless persons; and residents of IHS, BIA or Tribal controlled dormitories [AMENDED]

Subchapter 9. ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals

Part 1. SERVICES

317:35-9-1. Overview of long-term medical care services; relationship to QMB, SLMB, and other Medicaid services eligibility, and spenddown calculation [AMENDED]

317:35-9-5. Home and Community - Based Services (HCBS) Waivers for persons with intellectual disabilities or certain persons with related conditions [AMENDED]

Part 2. MEDICAID RECOVERY PROGRAM

317:35-9-15. Medicaid recovery [AMENDED]

Part 3. APPLICATION PROCEDURES

317:35-9-25. Application for ICF/~~MR~~IID, HCBW/ID, and persons aged 65 or over in mental health hospitals. [AMENDED]

317:35-9-26. Application procedures for private ICF/~~MR~~IID [AMENDED]

317:35-9-27. Application procedures for public ICF/~~MR~~IID [AMENDED]

Part 11. PAYMENT, BILLING, AND OTHER ADMINISTRATIVE PROCEDURES

317:35-9-103. Special procedures for release of adults in mental health hospitals to long-term care facilities [AMENDED]

Subchapter 19. Nursing Facility Services
317:35-19-6. Application procedures for NF [AMENDED]
317:35-19-9. PASRR screening process [AMENDED]
317:35-19-31. Special procedures for release of adults in mental health hospitals to Nursing Facilities [AMENDED]

SUMMARY:

These revisions will update policy by removing outdated and inappropriate language. Specifically, references to 'mentally retarded' and 'mental retardation' will be replaced with 'individuals with intellectual disabilities' or 'intellectual disability.' This update aligns policy language with current terminology, supporting dignity and inclusivity.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 20 CFR Parts 404 & 416; and Sections 25-40 of Title 25 Oklahoma Statute

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1188; filed 11-8-24]

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

[OAR Docket #24-1214]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. Living Choice Program
317:35-23-2. Eligibility criteria [AMENDED]

SUMMARY:

The proposed additions clarify that time a member spends within a skilled nursing facility will be considered when assessing timeline requirements for applications to the Living Choice program. Current policy requires a member to live in a qualifying facility for at least 60 days before applying for Living Choice, but excludes time spent in a skilled nursing facility (SNF) from this 60-day period. This change also aligns OHCA policy with current federal requirements.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 2403 of the Affordable Care Act (ACA)

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Sean Webster, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Sean Webster, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1214; filed 11-8-24]

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

[OAR Docket #24-1234]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:40-1-1. Home and Community-Based Services (HCBS) Waivers for persons with intellectual disabilities or certain persons with related conditions [AMENDED]

Subchapter 5. Member Services

Part 11. OTHER COMMUNITY RESIDENTIAL SUPPORTS

317:40-5-155. Extensive residential supports (ERS) [NEW]

SUMMARY:

These revisions align policy with the 1915(c) HCBS waivers, which were previously approved by CMS on June 28, 2024, and made effective July 1, 2024. The proposed revisions will add language that allows the diagnosis of Global Developmental Delay as an acceptable diagnosis for admission to a DDS HCBS waiver for individuals under 6 years of age and clarify that a diagnosis of intellectual disability (ID) is based on Social Security Administration criteria for ID. Other revisions remove the requirement for authorization of community transition services to be issued for the date a member transitions. Additionally, revisions will add a new residential service to be provided to members in custody of OKDHS and adult members with extensive behavioral support needs that cannot be safely met with current available support. Finally, revisions will permit legally responsible individuals to serve as a Habilitation Training Specialist to individuals for whom they are legally responsible.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 56 O.S. Section 1020; and Section 1915(c) of the Social Security Act

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025 at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Carmen Banks, Policy and Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025 in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Carmen Banks, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

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

[OAR Docket #24-1234; filed 11-8-24]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 55. MANAGED CARE

[OAR Docket #24-1171]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

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

SUMMARY:

The Medicaid and Children's Health Insurance Program (CHIP) Managed Care Access, Finance, and Quality Final Rule (CMS-2439-F) requires that any ILOS provided by a managed care contracted entity (CE) be an approvable state plan or HCBS service. These proposed policy revisions define ILOS and clarify that an ILOS is a component of the capitation rate paid to SoonerSelect CEs.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; Section 438.16 of Title 42 of the Code of Federal Regulations.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 6, 2025, at the following web address: oklahoma.gov/ohca/policies-and-rules/proposed-changes. Persons may also present their views in writing to: Lauren Johnson, Policy & Program Management Division, 4345 North Lincoln Boulevard, Oklahoma City, OK 73105, or petitions@okhca.org.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Monday, January 6, 2025, in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105. Anyone who wishes to orally present their views will be allowed a maximum of two minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the particular business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Johnson, at the above addresses, before the close of the comment period on January 6, 2025.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Agency's at the above address beginning December 2, 2024.

CONTACT PERSON:

Lauren Johnson, Senior Policy & Program Advisor, (405) 522-7891, petitions@okhca.org.

[OAR Docket #24-1171; filed 11-8-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 2. ADMINISTRATIVE COMPONENTS

[OAR Docket #24-1128]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Human Resources Management Division
Part 5. ADMINISTRATIVE PROCEDURES
340:2-1-55. Individual personnel records [REVOKED]
Part 7. RECRUITMENT, SELECTION, AND PLACEMENT POLICY AND PROCEDURES
340:2-1-75. Equal opportunity employment [AMENDED]
Subchapter 35. Volunteer Services
340:2-35-1. Volunteer services [AMENDED]
340:2-35-2. Volunteer ~~job design~~roles [AMENDED]
340:2-35-3. Specialized volunteer placement [AMENDED]
340:2-35-4. Requirements for volunteers [AMENDED]
340:2-35-5. ~~Administrative~~Statewide Volunteer Program staff roles and responsibilities [AMENDED]
340:2-35-6. Reimbursement for mileage and necessary expenses [AMENDED]
340:2-35-7. Documentation of volunteer services [AMENDED]
340:2-35-8. Recognition of volunteers [REVOKED]
Subchapter 39. Innovation Services
Part 3. OKLAHOMA DEPARTMENT OF HUMAN SERVICES INSTITUTIONAL REVIEW BOARD (DHSIRB)
340:2-39-8. Membership [AMENDED]
340:2-39-12. Review and approval process [AMENDED]

SUMMARY:

The proposed amendments to Chapter 2 Subchapter 1, Human Resources Management Division, include: (1) revocation of Oklahoma Administrative Code (OAC) 340:2-1-55; (2) better alignment with Oklahoma Human Services (OKDHS) internal policy; and (3) prevention of confusion and improvement of visibility of requirements within OKDHS internal policy. The proposed amendments to Chapter 2 Subchapter 35, Volunteer Services, include: (1) clarifying the definition of volunteer, volunteer roles, and the role of the volunteer engagement staff; (2) providing legal basis for minimum requirements to be an approved volunteer including background checks and approved Oklahoma Human Services (OKDHS) forms; and (3) deleting language regarding defunct roles and processes. The proposed amendment to Chapter 2

Subchapter 39, Innovation Services, Oklahoma Administrative Code (OAC) 340:2-39-8 (p1) and 340:2-39-12 (p1), is to comply with approval of State Bill 1709.

AUTHORITY:

Director of Human Services; Subchapter 2 - Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162), Subchapter 35 - Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162), Subchapter 39 - Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); Section 1-9-112 & 1-9-112a of Title 10A (10A O.S. §§1-9-112, 1-9-112a); and Section 6103 of Title 26 of the United State Code (26 U.S.C. § 6103)

COMMENT PERIOD:

Written comments are accepted through January 2, 2025, during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1128; filed 10-24-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 5. ADULT PROTECTIVE SERVICES

[OAR Docket #24-1130]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Maltreatment Allegations
340:5-3-4. Referrals under the jurisdiction of entities other than Adult Protective Services (APS) [AMENDED]
Subchapter 5. Inestigation of Adult Protective Services Reports
340:5-5-3. Elements of an investigation [AMENDED]
Subchapter 7. Long-Term care Investigations
340:5-7-5. Initiating Long-Term Care Investigations [AMENDED]

SUMMARY:

The proposed amendment to Chapter 5, Subchapters 3 and 7, amends language to correspond to the language in state law to comply with approval of State Bill 1709.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); Section 1-2211 et seq. of Title 63 (63 O.S. §1-2211 et seq.); and Section 6103 of Title 26 of the United State Code (26 U.S.C. § 6103).

COMMENT PERIOD:

Written comments are accepted through January 2, 2025 during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025 at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1130; filed 11-6-24]

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

[OAR Docket #24-1131]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
340:10-2-1. Work requirements [AMENDED]
340:10-2-5. Job search activities [AMENDED]
340:10-2-8. Temporary Assistance for Needy Families (TANF) Work support services [AMENDED]
Subchapter 3. Conditions of Eligibility - Need
Part 3. INCOME
340:10-3-26. General provisions regarding income [AMENDED]
340:10-3-31. Earned income [AMENDED]
340:10-3-32. Earned income determination [AMENDED]
Part 5. ASSISTANCE PAYMENTS
340:10-3-57. Special considerations [AMENDED]
Subchapter 15. Conditions of Eligibility - Citizenship and Alienage
340:10-15-1. Citizenship and alien status [AMENDED]

SUMMARY:

The proposed amendments to Chapter 10, Subchapter 2 amend the rules to define who is a "work eligible" person and remove unnecessary barriers to Temporary Assistance for Needy Families (TANF) cash assistance and flexible funds. The proposed amendments to Chapter 10, Subchapter 3 amend the rules to: (1) exclude income from a person acting in the role of a spouse from the TANF income determination; (2) clarify what circumstances qualify as self-employment; (3) adjust how Oklahoma Human Services (OKDHS) determines when a partner receives self-employment income; (4) allow the self-employment business expense deduction to all self-employed households; (5) allow a Ukrainian humanitarian parolee until September 30, 2024, to receive parole and be a qualified and eligible alien, per Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, Public Law (P.L.) 188-50; and (6) reclassify citizens of the Federated States of

Micronesia, the Republic of Marshall Islands, and the Republic of Palau as qualified and eligible aliens, per Section 209 of the Compact of Free Association Amendments Act of 2024.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues; Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, P.L. 188-50; Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128; Section 209 of the Compact of Free Association Amendments Act, in the Consolidated Appropriations Act, 2024, P.L. 118-42; and Sections 1612, 1613, and 1641 of Title 8 of the United States Code; Sections 602 and 603 of Title 42 of the United State Code; 45 C.F.R. § 206.10(b)(5); and 45 C.F.R. § 261.2(n).

COMMENT PERIOD:

Written comments are accepted through January 2, 2025 during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025 at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1131; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES

CHAPTER 15. ~~STATE SUPPLEMENTAL PAYMENT AND THE SUPPLEMENTAL SECURITY INCOME-DISABLED CHILDREN'S PROGRAM~~CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS (CYSHCN) [AMENDED]

[OAR Docket #24-1132]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. ~~Supplemental Security Income-Disabled Children's Program~~Children and Youth with Special Health Care Needs (CYSHCN) [AMENDED]

340:15-3-1. Eligibility and available services [AMENDED]

SUMMARY:

The proposed amendments to Chapter 15, Subchapter 3 amend the rules to: (1) change the program's name; (2) revise the roles performed by Health Related and Medical Services (HR&MS) staff, third-party contractor staff, and Adult and Family Services (AFS) workers; and (3) clarify the program's benefits.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); 10 O.S. § 175.5; Sections 704 and 1382d of Title 42 of the United State Code.

COMMENT PERIOD:

Written comments are accepted through January 2, 2025 during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025 at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1132; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[OAR Docket #24-1133]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Low Income Home Energy Assistance Program
340:20-1-4. Coordination and outreach [AMENDED]
340:20-1-10. Program factors [AMENDED]
340:20-1-11. Income and liquid resources [AMENDED]
340:20-1-12. Applications [AMENDED]
340:20-1-14. Actions, method of payment, and notifications [AMENDED]
340:20-1-15. Weatherization assistance and other procedures [AMENDED]
340:20-1-17. Energy Crisis Assistance Program (ECAP) [AMENDED]
340:20-1-19. Winter heating [AMENDED]
340:20-1-20. Summer cooling [AMENDED]

SUMMARY:

The proposed amendments to Chapter 15, Subchapter 3 amend the rules to: (1) change the program's name; (2) revise the roles performed by Health Related and Medical Services (HR&MS) staff, third-party contractor staff, and Adult and Family Services (AFS) workers; and (3) clarify the program's benefits.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); 10 O.S. § 175.5; Sections 704 and 1382d of Title 42 of the United State Code.

COMMENT PERIOD:

Written comments are accepted through January 2, 2025 during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025 at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1133; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 25. CHILD SUPPORT SERVICES

[OAR Docket #24-1134]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Scope and Applicability
340:25-1-1.1. Definitions [AMENDED]
340:25-1-1.2. Structure and service [AMENDED]
Subchapter 3. Commissioned Peace Officers [REVOKED]
Subchapter 5. Operational Policies
Part 9. DISCLOSURE OF INFORMATION
340:25-5-67.1. Family violence [AMENDED]
Part 15. CASE INITIATION, CASE MANAGEMENT, AND CASE CLOSURE
340:25-5-123. Case closure system [AMENDED]
340:25-5-124. Assignment and transfer of cases to child support offices [AMENDED]
Part 17. PAST SUPPORT
340:25-5-140. Past support [AMENDED]
340:25-5-140.1. Interest [AMENDED]
Part 20. MEDICAL SUPPORT
340:25-5-171. Enforcement of a medical support order [AMENDED]
Part 21. ESTABLISHMENT
340:25-5-176. Establishment of parentage [AMENDED]
340:25-5-190. Service of process [AMENDED]
Part 22. REVIEW AND MODIFICATION
340:25-5-198.1. Review of a child support order [AMENDED]
340:25-5-198.2. Modification [AMENDED]
Part 23. ENFORCEMENT
340:25-5-200. Enforcement [AMENDED]
340:25-5-214. Passport denial, revocation, restriction, or limitation [AMENDED]
Part 37. RECOVERY
340:25-5-305. Overpayment and recovery policies [AMENDED]
Part 39. ACCOUNTING AND DISTRIBUTION

340:25-5-350.3. Payment of support through Centralized Support Registry [AMENDED]

SUMMARY:

The proposed amendments to Chapter 25 Subchapter 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) Standing Rules Committee policy review process; (2) amend legal authorities as necessary; and (3) make non-substantive changes to improve rule clarity.

AUTHORITY:

Section 652 of Title 42 of the United States Code (42 U.S.C. 652); Chapters 302 and 303 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302, 303); 45 C.F.R. § 303.8; 45 C.F.R. § 303.11; 45 C.F.R. 303.21; Director of Human Services; 12 O.S. § 2004; 21 O.S. § 566; 43 O.S. §112A; 43 O.S. § 114; 43 O.S. § 118I; 56 O.S. § 162; 56 O.S. 240.1; 56 O.S. § 240.23; 62 O.S. § 34.64

COMMENT PERIOD:

Written comments are accepted through January 2, 2025 during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025 at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1134; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 40. CHILD CARE SUBSIDY PROGRAM

[OAR Docket #24-1175]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Child Care Rates and Provider Issues

340:40-13-2. Approving in-home child care [AMENDED]

SUMMARY:

The proposed amendments to Chapter 40, Subchapter 13 amend the rules to: (1) update acronyms; and (2) require that in-home caregivers provide current CPR verification annually. The proposed amendments achieve OKDHS goals by communicating updated eligibility information to OKDHS clients and staff and ensuring efficient, accurate, and nondiscriminatory program administration.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162);

COMMENT PERIOD:

Written comments are accepted through January 02, 2025, during regular business hours by contacting Holli Kyker, OKDHS, Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 03, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 02, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1175; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

[OAR Docket #24-1135]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
340:50-1-8. Reporting racial~~/~~ and ethnic groups [AMENDED]
Subchapter 3. Application Process
340:50-3-1. The application process [AMENDED]
Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-5. Changes after application and during the certification period [AMENDED]
340:50-9-6. Procedures relating to food benefit certification renewals [AMENDED]
Subchapter 10. Electronic Benefit Transfer (EBT)
340:50-10-3. Initial issuance of Electronic Benefit Transfer (EBT) card [AMENDED]
Subchapter 11. Special Procedures
Part 1. HOUSEHOLDS ENTITLED TO EXPEDITED SERVICE
340:50-11-1. Expedited service screening, criteria, and time limits [AMENDED]
Subchapter 15. Overpayments and Fraud
Part 1. OVERPAYMENTS
340:50-15-3. Overpayment claim procedures [AMENDED]

SUMMARY:

The proposed amendments to Chapter 50, Subchapter 1 amend the rules to update the collection of required ethnic and racial data according to Section 272(g) of Title 1 of the Code of Federal Regulations (7 C.F.R. § 272.6(g)). The proposed amendments to Chapter 50, Subchapter 3 and Subchapter 11 amend the rules to update the handling of applications received outside OKDHS operating hours, per 7 C.F.R. § 273.2(c)(iv). The proposed amendments to Chapter 50, Subchapter 9 amend the rules to: (1) allow OKDHS Supplemental Nutrition Assistance Program (SNAP) households a notice of adverse action longer than 10-calendar days; (2) grant SNAP flexibility to adjust this notice timeframe by updating the Appendix B-2, Deadlines for Case Action; and (3) remove a reference to scheduling interviews. The proposed

amendments to Chapter 50, Subchapter 10 amend the rules to update how OKDHS provides replacement electronic benefit transfer (EBT) SNAP cards. The proposed amendments to Chapter 50, Subchapter 15 amend the rules to remove a reference that required the inclusion of page one of Form 08OP005E, Supplemental Nutrition Assistance Program Overissuance when notifying a household of an overpayment.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); 7 C.F.R. §§ 272.6, 273.2, 273.13, 274.2, and 274.6.

COMMENT PERIOD:

Written comments are accepted through January 2, 2025, during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1135; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 60. REFUGEE RESETTLEMENT PROGRAM

[OAR Docket #24-1138]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

340:60-1-3. Refugee Resettlement Program (RRP) [AMENDED]

340:60-1-6. Program eligibility and procedures [AMENDED]

SUMMARY:

The proposed amendments to Chapter 60 amend the rules to: (1) align the Refugee Resettlement Program (RRP) rules with a federal instruction and the state plan; and (2) improve program administration. The proposed amendments to Chapter 60 amend the rules to allow a Ukrainian humanitarian parolee until September 30, 2024, to receive parole and be an eligible refugee, per Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, Public Law (P.L.) 188-50.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); Section 301 of the Ukraine Security Supplemental Appropriations Act, 2024, P.L. 188-50; and Section 401 of Additional Ukraine Supplemental Appropriations Act, 2022, P.L. 177-128; Subsection 501(e) of Refugee Education Assistance Act of 1980 (Public Law 96-422); and 45 C.F.R. §§ 400.2, 400.43, 400.50, 400.81, and 401.12.

COMMENT PERIOD:

Written comments are accepted through January 2, 2025, during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1138; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES

[OAR Docket #24-1139]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
340:65-1-2. Purpose, legal basis, and confidential nature of case material [AMENDED]
Subchapter 3. Eligibility for Benefits
340:65-3-1. Eligibility determination [AMENDED]
340:65-3-2. Definitions [AMENDED]
340:65-3-2.1. Counting days for providing proof, interview dates, and application time limits [AMENDED]
340:65-3-4. Investigation of eligibility conditions and services planning [AMENDED]
340:65-3-5. Application process [AMENDED]
340:65-3-8. Continuing eligibility determination [AMENDED]

SUMMARY:

The proposed amendment to Chapter 65, Subchapter 1, is to comply with federal findings communicated during the Internal Revenue Service (IRS) Safeguard review. The proposed amendments to Chapter 65, Subchapter 3 amend the rules to: (1) remove the Temporary Assistance for Needy families (TANF) face-to-face interview requirement for a certification renewal; (2) rebrand the "Supplemental Security Income-Disabled Children's Program" as "Children and Youth with Special Health Care Needs"; (3) update the handling of applications received outside of Oklahoma Human Services (OKDHS) operating hours; (4) align Chapter 65 rules with the proposed Low Income Home Energy Assistance Program (LIHEAP) rules; and (5) update the handling of applications received outside of Oklahoma Human Services (OKDHS) operating hours.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162) and 7 C.F.R. § 273(c)(1)(iv); Section 6103 of Title 26 of the United State Code (26 U.S.C. § 6103); and 45 U.S.C. § 604; 45 C.F.R.§ 206.10(a)(9); 42 U.S.C. §§ 8622(3) and 8623(c); and 7 C.F.R. § 273(c)(1)(iv).

COMMENT PERIOD:

Written comments are accepted through January 2, 2025, during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1139; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 75. CHILD WELFARE SERVICES

[OAR Docket #24-1141]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Permanency Planning
Part 7. FAMILY AND CHILD INDIVIDUALIZED SERVICE PLANNING COMPONENTS
340:75-6-40.5. Court reports [AMENDED]
Part 8. CHILD WELFARE SPECIALIST ROLE
340:75-6-48.3. Children missing from care [AMENDED]
Part 13. SUCCESSFUL ADULTHOOD
340:75-6-110. Oklahoma Successful Adulthood (OKSA) program [AMENDED]
Subchapter 7. Foster Home Care
Part 1. GENERAL PROVISIONS
340:75-7-2. Purpose, legal basis, and definitions related to foster care [AMENDED]
Part 2. DEVELOPMENT OF RESOURCE FAMILIES
340:75-7-10.1. Resource parent framework [AMENDED]
340:75-7-14. Training requirements [AMENDED]
340:75-7-15. Background information search and assessment of results [AMENDED]
340:75-7-18. Resource family assessment (RFA) [AMENDED]
340:75-7-19. Joint approval of resource homes [AMENDED]
340:75-7-24. Kinship placement for the child in Oklahoma Human Services (OKDHS) custody [AMENDED]
Part 4. ROLES AND RESPONSIBILITIES
340:75-7-38. Discipline for the child in Oklahoma Human ~~Service (OKDHS) custody placed in foster family care~~Services (OKDHS) custody [AMENDED]
Part 5. ELIGIBILITY AND PAYMENTS
340:75-7-51. Foster care claims [AMENDED]
340:75-7-52. Foster care contracts and maintenance payments [AMENDED]

Part 6. RESOURCE HOME SUPPORT SERVICES
340:75-7-65. Child care and support services for the resource home [AMENDED]
Part 8. RESOURCE HOME CONTINUOUS QUALITY ASSESSMENT
340:75-7-94. Resource home annual updates, non-compliance or rule violations, investigations, closures, ~~fair hearings, and reassessment to re-open a previously closed resource~~and fair hearings [AMENDED]

SUMMARY:

The proposed amendment to Chapter 75 Subchapter 6 adds requirements for Child Welfare (CW) specialists when reporting children who are in the custody of Oklahoma Human Services (OKDHS) missing from care, per SB 1638 (2024) and establishes requirements for when a child in Oklahoma Human Services (OKDHS) custody is placed in a Qualified Residential Treatment Program (QRTP), per HB 1072 (2023). The proposed amendments to Chapter 75 Subchapter 7 include: (1) adding definitions and legal basis to differentiate between traditional and kinship foster care; (2) clearly differentiating application processes for traditional and kinship foster care; (3) clearly differentiating training requirements for traditional and kinship foster care applicants; (4) providing updated guidance for background check procedures with traditional and kinship foster care applicants; (5) updating guidance for the assessment of resource families specific to traditional foster care; (6) updating process for joint approval of foster home resources specific to traditional and kinship foster homes; (7) updating guidance for the assessment of resource families specific to kinship foster care; (8) specifying discipline policies apply for all placement providers and are not unique to foster family care; (9) providing legal and policy basis for final approval of kinship foster homes; (10) differentiating policy basis for final approval and receiving of foster care maintenance payments specific to traditional and kinship care, respectively; (11) updating child care center star status requirements consistent with current procedure; and (12) updating guidance to differentiate process for annual updates specific to traditional and kinship foster homes.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162);. Chapter 75 Subchapter 6: 10A O.S §§ 1-1-102, 1-4-703, 1-4-704, 1-4-805, 1-4-806, and Title IV-E of the Social Security Act, as amended by the Family First Prevention Services Act, Public Law (P.L.) 117-348. Chapter 75 Subchapter 7: 10A O.S §§ 1-7-101, 1-7-109, 1-9-106, 1-9-116, 1-9-119, and Title 45 of the Code of Federal Regulations (C.F.R.), Part 1355 and Part 1356. Chapter 75 Subchapter 6: 10A O.S §§ 1-1-102, 1-4-703, 1-4-704, 1-4-805, 1-4-806, and Title IV-E of the Social Security Act, as amended by the Family First Prevention Services Act, Public Law (P.L.) 115-123. Chapter 75 Subchapter 6: 10A O.S §§ 1-1-102, 1-4-703, 1-4-704, 1-4-805, 1-4-806, and Title IV-E of the Social Security Act, as amended by the Family First Prevention Services Act, Public Law (P.L.) 117-348. Chapter 75 Subchapter 7: 10A O.S §§ 1-7-101, 1-7-109, 1-9-106, 1-9-116, 1-9-119, and Title 45 of the Code of Federal Regulations (CFR), Part 1355 and Part 1356.

COMMENT PERIOD:

Written comments are accepted through January 2, 2025, during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1141; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES

[OAR Docket #24-1142]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration

Part 3. ADMINISTRATION

340:100-3-33.2. Provision of waiver services by legally responsible ~~persons~~individuals and other family members or guardians [AMENDED]

340:100-3-34. Incident reporting

340:100-3-38.14. Training requirements for staff providing extensive residential supports (ERS) [NEW]

Subchapter 5. Client Services

Part 3. SERVICE PROVISIONS

340:100-5-22.1. Community residential supports [AMENDED]

340:100-5-26.1. Psychotropic medication [AMENDED]

340:100-5-29. Monitoring for tardive dyskinesia [AMENDED]

340:100-5-32. Medication administration [AMENDED]

340:100-5-35. Non-Residential Habilitation Training Specialist (HTS) services [AMENDED]

Subchapter 11. Admission to Robert M. Greer Center

340:100-11-2. Intake, Diagnosis, and Evaluation Process [AMENDED]

SUMMARY:

The proposed amendments update the rules to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process. The proposed amendment achieves Oklahoma Human Services (OKDHS) goals by: (1) removing references to the Office of Client Advocacy (OCA) which will be transferred to and become a part of the Oklahoma State Department of Health (OSDH); (2) removing references to the State Long-Term Care Ombudsman while will be transferred to and become a part of the Office of the Attorney General (OAG) pursuant to the governor approval of State Bill 1709; and (3) ensuring accurate program administration. The proposed amendments update the rules to: (1) clarify services a legally responsible individual can provide to a member for whom they are legally responsible; (2) identify a new residential service, extensive residential supports (ERS), and training requirements for staff providing ERS; and (3) implement a change recommended after the Oklahoma Department of Health completed a survey of the Robert M. Greer Center.

AUTHORITY:

Director of Human Services; 56 O.S. § 162; Section 1-2211 et seq. of Title 63 (63 O.S. §1-2211 et seq.); and Section 6103 of Title 26 of the United State Code (26 U.S.C. § 6103).

COMMENT PERIOD:

Written comments are accepted through January 2, 2025, during regular business hours by contacting Holli Kyker, Oklahoma Human Services (OKDHS), Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 3, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1142; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 105. AGING SERVICES

[OAR Docket #24-1176]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Aging Services Division
340:105-1-7. Advocacy assistance [AMENDED]
Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended
Part 9. FISCAL AND ADMINISTRATIVE POLICIES FOR AREA AGENCIES ON AGING AND TITLE III PROJECTS
340:105-10-95. Intrastate funding formula [AMENDED]
Subchapter 11. State Long-Term Care Ombudsman Program
Part 37. STATE LONG-TERM CARE OMBUDSMAN PROGRAM
340:105-11-249. Area Agency on Aging ombudsman supervisor I [AMENDED]

SUMMARY:

The proposed amendments to Chapter 105, Subchapters 1, 10, and11 are to comply with approval of State Bill 1709. The proposed amendment achieves Oklahoma Human Services (OKDHS) goals by: (1) updating references to the State Long-Term Care Ombudsman (LTCO) which will be transferred to and become a part of the Office of the Attorney General (OAG) pursuant to the governor approval of State Bill 1709; and (2) ensuring accurate program administration.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); Section 1-2211 et seq. of Title 63 (63 O.S. §1-2211 et seq.); and Section 6103 of Title 26 of the United State Code (26 U.S.C. § 6103).

COMMENT PERIOD:

Written comments are accepted through January 02, 2025, during regular business hours by contacting Holli Kyker, OKDHS, Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 03, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 02, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1176; filed 11-6-24]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES

[OAR Docket #24-1207]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
Part 1. LICENSING SERVICES - CHILD CARE
340:110-1-6. Inquiries and request for license process [AMENDED]
340:110-1-9.3. Non-compliance with requirements [AMENDED]
340:110-1-9.4. Emergency Order [AMENDED]
340:110-1-9.5. Consent agreement [AMENDED]
340:110-1-10. Revocation or denial of license [AMENDED]
340:110-1-11. ~~Voluntary case~~Facility and chlid-placing agency closures [AMENDED]
340:110-1-13. Unlicensed facilities [AMENDED]
340:110-1-14. ~~Public inspection of licensing files~~Licensing record availability and confidentiality [AMENDED]
Part 3. LICENSING SERVICES - RESIDENTIAL CARE AND AGENCIES
340:110-1-46. Types of issuances [AMENDED]
340:110-1-47.2. Non-compliance with requirements [AMENDED]
340:110-1-52. Legal actions [REVOKED]
340:110-1-53. Case closures [REVOKED]
340:110-1-54.1. Unlicensed facilities [AMENDED]
340:110-1-55. Public inspection of licensing files [REVOKED]
Subchapter 3. Licensing Standards for Child Care Facilities
Part 15. REQUIREMENTS FOR CHILD CARE CENTERS, DAY CAMPS, DROP-IN PROGRAMS, OUT-OF-SCHOOL TIME PROGRAMS, PART-DAY PROGRAMS, AND PROGRAMS FOR SICK CHILDREN
340:110-3-300. Facility [AMENDED]
Part 16. REQUIREMENTS FOR COMMUNITY HOPE CENTERS
340:110-3-400. Community Hope Centers [REVOKED]
Subchapter 5. Requirements for Child-Placing Agencies
Part 5. REQUIREMENTS FOR FOSTER HOME AGENCIES
340:110-5-61.1. Alternative care arrangements [AMENDED]
Part 9. REQUIREMENTS FOR INDEPENDENT LIVING PROGRAMS
340:110-5-115. Independent living [AMENDED]
340:110-5-117. Program description [REVOKED]
340:110-5-118. Responsibilities of the agency [REVOKED]
340:110-5-119. Training and life-skills assessment [REVOKED]
340:110-5-120. Service agreement [REVOKED]
340:110-5-121. Physical facility [REVOKED]
340:110-5-122. Supervision and support [REVOKED]
340:110-5-123. Emergency procedures [REVOKED]
340:110-5-124. Conclusion of participation [REVOKED]
Appendix EE. Oklahoma Director's Credential [AMENDED]

SUMMARY:

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend Oklahoma Human Services (OKDHS) Child Care Services (CCS) policy for child care Licensing staff by amending request for Licensing processes, non-compliance with Licensing requirement processes, emergency orders, consent agreements, denial and revocation processes, case closures, unlicensed complaint investigations, and public inspection of Licensing records. Proposed amendments to Chapter 110, Subchapter 1, Part 3 amend OKDHS CCS policy for residential and child-placing agency Licensing staff by amending license issuances processes, non-compliance with Licensing requirement processes, revoking redundant rules to combine within existing rule citations, and unlicensed complaint investigations. Proposed amendments to Chapter 110, Subchapter 3, Part 15 amend Licensing requirements for child care centers, day camps, drop-in, out-of-school time, part-day and programs caring for ill children. Proposed amendments to Chapter 110, Subchapter 3, Part 16 revoke Licensing

requirements for community hope centers. Proposed amendments to Chapter 110, Subchapter 5, Part 5 and 9 amend Licensing requirements for child-placing agencies. CCS conducted child-placing agency roundtable sessions to amend Licensing requirements for child-placing agencies and independent living programs. A summary of proposed Licensing requirements was reviewed by residential and child-placing agency standing subcommittees and the Child Care Advisory Committee. Child Welfare Services was consulted for necessary Licensing requirement amendments for improved health and safety and services for child-placing agencies and independent living programs.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statues (56 O.S. § 162); 10 O.S. §§ 401, 404, 405, 406, and 407 of the Oklahoma Child Care Facilities Licensing Act.

COMMENT PERIOD:

Written comments are accepted through January 02, 2025, during regular business hours by contacting Holli Kyker, OKDHS, Legal Services, PO Box 25352, Oklahoma City, Oklahoma 73125, 405-982-2217 or by email to Holli.Kyker@okdhs.org.

PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on January 03, 2025, at OKDHS, Sequoyah Memorial Office Building, 2400 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room C-48. Anyone who wants to speak will be allowed a maximum of three minutes and must sign in at the door by 10:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OKDHS requests that business entities affected by these proposed rules provide OKDHS, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, such as fees and indirect costs, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Holli Kyker, at the above address, before the close of the comment period on January 02, 2025.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to https://oklahoma.gov/okdhs/library/policy/proposed.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Holli Kyker, Policy Specialist, Legal Services - Policy, 405-982-2217, Holli.Kyker@okdhs.org.

[OAR Docket #24-1207; filed 11-6-24]

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

[OAR Docket #24-1235]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 29. External Review Regulation
365:10-29-6. External review requests [AMENDED]
365:10-29-7. Notice of initial determination [AMENDED]
Appendix QQ. External Review Request Form [REVOKED]

SUMMARY:

365:10-29-6. Adds language to move the form to our website for ease of access. 365:10-29-7. Updates the address for the Department. Appendix QQ. Removes the form from rules so it can be updated and added to our website.

AUTHORITY:

Insurance Commissioner; 15 O.S. § 141.3; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. § 358 and 1302.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 2, 2025. Comments shall be directed to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Thursday, January 9, 2025 at 10:00 a.m. at the Oklahoma Healthcare Authority, 4345 N Lincoln Blvd, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:55 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105 on or before 5:00 p.m. on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on or before December 17, 2024, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105 and will be available on the Insurance Department's website at www.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Deputy Commissioner of External Affairs, (405) 521-6616.

[OAR Docket #24-1235; filed 11-7-24]

TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. OTHER LICENSEES

[OAR Docket #24-1236]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Companies
Part 5. OKLAHOMA INSURANCE HOLDING COMPANY SYSTEM REGULATORY ACT
365:25-7-32. Group Capital Calculation [NEW]

SUMMARY:

365:25-7-32. Updates rules to include Group Capital Calculations which is a requirement for Accreditation with the National Association of Insurance Commissioners (NAIC).

AUTHORITY:

Insurance Commissioner; 15 O.S. § 141.3; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. §§ 358 and 1302.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 2, 2025. Comments shall be directed to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Thursday, January 9, 2025 at 10:00 a.m. at the Oklahoma Healthcare Authority, 4345 N Lincoln Blvd, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:55 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105 on or before 5:00 p.m. on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on or before December 17, 2024, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105 and will be available on the Insurance Department's website at www.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Deputy Commissioner of External Affairs, (405) 521-6616.

[OAR Docket #24-1236; filed 11-7-24]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD
CHAPTER 1. ADMINISTRATIVE RULES OF PROCEDURE

[OAR Docket #24-1223]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

420:1-1-4. Public inspection of policies and rules [AMENDED]

SUMMARY:

The proposed revisions to the rules: rephrase the public inspection policies to be in accordance with the provisions of the Oklahoma Open Records Act codified at Title 51 O.S. §24A.1, et seq.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; 52 O.S., § 420.3. Oklahoma Open Records Act; 51 O.S. §24A.1, et seq.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 3, 2025, at the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105, Attn: Chandra Heitzinger, or by email to Chandra.Heitzinger@lpgas.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 3, 2025, at 9:30 a.m. in the office of the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105. Each person wishing to speak must sign in at the door by 9:30 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Liquefied Petroleum Gas Administration with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105, Attn: Chandra Heitzinger, or by email to Chandra.Heitzinger@lpgas.ok.gov before the close of the public comment period, at 4:30 p.m., on January 3, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105, Attn: Chandra Heitzinger, or by email to Chandra.Heitzinger@lpgas.ok.gov. The proposed rules may also be viewed on the agency's website at www.Oklahoma.gov/lpgas.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Liquefied Petroleum Gas Administration at the above address beginning December 2, 2024.

CONTACT PERSON:

Chandra Heitzinger, Administrator of the Liquefied Petroleum Gas Administration, (405) 521-2458, Chandra.Heitzinger@lpgas.ok.gov. For legal questions, contact Kristin Bugg, Assistant Attorney General, (405) 522-1961, Kristin.Bugg@oag.ok.gov.

[OAR Docket #24-1223; filed 11-6-24]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD
CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION

[OAR Docket #24-1238]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

420:10-1-3. Definitions [AMENDED]
420:10-1-5. Permits [AMENDED]
420:10-1-8. Processing and handling of applications and examinations [AMENDED]
420:10-1-9. Issuing of certificates of permits [AMENDED]
420:10-1-13. Responsible employees and managers who shall be required to have technical qualifications and manager's permits [AMENDED]
420:10-1-14. Standards for the storage and handling of liquified petroleum gas [AMENDED]

SUMMARY:

The proposed revisions to the rules: Revise language in OAC 420:10-1-3 to correct the definition of employer and correct the reference to Title 52 O.S. Sections 420.1, et seq.; Revise language in OAC 420:10-1-5 to increase the Class VII annual permit fee to Eighty Five Dollars ($85.00) from Fifty Dollars ($50.00) for the purpose of eventually decreasing administrative and financial burden on Class 1 dealers related to purchasing, tracking, and applying cylinder tags on cylinders in the cylinders exchange program as the LP Gas Board begins to head in the direction no longer requiring cylinder tags for cylinders participating in the cylinder exchange program, and the increase will simultaneously reduce the administrative burden on the LP Gas Board/Administration as it will be easier to inspect and enforce cylinder exchange cabinets rather than all cylinders in the cylinder exchange program; Revise language in OAC 420:10-1-8 to change the passing score on all examinations from to 75%; Revise and add language in OAC 420:10-1-8 to clarify the composition of examination questions pulled from NFPA 54, NFPA 58, and the rules and regulations of the LP Gas Board for Class 1 and Class X exams; Revise and add language in OAC 420:10-1-9 to clarify the administrative process upon relief of duty of a Class X manager; Revise and add language in OAC 420:10-1-13 to clarify the administrative process regarding a single Class X manager coverage on not more than two locations; and Correct language in OAC 420:10-1-14 to update the plan review and inspection fees for $250.00 for a Class 8 permit to be consistent with these fees as set forth in previously updated OAC 420:10-1-9.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; 52 O.S. § 420.3.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 3, 2025, at the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105, Attn: Chandra Heitzinger, or by email to Chandra.Heitzinger@lpgas.ok.gov.

PUBLIC HEARING:

A public hearing will be held on January 3, 2025, at 9:30 a.m. in the office of the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105. Each person wishing to speak must sign in at the door by 9:30 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Liquefied Petroleum Gas Administration with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105, Attn: Chandra Heitzinger, or by email to Chandra.Heitzinger@lpgas.ok.gov before the close of the public comment period, at 4:30 p.m., on January 3, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from the Liquefied Petroleum Gas Administration, 2501 N Lincoln Blvd, Suite 218, Oklahoma City, OK 73105, Attn: Chandra Heitzinger, or by email to Chandra.Heitzinger@lpgas.ok.gov. The proposed rules may also be viewed on the agency's website at www.Oklahoma.gov/lpgas.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and may be obtained from the Liquefied Petroleum Gas Administration at the above address beginning December 2, 2024.

CONTACT PERSON:

Chandra Heitzinger, Administrator of the Liquefied Petroleum Gas Administration, (405) 521-2458, Chandra.Heitzinger@lpgas.ok.gov. For legal questions, contact Kristin Bugg, Assistant Attorney General, (405) 522-1961, Kristin.Bugg@oag.ok.gov.

[OAR Docket #24-1238; filed 11-8-24]

Notices of Rulemaking Intent

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 1. ADMINISTRATION

[OAR Docket #24-1241]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Information
450:1-1-1.1. Definitions [AMENDED]
450:1-1-7. Requests for agency public information [AMENDED]
Subchapter 3. Contracts for Mental Health, Substance Abuse, and Residential Care Services
Part 1. ELIGIBILITY TO CONTRACT
450:1-3-5. Staff qualifications for contracted entities [AMENDED]
Subchapter 9. Certification and Designation of Facility Services
450:1-9-5. Qualifications for certification of facilities, programs and individuals [AMENDED]
450:1-9-5.7. Types and duration of certification status for facilities and programs [AMENDED]
450:1-9-5.8. Types and duration of certification of individuals [AMENDED]
450:1-9-7.1. Procedures for completion of additional certification processes subsequent to a Permit for Temporary Operations [AMENDED]
450:1-9-7.2. Procedures for renewal of certification [AMENDED]
Subchapter 15. County Community Safety Investment Fund [NEW]
450:1-15-1. Purpose [NEW]
450:1-15-3. Applicability [NEW]
450:1-15-5. Allowable Programs [NEW]
450:1-15-7. Application Requirements [NEW]
450:1-15-9. Additional Requirements [NEW]
450:1-15-11. Disbursement of Funds [NEW]

SUMMARY:

Proposed rule revisions amend and clarify language regarding requests for public information and add language regarding the County Community Safety Investment Fund established by the legislature. Changes also include clarifications regarding certification application notifications and other clean up. The definition of a sentinel event is also amended.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-110, 3-306, 3-306.1, 3-314.1, 3-315, 3-317, 3-318, 3-319 and 3-415; 74 O.S. §85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1241; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 16. STANDARDS AND CRITERIA FOR COMMUNITY RESIDENTIAL MENTAL HEALTH FACILITIES

[OAR Docket #24-1242]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Personnel, Staffing and Training

450:16-21-4. Residential care staff licensure and training requirements, administrator [AMENDED]

SUMMARY:

Proposed rule revisions clarify training requirements for residential care facility administrators.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101 and 3-315

COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1242; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS

[OAR Docket #24-1248]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 1. General Provisions
450:17-1-2. Definitions [AMENDED]
450:17-1-6. Services and service areas [AMENDED]
Subchapter 5. Optional Services
Part 25. CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS
450:17-5-176. Availability and accessibility of services [AMENDED]
SUMMARY:
The proposed rule revisions amend language regarding catchment areas. Language is also added to clarify requirements for crisis sites and to address exception requests for crisis sites. Definitions are also added and amended.
AUTHORITY:
Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306, 3-306.1 and 3-315
COMMENT PERIOD:
Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.
PUBLIC HEARING:
The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.
COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."
CONTACT PERSON:
Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1248; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 18. STANDARDS AND CRITERIA FOR SUBSTANCE RELATED AND ADDICTIVE DISORDER TREATMENT SERVICES

[OAR Docket #24-1243]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 1. General Provisions
450:18-1-2. Definitions [AMENDED]
Subchapter 7. Facility Clinical records
Part 9. SERVICE PLANNING
450:18-7-84. Service plans, medically supervised withdrawal management [AMENDED]
Subchapter 13. Substance Use Disorder Treatment Services
Part 7. MEDICALLY SUPERVISED WITHDRAWAL MANAGEMENT, ASAM LEVEL 3.7
450:18-13-61. Medically-supervised withdrawal management [AMENDED]
Subchapter 17. Certificate of Need [REVOKED]
450:18-17-1. Purpose [REVOKED]
450:18-17-2. Applicability [REVOKED]
450:18-17-3. Certificate of Need requirements [REVOKED]

SUMMARY:
Proposed rule revisions amend staffing requirements, including assessments and service plans, for medically supervised withdrawal management services. Revisions also remove Certificate of Need requirements.

AUTHORITY:
Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306, 3-317, 3-403(1), 3-404, 3-406, 3-415 and 3-416

COMMENT PERIOD:
Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:
The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:
The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:
Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1243; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

[OAR Docket #24-1244]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
450:24-1-2. Definitions [AMENDED]
Subchapter 27. Certificate of Need [REVOKED]
450:24-27-1. Purpose [REVOKED]
450:24-27-2. Applicability [REVOKED]
450:24-27-3. Certificate of Need requirements [REVOKED]

SUMMARY:

Proposed rule revisions remove Certificate of Need requirements and amend the definition of ASAM level 3.7.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, and 3-415

COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1244; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 50. STANDARDS AND CRITERIA FOR CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS

[OAR Docket #24-1245]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Behavioral Health Case Manager Certification Application
450:50-3-1. Qualifications for certification [AMENDED]
450:50-3-2. Applications for certification [AMENDED]
450:50-3-3. Duration of certification [AMENDED]
450:50-3-4. Fees [AMENDED]

SUMMARY:

Proposed rule revisions amend qualifications and application requirements for Behavioral Health Case Manager I and clarify experience requirements for case managers. Revisions also change language regarding renewal deadlines.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-306 and 3-318

COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1245; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 53. STANDARDS AND CRITERIA FOR CERTIFIED PEER RECOVERY SUPPORT SPECIALISTS

[OAR Docket #24-1246]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Peer Recovery Support Specialist Certification Application
450:53-3-3. Duration of certification [AMENDED]
Subchapter 7. Rules of Professional Conduct
450:53-7-6. Reimbursement for services rendered [AMENDED]
Subchapter 11. ~~Grandfathering~~Special Provisions [AMENDED]
450:53-11-1. ~~Grandfathering~~Special Provisions [AMENDED]

SUMMARY:

Proposed rule revisions amend language regarding renewal deadlines and make other clean-up changes.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, and 3-326

COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1246; filed 11-8-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS

[OAR Docket #24-1250]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
450:70-1-2. Definitions [AMENDED]
Subchapter 3. Facility Record System
Part 3. INTAKE AND ADMISSION ASSESSMENT
450:70-3-5. Assessment and record content - ~~Medical~~Initial medical examination [AMENDED]
450:70-3-5.1. Assessment and record content - History [AMENDED]
450:70-3-5.16. Assessment and record content - Initial dosing [AMENDED]
450:70-3-5.4. Assessment and record content - Level of care [AMENDED]
450:70-3-6. Assessment - Process requirements [AMENDED]
Part 5. BIOPSYCHSOCIAL ASSESSMENT
450:70-3-7. Biopsychsocial assessment [AMENDED]
Subchapter 4. Services Support and Enhancement
Part 1. STAFF SUPPORT
450:70-4-4.2. Staffing - Medical Director coverage [AMENDED]
450:70-4-4.4. Staffing - Qualifications [AMENDED]
Part 3. ORGANIZATIONAL AND FACILITY MANAGEMENT
450:70-4-7.1. Operations - Medication security [AMENDED]
450:70-4-7.2. Operations - Dual enrollments [AMENDED]
450:70-4-7.3. Operations - Dosing considerations [AMENDED]

450:70-4-8.3. Take-home doses, general criteria [AMENDED]
450:70-4-8.5. Take-home doses, limits [AMENDED]
Subchapter 6. Substance Use Disorder Treatment Services
Part 2. LEVELS OF TREATMENT
450:70-6-4. Levels of Care [AMENDED]
450:70-6-5.1. Withdrawal management - Maintenance to withdrawal management [AMENDED]
450:70-6-7. Short-term managed withdrawal [AMENDED]
450:70-6-9. Interim maintenance treatment services [AMENDED]
450:70-6-10. Medication units [AMENDED]
450:70-6-10.1. ~~Mobile medication units~~Long-term care facilities, hospitals, and correctional facilities [AMENDED]
450:70-6-12. HIV/STD/AIDS education, testing and counseling services [AMENDED]
Part 3. TREATMENT SERVICES
450:70-6-15. Clinical Services [AMENDED]
450:70-6-16. Treatment for persons served who are pregnant [AMENDED]
450:70-6-17.2. Service phases - General [AMENDED]

SUMMARY:

Proposed rule revisions include various changes throughout to align with changes to federal regulations for Opioid Treatment Programs. Revisions include changes to requirements for medical examinations, dosing, assessments, medication security, dual enrollments, interim maintenance, medication units, and treatment services. Additional clean-up, including amendments to definitions, are also included.

AUTHORITY:

Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. § 3-601 et. seq.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from December 2, 2024, until 5:00 pm on January 3, 2025. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, Attn: Melissa Miller, 2000 N Classen Blvd., Suite 2-600, Oklahoma City, OK 73106 or submitted by email at publiccomment@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on January 6, 2025, at 10:00 am in the central offices of the Department at 2000 N Classen Blvd., Oklahoma City, OK 73106. Meeting details, including any changes due to inclement weather, will be provided on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by email at publiccomment@odmhsas.org before the close of the comment period on January 3, 2025 at 5:00pm.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules," and copies may be obtained by written request emailed to publiccomment@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and will be available on December 4, 2024, at the ODMHSAS website at https://oklahoma.gov/odmhsas/policy/administrative-rules.html under "Proposed Rules."

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

[OAR Docket #24-1250; filed 11-8-24]

TITLE 540. HEALTH CARE WORKFORCE TRAINING COMMISSION
CHAPTER 50. OKLAHOMA MEDICAL LOAN REPAYMENT PROGRAM

[OAR Docket #24-1201]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
540:50-1-1. Purpose [AMENDED]
540:50-1-3. Terms and conditions of loans [AMENDED]
540:50-1-4. Eligibility [AMENDED]
540:50-1-5. Amount and method of payment [AMENDED]
540:50-1-6. Procedures for administering loans [AMENDED]
540:50-1-7. Repayment by practice or repayment of monies received [AMENDED]
540:50-1-8. Applicant contracts [AMENDED]
SUMMARY:
The Health Care Workforce Training Commission proposes changes to its rules for the administration of the Oklahoma Medical Loan Repayment Program to make the rules comply with current statute. Recent statutory changes expanded the scope of the Program to include certified nurse practitioners and to apply to general surgery. (H.B. 1696, 59th Leg., 2d Reg. Sess. (Okla. 2024), codified at 63 O.S., §§ 1-2721 and 1-2722).
AUTHORITY:
Health Care Workforce Training Commission; 63 O.S., §§ 1-2721 through 1-2723.
COMMENT PERIOD:
Written and oral comments will be accepted until 4:30 p.m. on January 13, 2025, at the Health Care Workforce Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603 , Attn: Kami Fullingim, or by email to Kami.Fullingim@HWTC.ok.gov.
PUBLIC HEARING:
A public hearing will be held on January 13, 2025, at 10:00 a.m. in the office of the HWTC, 5th floor, Suite 520, center conference room, 119 North Robinson Avenue, Oklahoma City, OK 73102-4603.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information by 4:30 p.m., January 13, 2025, at the Health Care Workforce Training Commission, 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603, Attn: Kami Fullingim, or by email to Kami.Fullingim@HWTC.ok.gov.
COPIES OF PROPOSED RULES:
Copies of the proposed changes may be obtained from the Health Care Workforce Training Commission office located at 119 North Robinson Avenue, Suite 520, Oklahoma City, OK 73102-4603 or email to Kami.Fullingim@HWTC.ok.gov. The proposed rules may also be viewed on the agency's website at www.Oklahoma.gov/hwtc.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Health Care Workforce Training Commission at the above address beginning December 2, 2024.
CONTACT PERSON:
Kami Fullingim Executive Director (405), 604-0020, Kami.Fullingim@HWTC.ok.gov. For legal questions, contact Maria Maule, Assistant Attorney General, (405) 522-0055, Maria.Maule@oag.ok.gov.

[OAR Docket #24-1201; filed 11-4-24]

TITLE 600. REAL ESTATE APPRAISER BOARD
CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS

[OAR Docket #24-1226]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
600:10-1-6. Experience prerequisite [AMENDED]
600:10-1-7. Continuing education [AMENDED]
600:10-1-12. Inactive status - annual fee payment [AMENDED]
SUMMARY:

600:10-1-6. Adds language outlining the process for those that completed their experience hours through a virtual program. 600: 10-1-7. Adds continuing education requirements for compliance with the Valuation Bias and Fair Housing Laws and Regulations Outline and updates the name of the course. 600:10-1-12. Adds language related to inactive status for appraiser licenses and certificates when annual or renewal fees are not paid.

AUTHORITY:

Real Estate Appraiser Board; 59 O.S., § 858-829

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 2, 2025. Comments shall be directed to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Friday, January 10th, 2025 at 9:30 a.m. at the Board of Professional Engineers and Land Surveyors, 220 NE 28th Street, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:25am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105 on or before 5:00pm on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Office of the Real Estate Appraiser Board, within the Oklahoma Insurance Department at 400 Northeast. 50th Street, Oklahoma City, OK 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Real Estate Appraiser Board website located at www.reab.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on or before December 17, 2024, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Real Estate Appraiser Board website located at www.reab.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Deputy Commissioner of External Affairs, (405) 521-6616.

[OAR Docket #24-1226; filed 11-7-24]

TITLE 600. REAL ESTATE APPRAISER BOARD
CHAPTER 15. DISCIPLINARY PROCEDURES

[OAR Docket #24-1228]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

600:15-1-2. Definitions [AMENDED]

SUMMARY:

600:15-1-2. Removes conflicting definitions from the Act.

AUTHORITY:

Real Estate Appraiser Board; 59 O.S., § 858-829

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before 5:00 p.m. on January 2, 2025. Comments shall be directed to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held Friday, January 10th, 2025 at 9:30 a.m. at the Board of Professional Engineers and Land Surveyors, 220 NE 28th Street, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 9:25am.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Ashley Scott, Deputy Commissioner of External Affairs, Oklahoma Insurance Department, 400 Northeast 50th Street, Oklahoma City, 73105 on or before 5:00pm on January 2, 2025.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Office of the Real Estate Appraiser Board, within the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Real Estate Appraiser Board website located at www.reab.oid.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be available on or before December 17, 2024, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above and will be available on the Real Estate Appraiser Board website located at www.reab.oid.ok.gov.

CONTACT PERSON:

Ashley Scott, Deputy Commissioner of External Affairs, (405) 521-6616.

[OAR Docket #24-1228; filed 11-7-24]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #24-1237]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 39. Oklahoma National Guard Educational Assistance Program

610:25-39-3. Assistance [AMENDED]

SUMMARY:

During the 2022 session, the Oklahoma Legislature approved SB 1418 (now 70 O.S. §§ 3231 & 3232), which created the Oklahoma National Guard Educational Assistance Program. Subject to available funding, the bill authorized educational benefits equivalent to resident tuition, mandatory fees, and academic service fees, not to exceed 18 credit hours per semester at institutions in the Oklahoma State System of Higher Education. In addition to a maximum of 120 credit hours of undergraduate coursework, the bill authorized benefits for up to 40 credit hours of graduate coursework toward a master's degree. SB 1418 also created the Oklahoma National Guard Educational Assistance Revolving Fund, a continuing fund not subject to fiscal year limitations consisting of state appropriations, from which the benefits are to be paid by the State Regents. The proposed emergency and permanent rule revisions focus on the inclusion of flight costs and fees. Initially, flight costs and fees for aviation degree programs were excluded from award coverage to maximize student support and align with the intent of SB 1418, as well as with the Oklahoma National Guard's regulations. However, the Oklahoma National Guard now wishes to transition away from this approach and allow funding for flight costs and fees for aviation programs. It is essential that our rules align with this new approach. The proposed rules will allow academic service fees that include flight costs and fees for aviation students.

AUTHORITY:

Oklahoma State Regents for Higher Education; 70 O.S. §§ 3231 & 3232 and 70 O.S. § 3206.

COMMENT PERIOD:

Interested persons may submit written comments to Taylor Dearborn, Legal Assistant, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, tdearborn@osrhe.edu, by 9:30 a.m., January 2, 2025.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Taylor Dearborn, Legal Assistant, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, 405-225-9643, tdearborn@osrhe.edu, by 9:30 a.m., January 16, 2025.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be made available at the office of the Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK 73104, and on the agency's website at https://www.okhighered.org on or before December 2, 2024.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be made available on the agency's website at https://www.okhighered.org on or before December 2, 2024.

CONTACT PERSON:

Taylor Dearborn, tdearborn@osrhe.edu, 655 Research Parkway Suite 200, Oklahoma City, OK 73104

[OAR Docket #24-1237; filed 11-7-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #24-1094]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Public Policy
Part 13. OTHER POLICY PROVISIONS
710:1-3-80. Procedures for partial release of tax warrant or lien [AMENDED]
710:1-3-84. Procedures for notice of excess proceeds from county property tax resale [NEW]
Subchapter 5. Practice and Procedure
Part 3. DESCRIPTION OF ADMINISTRATIVE REVIEW AND HEARINGS
710:1-5-10.1. Protests / Demands for hearing [AMENDED]
Part 5. ADMINISTRATIVE PROCEEDINGS RELATED TO TAX PROTESTS
710:1-5-31. Administrative law judge to hear case [REVOKED]
710:1-5-31.1. Jurisdiction and authority of Administrative Law Judge [NEW]
710:1-5-34. Rules of evidence [AMENDED]
710:1-5-39. The Record; Findings, conclusions and recommendations [AMENDED]
710:1-5-41. Decision and order of the Oklahoma Tax Commission [AMENDED]

SUMMARY:

Section 710:1-3-80 is amended to add a circumstance for issuing a partial release and allows Commission discretion on granting partial releases. Section 710:1-3-84 is a proposed new section to clarify statutory language (68 O.S. § 3131) and outlines the procedures for notification of excess tax resale proceeds to the Tax Commission (OTC) by county treasurers. The section specifies the information the treasurers must provide to the OTC, and the process to remit payment of excess proceeds to OTC. Section 710:1-5-10.1 is amended to add back in a sentence that was unintentionally removed. Section 710:1-5-31 is revoked, and in its place, Section 710:1-5-31.1 is a proposed new section that outlines the jurisdiction and authority of Administrative Law Judges (ALJ); it separates the language into sections, clarifies ALJ authority, and requirements for recusal. Section 710:1-5-34 is amended to outline procedures for Certification of Evidentiary Issues to allow for brief in support, time for reply, and procedural parameters. Section 710:1-5-39 is amended to specify what is included in the record; requires issuing Findings, Conclusions, and Recommendations within a reasonable time; and allows for status conferences. Section 710:1-5-41 is amended to clarify allowable Commission actions with respect to recommendations of the ALJ.

AUTHORITY:

68 O.S. § 203, 75 O.S. § 302; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for January 2, 2025, at the Oklahoma Tax Commission, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1094; filed 11-6-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 20. ALCOHOL AND MIXED BEVERAGES

[OAR Docket #24-1102]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Mixed Beverages

710:20-5-1. Procedures for payment of gross receipts tax on mixed beverage, caterer, hotel beverage, beer and wine, mixed beverage/caterer combination, public event, and special event license holders; definitions [AMENDED]

710:20-5-9. Commission may require security from vendor [AMENDED]

SUMMARY:

Proposed amendments to Chapter 20 have been made to implement recent legislation. Section 710:20-5-1 is amended to update the definition of “mixed beverages” to align with changes in statute, pursuant to SB 809 (2024). Amendments in section 710:20-5-9 implement HB 3352 (2024) by outlining procedures to receive an alcohol bond exemption following 10 years of “tax compliance”.

AUTHORITY:

68 O.S. § 203, 37A O.S. § 5-124; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those

wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1102; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 25. COIN OPERATED VENDING DEVICES

[OAR Docket #24-1104]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

710:25-1-2. Annual vending device fee in lieu of sales tax; exclusions [AMENDED]

SUMMARY:

Amendments to section 710:25-1-2 add tobacco/cigarette vending machines to the list of devices not subject to the annual vending device fee.

AUTHORITY:

68 O.S. §§ 203, 1509.1; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional

services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1104; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 45. GROSS PRODUCTION

[OAR Docket #24-1209]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Required Returns and Reports
710:45-5-1. Monthly production reports [AMENDED]
Subchapter 9. Exemptions and Exclusions
Part 17. ECONOMICALLY AT-RISK LEASES
710:45-9-81. Definitions [AMENDED]
710:45-9-81.1. Determination of average production volume and monthly average price of oil and gas [AMENDED]
710:45-9-83. Certification [AMENDED]
Part 21. MARKETING COSTS DEDUCTION
710:45-9-102. Qualifying criteria [AMENDED]

SUMMARY:

Amendments to Chapter 45 largely seek to clarify reporting requirements and requirements to apply for incentives. Section 710:45-5-1 is amended to propose reporting units for volume for all product codes, including natural gas liquids. Amendments to section 710:45-9-81 add to definitions for clarification purposes. Section 710:45-9-81.1 is amended to provide examples for price calculations. Section 710:45-9-83 is amended to clarify procedures for applications for incentives. Amendments to section 710:45-9-102 specify the documentation requirements for marketing cost deductions that must be submitted at time of application.

AUTHORITY:

68 O.S. §§ 203, 1001, 1001.3a, 1001.4, 1013; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1209; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME

[OAR Docket #24-1106]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
710:50-1-7. ~~Copying fees~~Requests for Copies of Income Tax Returns [AMENDED]
Subchapter 3. Returns and Reports
Part 5. FILING STATUS; ELECTIONS; ACCOUNTING PERIODS AND METHODS
710:50-3-47. Pass-Through Entity Tax Equity Act of 2019 [AMENDED]
Subchapter 11. Intercept of Refunds
710:50-11-5. Refunds shall be intercepted [AMENDED]
Subchapter 15. Oklahoma Taxable Income
Part 3. EXEMPTIONS
710:50-15-36. Parental Choice Tax Credit payments [NEW]
Part 5. OTHER ADJUSTMENTS TO INCOME
710:50-15-52. Out-of-state income [AMENDED]
710:50-15-62. Agricultural commodity processing facility income/investment exclusion [AMENDED]
Part 7. CREDITS AGAINST TAX
710:50-15-81. Credit for qualified clean-burning motor vehicle fuel property [AMENDED]
710:50-15-109. Credit for qualified employers and employees of the aerospace sector [AMENDED]
710:50-15-118. Credit for nonrecurring adoption expenses [AMENDED]
710:50-15-119. Parental Choice Tax Credit [REVOKED]
Part 9. OKLAHOMA PARENTAL CHOICE TAX CREDIT [NEW]
710:50-15-170. Purpose [NEW]
710:50-15-171. Definitions [NEW]
710:50-15-172. Private school tax credit [NEW]
710:50-15-173. Homeschool tax credit [NEW]
710:50-15-174. Credit for students attending an accredited private school exclusively serving students experiencing homelessness [NEW]
710:50-15-175. Credit for students attending an accredited private school primarily serving financially disadvantaged students [NEW]
Subchapter 19. Oklahoma Taxable Income for Partnerships
710:50-19-4. Partnerships that make an election under the Pass-Through Entity Tax Equity Act of 2019 [AMENDED]

Subchapter 21. Oklahoma Taxable Income for Subchapter "S" Corporations

710:50-21-4. S Corporations that make an election under the Pass-Through Entity Tax Equity Act of 2019 [AMENDED]

SUMMARY:

Several proposed amendments to the existing rules have been made to implement recent legislation. The proposed amendment to Section 710:50-1-7 increases the charge for copying income tax returns. This increase is intended to cover the expenses associated with locating, printing, and mailing these documents. The proposed amendments to Sections 710:50-3-47, 710:50-19-4 and 710:50-21-4 correct internal cross references and implement the provisions of HB 3559 which relates to the pass-through entity tax election. Beginning in tax year 2024, a qualifying entity may make the election on their Oklahoma income tax return. [68:2355.1P-4] The proposed amendment to Section 710:50-15-52 clarifies current law that out-of-state income includes income from real or tangible personal property or business income outside of Oklahoma. [68:2358(A)(4)] The proposed amendment to Section 710:50-15-62 updates the corporate income tax rate, which was reduced to 4% beginning with tax year 2022. [68:2355(E)] The proposed amendment to Section 710:50-15-81 implements the provisions of HB 3051, relating to the income tax credit for investments in qualified clean burning motor vehicle fuel property, which provides for a reallocation of tax credits if one or two of the categories hit the $10 million cap and clarifies the treatment of leased equipment, and clarifies the maximum amount of the credit is based on the weight of the vehicle. [68 O.S. § 2357.22] The proposed amendment to Section 710:50-15-109 implements the provisions of HB 4072, relating to the income tax credit for qualified employers and employees of the aerospace sector, amending the definitions of “aerospace sector” and "qualified employee", and providing that a qualified employee may claim the credit for five nonconsecutive tax years. [68:2357.301,2357.304] The proposed amendment to Section 710:50-15-118, relating to the income tax credit for nonrecurring adoption expenses, clarifies the amount of the credit is 10% of nonrecurring adoption expenses, not to exceed $2,000 ($4,000 for a married filing joint return) per calendar year. [68:2357.601] The proposed promulgation of new Section 710:50-15-34, new Part 9 in Subchapter 15, amendment to Section 710:50-11-5, and revocation of Section 710:50-15-119, relating to the Oklahoma Parental Choice Tax Credit, implement the provisions of HB 3388 which amended definitions and qualifications, exempted the payments from offset, realigned the private school credit caps to a fiscal year, and timelines for implementation. [68:205.2(F), 70:28-101] Other sections may be amended to clarify policy, improve readability, correct scrivener’s errors, remove obsolete language, update or correct citations, update contact information, and ensure accurate internal cross-references, which do not change the interpretation or intent of the rules.

AUTHORITY:

68 O.S. §§ 203, 2357.22, 2357.601; 70 O.S. § 28-102; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:
Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1106; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 55. MOTOR FUEL

[OAR Docket #24-1163]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 4. Motor Fuel Tax
Part 3. EXEMPTIONS AND REFUNDS
710:55-4-114. Procedure for perfecting and claiming exemption for sales to certain exempt entities [AMENDED]
Subchapter 7. Special Fuels Tax
710:55-7-2. Requirements to obtain special fuel user license [AMENDED]
SUMMARY:
Amendments to Section 710:55-4-114 add a motor fuel tax exemption for ambulance districts pursuant to the changes passed in HB 3031 (2024). Section 710:55-7-2 is amended to update the name of the respective division.
AUTHORITY:
68 O.S. § 203; Oklahoma Tax Commission
COMMENT PERIOD:
Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.
PUBLIC HEARING:
A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.
COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.
CONTACT PERSON:
Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1163; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 65. SALES AND USE TAX

[OAR Docket #24-1181]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
710:65-1-2. Definitions [AMENDED]
710:65-1-7. Consumer/user defined; specific applications [AMENDED]
710:65-1-8. Established place of business; maintaining a place of business [AMENDED]
710:65-1-9. Gross receipts, gross proceeds, and sales price [AMENDED]
710:65-1-11. Rentals and leases of tangible personal property [AMENDED]
Subchapter 3. Reports and Returns; Payments and Penalties; Records
Part 1. GENERAL PROVISIONS
710:65-3-1. Reports, payments, and penalties [AMENDED]
Subchapter 9. Permits
710:65-9-8. Special event permits and reporting [AMENDED]
Subchapter 11. Credits and Refunds
710:65-11-1. Sales tax credits and refunds [AMENDED]
Subchapter 13. Sales and Use Tax Exemptions
Part 29. MANUFACTURING
710:65-13-150.1. Manufacturing exemption; taxable and exempt transactions [AMENDED]
710:65-13-159. Exemption for commercial mining of digital assets in a colocation facility [NEW]
Part 31. MEDICINE, MEDICAL APPLIANCES, AND HEALTH CARE ENTITIES AND ACTIVITIES
710:65-13-169. Definitions [AMENDED]
Part 42. DISABLED VETERANS IN RECEIPT OF COMPENSATION AT THE ONE HUNDRED PERCENT RATE
710:65-13-275. Exemption for disabled veterans in receipt of compensation at the 100% rate, unremarried surviving spouses thereof, and unremarried surviving spouses of persons who died while in the line of duty and unremarried surviving spouse of persons whose disability determination was made after their death [AMENDED]
Part 57. FOOD AND FOOD INGREDIENTS [NEW]
710:65-13-570. Definitions [NEW]
710:65-13-571. Food and food ingredients [NEW]
710:65-13-572. Prepared food [NEW]
710:65-13-573. Prepared Food Sales Percentage (PFS%) [NEW]
710:65-13-574. Exclusions from prepared food [NEW]
710:65-13-575. Claims for refund of state sales tax paid on food and food ingredient purchases [NEW]
Subchapter 19. Specific Applications and Examples
Part 5. "C"
710:65-19-40. Caterers [AMENDED]
710:65-19-52. Computers and related systems; "hardware" and "software" defined [AMENDED]
Part 7. "D"
710:65-19-72. Deposits, core charges and trade-ins [AMENDED]
Part 11. "F"
710:65-19-109. Food; vendors of meals and prepared food [AMENDED]
710:65-19-110. Food; eating and drinking establishments [AMENDED]
Part 25. "M"
710:65-19-212. Milk and dairy processors [AMENDED]
Subchapter 21. Use Tax
710:65-21-2. Definitions [AMENDED]

SUMMARY:

Several proposed amendments to the existing rules have been made to implement recent legislation. Section 710:65-1-7 is amended to add two new exemptions pursuant to SB 1445, as passed in the 2nd session of the 59th Legislature (2024). Pursuant to SB 1438 (2024), 710:65-1-11 is amended to add an exemption for a heavy equipment rental fee. Section 710:65-3-1 is amended to outline procedures for the suspension or revocation of sales tax accounts reporting zero business

activity for twelve consecutive months. The proposed new section 710:65-13-159 outlines the application process and requirements for a new sales tax exemption for commercial mining of digital assets in a colocation facility pursuant to HB 1600 (2024). Section 710:65-13-275 is amended to align with a statutory change pursuant to SB 1252 (2024). The proposed amendments to Sections 710:65-11-1, 710:65-19-40, 710:65-19-109, 710:65-19-110, 710:65-19-212, and new Part 57. Food and Food Ingredients under Subchapter 13. Sales and Use Tax Exemptions implement the provisions of House Bill 1955 and Senate Bill 1283 (2024), which enacted a reduced state sales tax rate of zero percent (0%) on food and food ingredients beginning August 29, 2024. The rules provide definitions, outline procedures for determining the taxability of products, and provide clarification on the application of existing rules with respect to the reduced state sales tax rate. Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update or correct citations, update contact information, and ensure accurate internal cross-references, which do not change the interpretation or intent of the rules.

AUTHORITY:

68 O.S. §§ 203, 1357, 1357.11, 1359.1, 1364; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1181; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES

[OAR Docket #24-1185]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax

Part 1. General Provisions

710:70-2-2. Definitions [AMENDED]
710:70-2-9.1. Vehicle and Vending Machine Cigarette Licenses [AMENDED]
Subchapter 5. Excise on Tobacco Products
710:70-5-14. Wholesale, retail, and distributing agent licenses required [AMENDED]
Subchapter 10. TOBACCO INDUSTRY ADVISORY COMMITTEE [NEW]
710:70-10-1. Purpose [NEW]
710:70-10-2. Members [NEW]
710:70-10-3. Meetings [NEW]
710:70-10-4. Officers [NEW]

SUMMARY:

Amendments to Chapter 70 add licensing procedures for tobacco vending machines. Section 710:70-2-2 adds definitions for "place of business" and "vending machine". Section 710:70-2-9.1 adds processes for licensing of tobacco vending machines. Section 710:70-5-14 clarifies vending machines constitute place of business. The proposed new subchapter 10 outlines specifications of the Tobacco Industry Advisory Committee. The new subchapter describes membership, meetings, and officers of the statutory Tobacco Industry Advisory Committee. [68 O.S. § 400.1]

AUTHORITY:

68 O.S. §§ 203, 304, 322, 345, 400.1, 415, 420; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1185; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 85. VARIOUS TAX INCENTIVES

[OAR Docket #24-1187]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. ~~OKLAHOMA FIVE MAJOR SPORTS LEAGUES REBATE PROGRAM~~Oklahoma Five Major Sports Leagues Rebate Program [NEW]

710:85-13-1. Purpose [NEW]
710:85-13-2. Definitions [NEW]
710:85-13-3. Audits; auditors [NEW]
710:85-13-4. Qualified establishments are employers [NEW]
710:85-13-5. Procedure for filing claim, verification, payment, protest [NEW]
710:85-13-6. Limitation on incentive payments [NEW]
710:85-13-7. Incentive payments unavailable to delinquent tax reporters/remitters [NEW]
710:85-13-8. Cessation, suspension, resumption and repayment of incentive payments [NEW]
710:85-13-9. Qualified establishment may protest suspension of incentive payments [NEW]

SUMMARY:

The proposed new Subchapter 13 of Chapter 85 implements a new law creating a tax incentive. The new subchapter outlines the procedures to apply for and receive incentives for the Major League Sports Rebate Program. [68 O.S. §§ 3951 et seq.]

AUTHORITY:

68 O.S. §§ 203, 3951; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.

PUBLIC HEARING:

A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.

CONTACT PERSON:

Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1187; filed 11-4-24]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY

[OAR Docket #24-1189]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 21. Quality Events
710:95-21-4. ~~Quality event approval and application requirements~~Application for Quality Event recognition [AMENDED]
710:95-21-6. Determination of eligible local support amounts [AMENDED]
SUMMARY:
Amendments to Chapter 95 update procedures for the Quality Events Program. Section 710:95-21-4 is amended to clarify the application process for the Quality Events program. Amendments to 710:95-21-6 clarify the process for submission of supporting documentation for quality events.
AUTHORITY:
68 O.S. §§ 203, 4309; Oklahoma Tax Commission
COMMENT PERIOD:
Persons wishing to present their views in writing may do so by 4:30 p.m., January 2, 2025, at the following address: Oklahoma Tax Commission, Tax Policy and Research Division, Oklahoma City, Oklahoma 73194, Attention: Corey Jager, or by email to OTCadminrules@tax.ok.gov.
PUBLIC HEARING:
A public hearing is scheduled for 9 a.m., on Thursday, January 2, 2025, at the Oklahoma Tax Commission, in Conference Room 6, located on the 28th Floor, 123 Robert S. Kerr Ave, Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling (405) 521-3133. Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak. To facilitate entry into the building, those wishing to appear should contact the Tax Policy and Research Division at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. To gain access to the hearing, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.
COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the below listed contact person. The proposed rules may also be viewed on the agency's website at tax.ok.gov.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available from the below listed contact person. The Rule Impact Statement may also be viewed on the agency's website at tax.ok.gov.
CONTACT PERSON:
Corey Jager, Agency Liaison, Tax Policy Division, Oklahoma Tax Commission, Oklahoma City, Oklahoma 73194; Telephone number: (405) 522-4870; Email: corey.jager@tax.ok.gov

[OAR Docket #24-1189; filed 11-4-24]

TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 25. HIGHWAY CONTRACTORS

[OAR Docket #24-1229]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking
PROPOSED RULES:
Subchapter 3. Contractor Prequalification and Proposals
730:25-3-1. Prequalification [AMENDED]

SUMMARY:

The rule change will require a statement or letter from the bonding company in place of the audited financial statements. For a fully prequalified contractor, the department uses performance metrics to determine their requalification and the Certificate currently issued, limits their bidding limit to their bonding capacity, at no time is the financial statement ever utilized. The purpose of this change is to align the rule with the process currently in place.

AUTHORITY:

Department of Transportation; 69 O.S. §§ 301, 303, 304; 75 O.S. §§ 302, 309 et seq.

COMMENT PERIOD:

Persons wishing to present their comments or views in writing may do so before 5:00 p.m. on January 2, 2025, to Sydney Collins, ODOT Assistant General Counsel and Administrative Procedures Rulemaking Liaison, 200 N.E. 21st, Oklahoma City, OK 73105, or at sbcollins@odot.org.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Sydney Collins, ODOT Assistant General Counsel and Administrative Procedures Rulemaking Liaison, at (405) 521-2685 or sbcollins@odot.org no later than 5:00 p.m. on January 2, 2025.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposes rules may be obtained from the Oklahoma Department of Transportation, Sydney Collins, Assistant General Counsel, 200 N.E. 21st Street, Oklahoma City, OK 73105 or a request for a copy of the rules can be sent electronically to sbcollins@odot.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available after December 17, at the above address.

CONTACT PERSON:

Sydney Collins, 405-521-2685

[OAR Docket #24-1229; filed 11-7-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION

[OAR Docket #24-1230]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. State Technical Assistance, Supervision, and Services

780:10-3-2. Career guidance and counseling, career information, disability services, integrated academics, innovation support services, essential skills and career development [AMENDED]

780:10-3-3. Instructional materials development and dissemination [AMENDED]

SUMMARY:

The proposed rule amendment to Subchapter 3 updates the GI Bill language to align with 72 O.S. § 302, as amended, removes specifics about shipping Curriculum and Instructional Material Center (CIMC) charges and returns, updates payment methods for CIMC and CareerTech Testing Center (CTTC), and add clarification that a student must be eligible for free assessments as determined by CTTC policy. Chapter 10 also includes procedural edits and consistent language.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2021, § 14-103, §14-104, § 14-103.2, as amended.

COMMENT PERIOD:

Written and oral comments will be accepted until 5 p.m. Central Time on January 9, 2025, at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, Attn: Gina Hubbard, or by email to gina.hubbard@careertech.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Thursday, January 9, 2025 at 1:00 p.m. Central Time at the OK Department of CareerTech, Alexander Conference Room, 1500 W. 7th Avenue, Stillwater, OK. Each person will be allowed a maximum of 5 (five) minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through January 9, 2025, at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, Attn: Gina Hubbard, or by email to gina.hubbard@careertech.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, or by email to gina.hubbard@careertech.ok.gov. The proposed rules may also be viewed on the agency's website at https://oklahoma.gov/careertech/about/careertech-administrative-rules/2025-proposed-rule-changes.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and be available for review beginning December 2, 2024 at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, or by email to gina.hubbard@careertech.ok.gov. The proposed rules may also be viewed on the agency's website at https://oklahoma.gov/careertech/about/careertech-administrative-rules/2025-proposed-rule-changes.html.

CONTACT PERSON:

Gina Hubbard, Director of Statewide Outreach, gina.hubbard@careertech.ok.gov, 405-743-5167. For legal questions, contact Sohail Punjwani, Assistant Attorney General, 405-522-3330.

[OAR Docket #24-1230; filed 11-6-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 15. TECHNOLOGY CENTERS

[OAR Docket #24-1231]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Technology Centers Education

780:15-3-6. Technology center students [AMENDED]

SUMMARY:

The proposed rule amendment to Subchapter 3 corrects language regarding technology center reporting. Chapter 15 includes procedural edits to clean up content and provide consistent language.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2021, § 14-103, §14-104, § 14-103.2, as amended.

COMMENT PERIOD:

Written and oral comments will be accepted until 5 p.m. Central Time on January 9, 2025, at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, Attn: Gina Hubbard, or by email to gina.hubbard@careertech.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Thursday, January 9, 2025 at 1:00 p.m. Central Time at the OK Department of CareerTech, Alexander Conference Room, 1500 W. 7th Avenue, Stillwater, OK. Each person will be allowed a maximum of 5 (five) minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through January 9, 2025, at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, Attn: Gina Hubbard, or by email to gina.hubbard@careertech.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, or by email to gina.hubbard@careertech.ok.gov. The proposed rules may also be viewed on the agency's website at https://oklahoma.gov/careertech/about/careertech-administrative-rules/2025-proposed-rule-changes.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and be available for review beginning December 2, 2024, at Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, or by email to gina.hubbard@careertech.ok.gov. The proposed rules may also be viewed on the agency's website at https://oklahoma.gov/careertech/about/careertech-administrative-rules/2025-proposed-rule-changes.html.

CONTACT PERSON:

Gina Hubbard, Director of Statewide Outreach, gina.hubbard@careertech.ok.gov, 405-743-5167. For legal questions, contact Sohail Punjwani, Assistant Attorney General, 405-522-3330.

[OAR Docket #24-1231; filed 11-6-24]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #24-1247]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
780:20-1-4. Competitive Grants for Dropout Recovery Programs [NEW]
Subchapter 3. Secondary, Full-Time and Short-Term Adult Careertech Programs
780:20-3-1. Administration and supervision [AMENDED]
780:20-3-2. Programs: admissions, operations, enrollment, and length [AMENDED]
780:20-3-3. Materials and facilities [AMENDED]
780:20-3-5. Career and Technology Student Organizations [AMENDED]

SUMMARY:

The proposed rule amendments to Subchapter 3 includes new rules for administering Dropout Recovery Grants, language resulting from HB2672 to support new graduation requirements, updated Agricultural Education language to expand offerings set forth by HB2321 for agriculture education, and define planning and supervisory periods. Amendments provide clarity on Business, Marketing and IT Education offerings and student organization requirements for divisions. Health Careers was changed to Health Science to align with the national association. Rules were defined for the new Industry Specialist Certification as outlined in HB3273. Chapter 20 includes procedural edits to clean up content and provide consistent language.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2021, § 14-103, 14-103.1, § 14-104, as amended.

COMMENT PERIOD:

Written and oral comments will be accepted until 5 p.m. Central Time on January 9, 2025, at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, Attn: Gina Hubbard, or by email to gina.hubbard@careertech.ok.gov.

PUBLIC HEARING:

A public hearing will be held on Thursday, January 9, 2025 at 1:00 p.m. Central Time at the OK Department of CareerTech, Alexander Conference Room, 1500 W. 7th Avenue, Stillwater, OK. Each person will be allowed a maximum of 5 (five) minutes to speak and must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing through January 9, 2025, at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, Attn: Gina Hubbard, or by email to gina.hubbard@careertech.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed changes may be obtained from Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, or by email to gina.hubbard@careertech.ok.gov. The proposed rules may also be viewed on the agency's website at https://oklahoma.gov/careertech/about/careertech-administrative-rules/2025-proposed-rule-changes.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and be available for review beginning December 2, 2024 at the Oklahoma Department of Career and Technology Education, at 1500 W. Seventh Avenue, Stillwater, OK 74075-2723, or by email to gina.hubbard@careertech.ok.gov. The proposed rules may also be viewed on the agency's website at https://oklahoma.gov/careertech/about/careertech-administrative-rules/2025-proposed-rule-changes.html.

CONTACT PERSON:

Gina Hubbard, Director of Statewide Outreach, gina.hubbard@careertech.ok.gov, 405-743-5167. For legal questions, contact Sohail Punjwani, Assistant Attorney General, 405-522-3330.

[OAR Docket #24-1247; filed 11-8-24]

Submissions to Governor and Legislature

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 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 233. BODY PIERCING AND TATTOOING

[OAR Docket #24-1203]

RULEMAKING ACTION:
Submission to Governor and Legislature
RULES:
Subchapter 3. Body Piercing Artist and Tattoo Artist standards
310:233-3-5.2. Public notification requirements [NEW]
Subchapter 11. Enforcement
310:233-11-3.1. Investigation and enforcement [AMENDED]
SUBMISION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
November 4, 2024

[OAR Docket #24-1203; filed 11-4-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 605. ADULT DAY CARE CENTERS

[OAR Docket #24-1204]

RULEMAKING ACTION:
Submission to Governor and Legislature
RULES:
Subchapter 1. General Provisions
310:605-1-2. Definitions [AMENDED]
SUBMISION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
November 4, 2024

[OAR Docket #24-1204; filed 11-4-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 616. BIRTHING CENTERS REGULATIONS [REVOKED]

[OAR Docket #24-1205]

RULEMAKING ACTION:
Submission to Governor and Legislature
RULES:
Subchapter 1. General Provisions [REVOKED]
310:616-1-1. Purpose [REVOKED]
310:616-1-2. Definitions [REVOKED]
Subchapter 3. Administration [REVOKED]
310:616-3-1. Licensure [REVOKED]
310:616-3-2. Organization [REVOKED]
310:616-3-3. Reports and records [REVOKED]
310:616-3-4. Confidentiality [REVOKED]
Subchapter 5. Minimum Standards [REVOKED]
310:616-5-1. Admission [REVOKED]

310:616-5-2. Quality assurance [REVOKED]
310:616-5-3. Life Safety Code [REVOKED]
310:616-5-4. Construction [REVOKED]
Subchapter 7. Enforcement [REVOKED]
310:616-7-1. Inspections [REVOKED]
310:616-7-2. Complaints and investigations [REVOKED]
310:616-7-3. Penalties [REVOKED]
310:616-7-4. Appeals [REVOKED]

SUBMISION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 4, 2024

[OAR Docket #24-1205; filed 11-4-24]

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawl in the *Register*

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

An agency may withdraw proposed EXPEDITED rule repeals prior to "final legislative adoption" as defined in OAC 655:10-1-2, by notifying the Legislature and publishing a notice of such withdrawal in the *Register*

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 315. PUBLIC BATHING PLACE FACILITY STANDARDS

[OAR Docket #24-1172]

RULEMAKING ACTION:

Withdrawal of EMERGENCY rulemaking

WITHDRAWN RULES:

Subchapter 1. General Provisions [REVOKED]
310:315-1-1. Purpose [REVOKED]
310:315-1-2. Definitions [REVOKED]
Subchapter 3. Plan Documents [REVOKED]
310:315-3-1. Plans and specifications [REVOKED]
Subchapter 5. Water and Sewer Facilities [REVOKED]
310:315-5-1. Water supply [REVOKED]
310:315-5-2. Sewer [REVOKED]
Subchapter 7. Construction and Operation [REVOKED]
310:315-7-1. Pool construction, materials, and finish [REVOKED]
310:315-7-2. Pool layout [REVOKED]
310:315-7-3. Pool size and bathing load [REVOKED]
310:315-7-4. Pool features [REVOKED]
310:315-7-5. Ladders, recessed treads, stairs, and decorative fountains [REVOKED]
310:315-7-6. Walkways or decks [REVOKED]
310:315-7-7. Bathhouse [REVOKED]
310:315-7-8. Ventilation [REVOKED]
310:315-7-9. Wading pools [REVOKED]
310:315-7-11. Public spas [REVOKED]
310:315-7-12. Water recreation attractions [REVOKED]
310:315-7-13. Chemicals and chemical storage [REVOKED]
310:315-7-14. Recirculation system [REVOKED]
310:315-7-15. Filters [REVOKED]
310:315-7-16. Disinfection and pH control [REVOKED]
310:315-7-17. Testing equipment [REVOKED]
310:315-7-18. Lighting [REVOKED]
310:315-7-19. Electrical requirements [REVOKED]
APPENDIX A. DIVING AREA [REVOKED]
APPENDIX B. MINIMUM DIMENSIONS [REVOKED]
APPENDIX C. POOL DESIGN [REVOKED]
APPENDIX D. COMPUTING CAPACITY REQUIREMENTS FOR INDOOR OR PUBLIC SWIMMING POOLS AND OUTDOOR SWIMMING POOLS [REVOKED]

DATES:

Adoption:

October 1, 2024

Submission of adopted rules to Governor and Legislature:

October 1, 2024

Withdrawn:

October 28, 2024

ADDITIONAL INFORMATION:
The Department believes it is appropriate and in the public interest to review issues raised by the industry and public related to proposed permanent rules in tandem with proposed emergency rules.

[OAR Docket #24-1172; filed 10-28-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 320. PUBLIC BATHING PLACE OPERATIONS

[OAR Docket #24-1173]

RULEMAKING ACTION:
Withdrawal of EMERGENCY rulemaking
WITHDRAWN RULES:
Subchapter 1. General Provisions [REVOKED]
310:320-1-1. Purpose [REVOKED]
310:320-1-2. Definitions [REVOKED]
310:320-1-3. Operational license [REVOKED]
Subchapter 3. Operational Provisions [REVOKED]
310:320-3-1. Life saving equipment [REVOKED]
310:320-3-2. Personnel [REVOKED]
310:320-3-3. Rules and precautions for patrons [REVOKED]
310:320-3-4. Safety provisions [REVOKED]
310:320-3-5. Swimming suits and towels furnished by management [REVOKED]
310:320-3-6. Wading pool operation [REVOKED]
310:320-3-7. Quality of Bathing Water [REVOKED]
310:320-3-8. Table [REVOKED]
310:320-3-9. Sampling and testing procedures [REVOKED]
310:320-3-10. Satisfactory compliance of records [REVOKED]
310:320-3-11. Winterizing and securing outdoor pools [REVOKED]
310:320-3-12. Special conditions [REVOKED]
310:320-3-13. Subsequent examination, investigation, and inspection [REVOKED]
Subchapter 5. Forms and Tables [REVOKED]
310:320-5-1. Portable pools [REVOKED]
310:320-5-2. Water balance and water balance tables [REVOKED]
310:320-5-5.1. Application for license [REVOKED]
310:320-5-6.1. Application guidelines for licenses to operate public bathing places [REVOKED]
APPENDIX A. Pool Water Sampling and Testing [REVOKED]
APPENDIX B. Variable Temperature Water Balance Chart [REVOKED]
DATES:
Adoption:
September 30, 2024
Submission of adopted rules to Governor and Legislature:
October 1, 2024
Withdrawn:
October 28, 2024
ADDITIONAL INFORMATION:
The Department believes it is appropriate and in the public interest to review issues raised by the industry and public related to proposed permanent rules in tandem with proposed emergency rules.

[OAR Docket #24-1173; filed 10-28-24]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 321. PUBLIC BATHING PLACE FACILITY STANDARDS AND OPERATIONS

[OAR Docket #24-1174]

RULEMAKING ACTION:
Withdrawal of EMERGENCY rulemaking
WITHDRAWN RULES:
Subchapter 1. General Provisions [NEW]
310:321-1-1. Purpose [NEW]
310:321-1-2. General [NEW]
310:321-1-3. Definitions [NEW]
Subchapter 2. Permits and Designs [NEW]
310:321-2-1. Permit requirement [NEW]
310:321-2-2. Application for permit [NEW]
310:321-2-3. Time limitation of application [NEW]
310:321-2-4. Permit issuance [NEW]
310:321-2-5. Approved construction documents [NEW]
310:321-2-6. Validity [NEW]
310:321-2-7. Expiration [NEW]
310:321-2-8. Extensions [NEW]
310:321-2-9. Suspension or revocation of permit [NEW]
310:321-2-10. Approval [NEW]
310:321-2-11. Revocation [NEW]
310:321-2-12. Fees [NEW]
310:321-2-13. Service Utilities [NEW]
310:321-2-14. Temporary structures, equipment and systems [NEW]
310:321-2-15. Inspections [NEW]
310:321-2-16. Violations [NEW]
310:321-2-17. Stop work order [NEW]
310:321-2-18. General structural design requirements [NEW]
310:321-2-19. Materials [NEW]
310:321-2-20. Beach pools [NEW]
310:321-2-21. Compatibility [NEW]
310:321-2-22. Materials and structural design [NEW]
310:321-2-23. Installation [NEW]
310:321-2-24. Freeze protection [NEW]
310:321-2-25. Surface condition [NEW]
310:321-2-26. Plaster [NEW]
310:321-2-27. Design of elevated pools [NEW]
310:321-2-28. Dimensional design [NEW]
310:321-2-29. Variances [NEW]
Subchapter 3. Decks, Deck Equipment and Diving [NEW]
310:321-3-1. Decks in general [NEW]
310:321-3-2. Pool perimeter access [NEW]
310:321-3-3. Deck clearance [NEW]
310:321-3-4. Decks between pools and spas [NEW]
310:321-3-5. Deck covering [NEW]
310:321-3-6. Distances above diving boards [NEW]
310:321-3-7. Dimensional requirements [NEW]
310:321-3-8. Diving equipment [NEW]
310:321-3-9. Label [NEW]
310:321-3-10. Use instructions [NEW]
310:321-3-11. Tread surface [NEW]
310:321-3-12. Supports for diving equipment [NEW]
310:321-3-13. Guardrails [NEW]
310:321-3-14. Starting blocks [NEW]

310:321-3-15. Swimming pool slides [NEW]
310:321-3-16. Play and water activity equipment [NEW]
310:321-3-17. Diving in general and manufactured and fabricated diving equipment [NEW]
310:321-3-18. Installation [NEW]
310:321-3-19. Slip resistance [NEW]
310:321-3-20 Point A [NEW]
310:321-3-21. Location of pool features in a diving pool [NEW]
310:321-3-22. Stationary diving platforms and diving rocks [NEW]
310:321-3-23. Location of diving equipment [NEW]
310:321-3-24. Elevation [NEW]
310:321-3-25. Platform height above waterline [NEW]
310:321-3-26. Clearance [NEW]
310:321-3-27. Water envelopes [NEW]
310:321-3-28. Ladders for diving equipment [NEW]
310:321-3-29. Springboard fall protection guards [NEW]
310:321-3-30. Maximum bather load [NEW]
310:321-3-31. Rest ledges [NEW]
310:321-3-32. Wading pools [NEW]
310:321-3-33. Decks and Deck Equipment General [NEW]
310:321-3-34. Pool perimeter access [NEW]
310:321-3-35. Deck clearance [NEW]
310:321-3-36. Decks between pools and spas [NEW]
310:321-3-37. Deck covering [NEW]
310:321-3-38. Distances above diving boards [NEW]
310:321-3-39. Dimensional requirements [NEW]
310:321-3-40. Diving equipment [NEW]
310:321-3-41. Label [NEW]
310:321-3-42. Use instructions [NEW]
310:321-3-43. Tread surface [NEW]
310:321-3-44. Supports for diving equipment [NEW]
310:321-3-45. Guardrails [NEW]
310:321-3-46. Starting blocks [NEW]
310:321-3-47. Swimming pool slides [NEW]
310:321-3-48. Play and water activity equipment [NEW]
Subchapter 4. General Operations Requirements and Compliance [NEW]
310:321-4-1. General [NEW]
310:321-4-2. Electrical, plumbing, mechanical and fuel gas requirements [NEW]
310:321-4-3. Energy requirements [NEW]
310:321-4-4. Flood hazard areas [NEW]
310:321-4-5. Barrier requirements [NEW]
Subchapter 5. Circulation Systems and Circulation System Pipe Material Standard [NEW]
310:321-5-1. Circulation systems general [NEW]
310:321-5-2. Fittings [NEW]
310:321-5-3. Joints [NEW]
310:321-5-4. Piping subject to freezing [NEW]
310:321-5-5. Suction outlet fitting assemblies [NEW]
310:321-5-6. System draining [NEW]
310:321-5-7. Pressure or vacuum gauge [NEW]
310:321-5-8. Flow measurement [NEW]
310:321-5-9. Instructions [NEW]
310:321-5-10. Hydrostatic pressure test [NEW]
310:321-5-11. Filters [NEW]
310:321-5-12. Return and suction fittings general [NEW]
310:321-5-13. Skimmers general [NEW]
310:321-5-14. Pumps and Motors [NEW]

Subchapter 6. Heaters [NEW]
310:321-6-1. General [NEW]
310:321-6-2. Certification [NEW]
Subchapter 7. Water Supply [NEW]
310:321-7-1. Makeup water [NEW]
310:321-7-2. Protection of potable water supply [NEW]
310:321-7-3. Over-the-rim spouts [NEW]
310:321-7-4. Sanitizing equipment standards [NEW]
310:321-7-5. Chemical feeders [NEW]
310:321-7-6. Secondary disinfection systems [NEW]
310:321-7-7. Supplemental treatment systems [NEW]
310:321-7-8. Wastewater disposals [NEW]
Subchapter 8. Lighting and Safety [NEW]
310:321-8-1. General [NEW]
310:321-8-2. Artificial lighting required [NEW]
310:321-8-3. Pool and deck illumination [NEW]
310:321-8-4. Illumination intensity [NEW]
310:321-8-5. Underwater lighting [NEW]
310:321-8-6. Emergency illumination [NEW]
310:321-8-7. Safety [NEW]
310:321-8-8. Specific safety features [NEW]
310:321-8-9. Dressing facilities and sanitary facilities [NEW]
310:321-8-10. Entry and exit [NEW]
Subchapter 9. Ladders and Recessed Treads [NEW]
310:321-9-1. General [NEW]
310:321-9-2. Outside diving envelope [NEW]
310:321-9-3. Ladders [NEW]
310:321-9-4. Wall clearance [NEW]
310:321-9-5. Handrails and handholds [NEW]
310:321-9-6. Recessed treads [NEW]
310:321-9-7. Vertical spacing [NEW]
310:321-9-8. Drainage [NEW]
310:321-9-9. Handrails and grab rails [NEW]
Subchapter 10. Equipment Rooms [NEW]
310:321-10-1. General [NEW]
310:321-10-2. Requirements [NEW]
310:321-10-3. Construction [NEW]
310:321-10-4. Electrical [NEW]
310:321-10-5. Ventilation [NEW]
310:321-10-6. Markings [NEW]
310:321-10-7. Separation from chemical storage spaces [NEW]
310:321-10-8. Doors and openings [NEW]
310:321-10-9. Indoor aquatic facility access [NEW]
Subchapter 11. Return, Suction Fittings and Air Systems [NEW]
310:321-11-1. General [NEW]
310:321-11-2. Entrapment avoidance [NEW]
310:321-11-3. Flow distribution [NEW]
310:321-11-4. Air blower and air induction system [NEW]
Subchapter 12. Water Supply and Sanitation [NEW]
310:321-12-1. Makeup water [NEW]
310:321-12-2. Protection of potable water supply [NEW]
310:321-12-3. Over-the-rim spouts [NEW]
310:321-12-4. Sanitizing Equipment and Chemical Feeders [NEW]
310:321-12-5. Wastewater disposal [NEW]
Subchapter 13. Public Spas and Exercise Spas [NEW]

310:321-13-1. Scope [NEW]
310:321-13-2. Heater and temperature requirements [NEW]
310:321-13-3. Water supply [NEW]
Subchapter 14. Aquatic Recreation Facilities [NEW]
310:321-14-1. General [NEW]
310:321-14-2. Markings and indicators [NEW]
310:321-14-3. Circulation systems general [NEW]
310:321-14-4. Handholds and ropes [NEW]
310:321-14-5. Depths [NEW]
310:321-14-6. Barriers [NEW]
Subchapter 15. Number of Occupants [NEW]
310:321-15-1. Occupant load [NEW]
310:321-15-2. General dressing and sanitary facilities [NEW]
310:321-15-3. Special features [NEW]
310:321-15-4. Signage [NEW]
310:321-15-5. Interactive water play features [NEW]
APPENDIX A. CLASS B AND C DIVING ENVELOPES [NEW]
APPENDIX B. MINIMUM WATER DIVING ENVELOPE [NEW]
APPENDIX C. SIGNAGE [NEW]
APPENDIX D. REFERENCED STANDARDS [NEW]
APPENDIX E. PUBLIC BATHING PLACES FEES [NEW]
APPENDIX F. TABLES [NEW]

DATES:

Adoption:

September 30, 2024

Submission of adopted rules to Governor and Legislature:

October 1, 2024

Withdrawn:

October 28, 2024

ADDITIONAL INFORMATION:

The Department believes it is appropriate and in the public interest to review issues raised by the industry and public related to proposed permanent rules in tandem with proposed emergency rules.

[OAR Docket #24-1174; filed 10-28-24]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 75. MOTORCYCLE RIDER SAFETY

[OAR Docket #24-1212]

RULEMAKING ACTION:

Withdrawal of EMERGENCY rulemaking

WITHDRAWN RULES:

595:75-1-1. Purpose [NEW]
595:75-1-2. Definitions [NEW]
595:75-1-3. Approved Commercial Motorcycle Schools [NEW]
595:75-1-4. Term of Approval – Commercial Motorcycle Schools [NEW]
595:75-1-5. Application Requirements – Commercial Motorcycle Schools [NEW]
595:75-1-6. Insurance [NEW]
595:75-1-7. Approved Commercial Motorcycle Instructors [NEW]
595:75-1-8. Term of Approval – Commercial Motorcycle Instructors [NEW]
595:75-1-9. Application Requirements – Commercial Motorcycle Instructors [NEW]
595:75-1-10. Range requirements [NEW]
595:75-1-11. Motorcycle requirements [NEW]

595:75-1-12. Motorcycle inspections [NEW]
595:75-1-13. Classroom requirements [NEW]
595:75-1-14. Safety [NEW]
595:75-1-15. Personal protective equipment [NEW]
595:75-1-16. Prescribed course of study [NEW]
595:75-1-17. Required reports [NEW]
595:75-1-18. Recordkeeping requirements [NEW]
595:75-1-19. Advertising [NEW]
595:75-1-20. Professionalism [NEW]
595:75-1-21. Commissioner's designee [NEW]
595:75-1-22. Review of license and school [NEW]
595:75-1-23. Grounds for Disapproval of a Commercial Motorcycle School [NEW]
595:75-1-24. Grounds for Disapproval of a Commercial Motorcycle Instructor [NEW]
595:75-1-25. Administrative Action by the Department [NEW]

DATES:

Adoption:

October 17, 2024

Submission of adopted rules to Governor and Legislature:

November 4, 2024

Withdrawn:

November 5, 2024

ADDITIONAL INFORMATION:

These rules (Docket #24-1206) were submitted as and ERD pending the approval of the governor instead of an ERD for publication. The Governor's office approved these emergency rules under Docket #24-1101.

[OAR Docket #24-1212; filed 11-5-24]

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

[OAR Docket #24-979]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 5. Individual Providers and Specialties
Part 110. INDIAN HEALTH SERVICES, TRIBAL PROGRAMS, AND URBAN INDIAN CLINICS (I/T/Us)
317:30-5-1091. Definition of I/T/U services [AMENDED]
Part 115. PHARMACISTS [NEW]
317:30-5-1225. Eligible Providers [NEW]
317:30-5-1226. Covered Services [NEW]
317:30-5-1227. Reimbursement [NEW]
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 4002.12 of Title 56 of Oklahoma Statutes
COMMENT PERIOD:
August 24, 2024 to September 8, 2024
PUBLIC HEARING:
N/A
ADOPTION:
September 18, 2024
EFFECTIVE:
Immediately upon Governor's approval or November 1, 2024, whichever is later
APPROVED BY GOVERNOR:
October 25, 2024
EXPIRATION:
Effective through September 14, 2025, 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 Agency requests emergency approval of rule revisions to its current General Providers Policies. The approval of the emergency rule will protect the public health, safety, or welfare by increasing access to essential services, such as vaccines, and ensure compliance with state law.
GIST/ANALYIS:
The proposed additions will implement pharmacists' services as a covered benefit to SoonerCare members. The policy additions require pharmacists to be licensed by the Oklahoma State Board of Pharmacy, allows coverage of services within pharmacists' statutory scope of practice, and establishes a reimbursement methodology for pharmacists that is identical to physicians'. Further, the proposed changes add pharmacists' services to definition of I/T/U facility encounter services, allowing them to be reimbursed at the OMB rate.
CONTACT PERSON:
Kelsey Dewbre, Senior Policy and Program Advisor, 405.522.7286, kelsey.dewbre@okhca.org,

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2024, WHICHEVER IS LATER:

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 110. INDIAN HEALTH SERVICES, TRIBAL PROGRAMS, AND URBAN INDIAN CLINICS (I/T/US)

317:30-5-1091. Definition of I/T/U services [AMENDED]
(a) As described in 42 CFR 136.11(a), the I/T/U services may include hospital and medical care, dental care, public health nursing,preventive care (including immunizations).
(b) Further, 42 CFR 136.11(c) allows that the scope and availability of I/T/U services will depend upon the resources of the facility.
(c) I/T/U services may be covered when furnished to a patient at the clinic or other location, including a mobile clinic, or the patient's place of residence. Provider contracts must meet the provider participation requirements found at OAC 317:30-5-1096.
(d) I/T/U outpatient encounters include but are not limited to:
(1) Physicians' services and supplies incidental to a physician's services;
(2) Within limitations as to the specific services furnished, a doctor of dentistry or oral surgery, a doctor of optometry, or a doctor of podiatry [Refer to Section 1861(r) of the Act for specific limitations];
(3) Services of advanced practice nurses (APNs), physician assistants (PAs), certified nurse midwives (CNMs), or specialized advanced practice nurse practitioners;
(4) Services and supplies incidental to the services of APNs and PAs (including services furnished by certified nurse midwives);
(5) Public health nursing services, within the scope of their licensure, include but are not limited to services in the following areas:
(A) Phlebotomy;
(B) Wound care;
(C) Public health education;
(D) Administration of immunizations;
(E) Administration of medication;
(F) Child health screenings meeting EPSDT criteria;
(G) Smoking and Tobacco Use Cessation Counseling;
(H) Prenatal, newborn and postpartum assessments, including case management services for first time mothers; and
(I) General health assessments and management of conditions such as tuberculosis, diabetes and hypertension.

(6) Visiting nurse services to the homebound;
(7) Behavioral health professional services and services and supplies incidental to the services of LBHPs; and
(8) Dental services.
(9) Pharmacists' services found in OAC 317:30-5-1226

PART 115. PHARMACISTS [NEW]

317:30-5-1225. Eligible Providers [NEW]
Eligible Providers shall:
(1) Have and maintain a current license by the Oklahoma State Board of Pharmacy as described in Section 353.9 of Title 59 of Oklahoma Statutes and Title 535 of the Oklahoma Administrative Code, Chapter 10, Subchapter 7.
(2) Have a current contract with the Oklahoma Health Care Authority (OHCA)

317:30-5-1226. Covered Services [NEW]
(a) OHCA covers medical services (as described in OAC 317:30-5, Part 1, Physicians) provided by a pharmacist when rendered within the licensure and scope of practice of the pharmacist as defined by state law and regulations found at 59 O.S. § 353.1, 59 O.S. § 353.30, OAC 535:10-9-1 through OAC 535:10-9-15, and OAC 535:10-11-1 through OAC 535:10-11-6.
(b) Medical services rendered by pharmacists are subject to the same limitations described in OAC 317:30-5, Part 1, Physicians.

317:30-5-1227. Reimbursement [NEW]
(a) Payment for covered services (as described in OAC 317:30-5-1226) to eligible providers (as described in 30-5-1225) shall be made when the same service would have been covered if ordered or performed by a physician.
(b) Payment is made per the methodology established in the Oklahoma Medicaid State Plan.

[OAR Docket #24-979; filed 11-4-24]

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

[OAR Docket #24-990]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 5. Individual Providers and Specialties
Part 30. APPLIED BEHAVIOR ANALYSIS (ABA) SERVICES
317:30-5-311. Eligible providers and requirements [AMENDED]
317:30-5-312. Treatment plan components and documentation requirements [AMENDED]
317:30-5-313. Medical necessity criteria ~~for members under twenty-one (21) years of age~~ and covered services for members under twenty-one (21) years of age and frequency and duration [AMENDED]
317:30-5-314. Prior authorization, service limitations, and exclusions to treatment [AMENDED]
317:30-5-315. ABA extension requests [AMENDED]
317:30-5-316. Reimbursement methodology [AMENDED]
317:30-5-317. Restraint, Seclusion and Serious Occurrence Reporting Requirements [NEW]
317:30-5-318. Service Quality Review [NEW]
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 440.60
COMMENT PERIOD:
September 3, 2024 to September 17, 2024
PUBLIC HEARING:
N/A

ADOPTION:
September 17, 2024
EFFECTIVE:
Immediately upon Governor's approval
APPROVED BY GOVERNOR:
October 25, 2024
EXPIRATION:
Effective through September 14, 2025, 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 Agency requests emergency approval of rule revisions to its Applied Behavioral Analysis policy in order to protect the public health, safety, and welfare of all impacted SoonerCare members. By updating this policy, the Agency will ensure that all members receiving ABA services are provided with an acceptable standard of quality care.
GIST/ANALYIS:
The proposed emergency rule revisions update outdated applied behavioral analysis (ABA) policies to ensure that services meet a standard level of quality for all applicable members. This includes updates to documentation requirements for Behavior Intervention Plans, critical incident reporting, family training requirements, and billing guidelines. Additionally, these rules update the medical necessity criteria and describe various exclusions to treatment. Lastly, language is added to ensure ABA providers do not use restraint, except in extreme and documented circumstances.
CONTACT PERSON:
Bradley Downs, Sr. Policy and Program Advisor, bradley.downs@okhca.org, 405-522-7289

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. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 30. APPLIED BEHAVIOR ANALYSIS (ABA) SERVICES

317:30-5-311. Eligible providers and requirements [AMENDED]
(a) **Eligible providers.** Eligible ABA provider types include:
(1) Board certified behavior analyst® (BCBA®) - A master's or doctoral level independent practitioner who is certified by the national-accrediting Behavior Analyst Certification Board, Inc. ® (BACB®) and licensed by the Oklahoma Human Services' (OKDHS) Developmental Disabilities Services Division (DDS) to provide behavior analysis services. A BCBA may supervise the work of board-certified assistant behavior analysts and registered behavior technicians implementing behavior analytic interventions;
(2) Board-certified assistant behavior analyst® (BCaBA®) - A bachelor's level practitioner who are certified by the national-accrediting BACB and certified by OKDHS DDS to provide behavior analysis services under the supervision of a BCBA;

(3) Registered behavior technician™ (RBT®) - A high school level or higher paraprofessional who is certified by the national-accrediting BACB and practices under the close and ongoing supervision of a BCBA. The RBT works under the license number of a BCBA and is primarily responsible for the direct implementation of BCBA designed and prescribed behavior-analytic services~~;~~. RBTs must obtain ongoing supervision for a minimum of five percent (5%) of the hours they spend providing behavioral-analytic services each calendar month. Documentation may be requested by the OHCA in looking at the progress of treatment.
(4) Licensed psychologist - An individual who is licensed and in good standing with the Oklahoma State Board of Examiners of Psychologists and has professional experience in the use of ABA therapy may render behavior analysis services. Refer to OAC 317:30-5-275; and
(5) Human services professional - A practitioner who is licensed by the State of Oklahoma pursuant to (A) - (G), and certified by the national-accrediting BACB, and who is working within the scope of his or her practice, to include:

(A) A licensed physical therapist;
(B) A licensed occupational therapist;
(C) A licensed clinical social worker or social worker candidate under the supervision of a licensed clinical social worker;
(D) A licensed speech-language pathologist or licensed audiologist;
(E) A licensed professional counselor or professional counselor candidate under the supervision of a licensed professional counselor;
(F) A licensed marital and family therapist or marital and family therapist candidate under the supervision of a licensed marital and family therapist; or
(G) A licensed behavioral practitioner or behavioral practitioner candidate under the supervision of a licensed behavioral practitioner.

(b) **Provider criteria.** To direct, supervise, and/or render ABA services, the following conditions shall be met.
(1) A BCBA shall:

(A) Be currently licensed by OKDHS DDS as a BCBA;
(B) Have no sanctions or disciplinary actions by OKDHS DDS or the BACB;
(C) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
(D) Be fully contracted with SoonerCare as a provider.

(2) A BCaBA shall:

(A) Be currently certified by OKDHS DDS as a BCaBA;
(B) Work under the supervision of a SoonerCare-contracted BCBA provider;
(C) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
(D) Be fully contracted with SoonerCare as a provider.

(3) An RBT shall:

(A) Be currently certified by the national-accrediting BACB as an RBT;
(B) Work under the supervision of a SoonerCare-contracted BCBA provider;
(C) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
(D) Be fully contracted with SoonerCare as a provider.

(4) A human services professional shall:

(A) Be currently licensed or certified by the State of Oklahoma, in accordance with Section 1928 of Title 59 of the Oklahoma Statutes;
(B) Be currently certified by the national-accrediting BACB;
(C) Have no sanctions or disciplinary actions by the applicable state licensing board or the BACB;
(D) If working under supervision within the scope of his or her practice, have a documented relationship with a fully-licensed human service professional working in a supervisory capacity;
(E) Have no current overpayment(s) due to SoonerCare, and no Medicare or Medicaid sanctions or exclusions from participation in federally funded programs; and
(F) Be fully contracted with SoonerCare as a provider.

(5) All contracted providers must reside in the state of Oklahoma, or within 50 miles of the Oklahoma border as per OAC 317:30-3-89 through 92.
(6) All staff providing ABA services must be contracted with the OHCA.

317:30-5-312. Treatment plan components and documentation requirements [AMENDED]

(a) **Treatment plan**. The treatment plan is developed by a BCBA or a licensed psychologist from the clinical assessment, and if applicable, the Functional Behavior Assessment (FBA). The treatment plan shall:

(1) Be person-centered and individualized;

(2) Delineate the baseline levels of target behaviors;

(3) Specify long-term and short-term objectives that are defined in observable, measurable behavioral terms;

(4) Specify criteria that will be used to determine achievement of objectives;

(5) ~~Include assessment(s) and treatment protocols for addressing each of the target behaviors such as including antecedent and consequence interventions, and teaching of replacement skills specific to the function of the identified maladaptive behaviors;~~ Clearly relate to the identified maladaptive behavior and/or should include functional goals and those related to core deficits of ASD as defined by the DSM, both important to and relevant to the child/youth, family, and directly related to the core deficits of ASD as defined by the DSM.

(6) Include specific functional goals to the child/youth, objectively measurable within a specific time frame, attainable in relation to the child/youth prognosis and developmental level.

(7) Include an operational, behavior definition of the target behavior excesses and deficits, prevention and intervention strategies, schedules of reinforcement, and functional alternative responses to the identified function of the target behavior in the BSP.

(8) Include goals that match the setting for services and include a specific titration plan to fade services over time.

~~(6)~~(9) Clearly identify the schedule of services planned and the individuals responsible for delivering the services, including frequent review of data on target behaviors and adjustments in the treatment plan and/or protocols by the BCBA or licensed psychologist as needed~~;~~.

~~(7)~~(10) Include training and supervision to enable board certified assistant behavior analysts (BCaBAs) and registered behavior technicians (RBTs) to implement assessment and treatment protocols~~;~~, not to include the functional behavior assessment.

~~(8)~~(11) Include date of training, techniques utilized, and ~~support~~supports used to enable parents and other caregivers to participate in treatment planning and successfully reinforce the established treatment plan in the home, clinic, ~~and~~ community ~~settings;~~, and other settings.

(12) Include signatures of the BCBA and parent/legal guardian that reflect an actual date including month, day, and year to be considered valid.

(13) Contain the dates of the PA span for which the ABA services have been approved and include the specific date it was created in the treatment plan.

~~(9)~~(14) Include care coordination involving the parents or caregiver(s), school, state disability programs, and others as applicable; and

~~(10)~~(15) Ensure that services are consistent with applicable professional standards and guidelines relating to the practice of applied behavior analysis as well as state Medicaid laws and regulations.

(b) **Assessments and treatment plans.** Initial assessments allow ABA providers to develop a treatment plan that is unique to the member and include all treatment recommendations and goals.

(1) The ~~functional behavior assessment (FBA)~~clinical assessment serves as a critical component of the treatment plan and is conducted by a board-certified behavior analyst (BCBA) to identify the specific behavioral needs of the member. The clinical assessment may include validated measures such as the Vineland Adaptive Behavior Scales or other appropriate assessments that assist in identifying the child/youth's current skill level, aid in development of the treatment plan, and support medical necessity for ABA services.

(2) The FBA related to specific behaviors of concern, to be addressed in a BSP, as clinically indicated. The FBA consists of:

(A) ~~Description~~An operational definition of the problematic behavior (topography, onset/offset, cycle, intensity, and severity);

(B) History of the problematic behavior (long-term and recent);

(C) Antecedent analysis (setting, people, time of day, and events);

(D) Consequence analysis; and

(E) Impression and analysis of the function of the problematic behavior.

~~(2) Other relevant assessments may be submitted in addition to the FBA for review by an OHCA reviewer and/or physician to support medical necessity criteria.~~

(3) Assessments must be completed by the BCBA.

(c) **Documentation requirements.** ABA providers must:

(1) Document all ABA services in the member's record. Refer to OAC 317:30-5-248;

(2) Retain the member's records necessary to disclose the extent of services. Refer to OAC 317:30-3-15; and
(3) Release the medical information necessary for payment of a claim upon request. Refer to OAC 317:30-3-16.
(4) All assessment and treatment services must include the following:
(A) Date;
(B) Start and stop time for each session/unit billed and physical location where service was provided;
(C) Signature of the ~~provider~~provider(s) rendering services;
(D) Credentials of ~~provider~~provider(s) rendering services;
(E) Specific problem(s), goals, and/or objectives addressed;
(F) Methods used to address problem(s), goals, and objectives;
(G) Progress made toward goals and objectives;
(H) Patient response to the session or intervention; and
(I) Any new problem(s), goals, and/or objectives identified during the session.
(J) ~~Treatment~~ Initial treatment plans or plan updates are not valid until all signatures are present. As used in this subsection, all signatures mean:
(i) The signature and date of acknowledgement of the supervising BCBA or licensed psychologist; and
(ii) The signature and date of ~~assent~~ consent of any minor who is age fourteen (14) or older; and
(iii) The signature of consent of:
(I) A parent or legal guardian of any minor; or
(II) If the minor documents a legal exception to parent or legal guardian consent, the excepted minor.
(iv) All signatures:
(I) Must clearly indicate that the signatories approve of and consent, assent, or acknowledge the treatment plan; and
(II) May be provided on a signature page applicable to both the assessment and the treatment plan, if the signed page clearly indicates approval of and consent, assent, or acknowledgment of both the assessment and the treatment plan.
(III) If member is age fourteen (14) or older and is unable to sign and date documentation, please document this in the record.

317:30-5-313. Medical necessity criteria ~~for members under twenty-one (21) years of age~~ and covered services for members under twenty-one (21) years of age and frequency and duration [AMENDED]
(a) **Medical necessity criteria.** ABA services are considered medically necessary when all the following conditions are met:
(1) The member is under twenty-one (21) years of age with a definitive diagnosis of an Autism Spectrum Disorder (ASD) from the following providers within the state of Oklahoma or within 50 miles of the Oklahoma Border (as per OAC 317:30-3-89 through 92):
(A) Pediatric neurologist or neurologist;
(B) Developmental pediatrician;
(C) Licensed psychologist;
(D) Psychiatrist or neuropsychiatrist; ~~or~~
(E) Other licensed physician experienced in the diagnosis and treatment of ASD~~.~~; or
(F) An interdisciplinary team composed of a licensed psychologist, physician, physician assistant (PA) or nurse practitioner (APRN).
(2) A comprehensive diagnostic evaluation or thorough clinical assessment completed by one (1) of the above identified professionals must:
(A) Include a complete pertinent medical and social history, including pre-and perinatal, medical, developmental, family, and social elements; and
(B) Be based on criteria outlined in the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the most current version of the DSM for ASD and/or may also include scores from the use of formal diagnostic tests such as the Autism Diagnostic Interview-Revised (ADI-R), Autism Diagnostic Observation Schedule-2 (ADOS-2), Childhood Autism Rating Scale (CARS) or other tools with acceptable psychometric properties. Screening scales are not sufficient to make a diagnosis and will not be accepted as the only formal scale.

(C) A comprehensive diagnostic evaluation or clinical assessment will only need to be completed at the first initiation of ABA services and should be no older than two (2) years old. A member does not require an updated assessment or evaluation annually or bi-annually. However, OHCA may request an additional assessment/evaluation if diagnosis and recommendations are not clearly defined.

(D) If a member changes agencies, the comprehensive diagnostic evaluation or clinical assessment will be required during the initial authorization period.

(E) The OHCA may suggest an updated comprehensive evaluation or clinical assessment during the prior authorization process if there are any significant medical, behavioral health changes, or concerns regarding treatment identified through the ABA prior authorization process.

(F) Comprehensive diagnostic evaluations or clinical assessments will only be accepted from an out-of-state provider if the criteria meet documentation requirements outlined in (2)(a)-(c) and must be provided by one of the outlined providers in (1)(a)-(f).

(3) There must be a reasonable expectation that the member will benefit from ABA. The member must exhibit:

(A) The ability/capacity to learn and develop generalized skills to assist with his or her independence; and

(B) The ability to develop generalized skills to assist in addressing maladaptive behaviors associated with ASD.

(4) The member is medically stable and does not require twenty-four (24) hour medical/nursing monitoring or procedures provided in a hospital or intermediate care facility for individuals with intellectual disabilities (ICF/IID).

(5) The member exhibits functional limitations that interfere with participation in daily life and activities that are specific to the core deficits of ASD as outlined in the DSM.

~~(5)~~(6) The member exhibits atypical or disruptive behavior within the most recent thirty (30) calendar days that significantly interferes with daily functioning and activities when applicable. Such atypical or disruptive behavior may include, but is not limited to:

(A) ~~Impulsive aggression~~Aggression toward others;

(B) Self-injury behaviors;

(C) Elopement that puts the member at risk in the home and/or community (specific examples of elopement as evidenced by dangerous behaviors, i.e., running out the house, into the parking lot, etc.);

(D) PICA (specific examples of PICA as evidenced by eating non-food items that put the member at risk);

~~(C)~~(E) Intentional property destruction; ~~or~~

~~(D)~~(F) Severe disruption in daily functioning (e.g., the individual's inability to maintain in school, child care settings, social settings, etc.) due to changes in routine activities that have not been helped by other treatments such as occupational therapy, speech therapy, additional psychotherapy and/or school/ daycare interventions~~.~~; or

(G) Excessive self-stimulation that significantly disrupts the individual's ability to engage in functional behavior.

~~(6) The focus of treatment is not custodial in nature (which is defined as care provided when the member "has reached maximum level of physical or mental function and such person is not likely to make further significant improvement" or "any type of care where the primary purpose of the type of care provided is to attend to the member's daily living activities which do not entail or require the continuing attention of trained medical or paramedical personnel.") Interventions are intended to strengthen the individual's/parent's/legal guardian's capacity for self care and self sufficiency to decrease interventions in the home by those other than the parent(s)/legal guardian(s).~~

~~(7) It has been determined that there is no less intensive or more appropriate level of service which can be safely and effectively provided.~~

(b) **Frequency and duration.**

(1) ABA may be delivered at the following frequency and duration levels. Medical necessity is related to symptom severity as defined by the current version of the DSM in addition to guidelines in policy. All levels of intensity of ABA treatment services may be considered depending upon individual case consideration. The following are guidelines. The objectives of ABA therapy will vary per child/youth, and frequency and duration should be based upon the functional goals of treatment, specific needs of the child/youth, response to treatment, and availability of appropriately trained and certified ABA staff. The member must have exhibited these atypical or disruptive behaviors within the most recent thirty (30) calendars days that interferes with the daily functioning

and activities. Treatment plans in which the requested frequency exceeds the following service level guidelines will be sent for physician and BCBA consultant review to determine medical necessity.

(A) High frequency (IBI) (greater than thirty (30) hours/week) may be considered when both of the following criteria are met.

(i) Autism Severity Level two (2) or three (3) (per most recent DSM criteria), diagnostic evaluation must be included.

(ii) Goals related to elopement, aggression, self injury, intentional property destruction, or severe disruption in daily functioning (e.g., the individual's inability to maintain in school, childcare settings, social settings, etc.) due to changes in routine activities that have not been helped by other treatments such as occupational therapy, speech therapy, additional psychotherapy and/or school/daycare interventions.

(iii) A Functional Behavioral Assessment (FBA) or Behavioral Intervention Plan (BIP) is required for "High Frequency" level of care.

(B) Moderate frequency (twenty (20) to thirty (30) hours/week) may be considered when documentation shows two or more of the following:

(i) Autism Severity Level two (2) or three (3) (per most recent DSM criteria), diagnostic evaluation must be included.

(ii) Goals related to addressing moderate challenging behaviors not generally seen as age or developmentally congruent (e.g., biting for a child over three (3) years old, excessive temper tantrums) that moderately to significantly interfere with child participation in home or community activities.

(iii) A Functional Behavioral Assessment (FBA) or Behavioral Intervention Plan (BIP) is required for "Moderate Frequency" level of care.

(C) Targeted/focused frequency (ten (10) to twenty (20) hours a week) may be considered when documentation shows two or more of the following:

(i) Autism Severity Level one (1), two (2), or three (3) (per most recent DSM criteria); diagnostic evaluation must be included.

(ii) Focused on specific targeted clinical issues or goals related to specific targeted skills.

(D) Maintenance/consultative level (five (5) to ten (10) hours per week or less) may be considered when documentation shows all the following:

(i) Autism Severity Level one (1), two (2), or three (3) (per most recent DSM criteria); and

(ii) Goals related to integration of specific skills into daily functioning and documentation substantiates the risk for regression after completion of more intense ABA intervention.

(E) A Functional Behavioral Assessment (FBA) or Behavioral Intervention Plan (BIP) is not required for "Targeted or Maintenance" level of care.

(F) Members discharging from long term PRTF/Acute two (2) level of care may initially require more intensive treatment.

(2) The focus of treatment is not custodial in nature (which is defined as care provided when the member "has reached maximum level of physical or mental function and such person is not likely to make further significant improvement" or "any type of care where the primary purpose of the type of care provided is to attend to the member's daily living activities which do not entail or require the continuing attention of trained medical or paramedical personnel.") Interventions are intended to strengthen the individual's/parent's/legal guardian's capacity for self-care and self-sufficiency to decrease interventions in the home by those other than the parent(s)/legal guardian(s).

(3) A functional behavioral assessment may only be requested every six (6) months and shall be completed by the licensed provider when no measurable progress has occurred, or it may be requested by the OHCA. The functional analysis should record the member's serious maladaptive target behavioral symptom(s) and precipitants, and document the modifications of the current treatment plan to address progress, as well as make a determination of the function a particular maladaptive behavior serves for the member in the environmental context;

(4) It has been determined that there is no less intensive or more appropriate level of service which can be safely and effectively provided.

(5) If the member is exhibiting baseline behaviors (behaviors have not improved within a year of attending at least eighty-five percent (85%) of treatment), OHCA may request additional information to support continued treatment.

(6) Discharge plans will be updated each extension request to include realistic criteria for discharge, based on current progress towards goals.
(7) An OHCA discharge notification form shall be submitted when a member has completed treatment or the member has moved to a new provider, or will no longer be returning to care.

317:30-5-314. Prior authorization, service limitations, and exclusions to treatment [AMENDED]
(a) **Prior Authorization.** Eligible providers must submit an initial prior authorization request to the Oklahoma Health Care Authority (OHCA) or its designated agent. Prior authorization requests shall be granted ~~up~~by units for one (1) to six (6) months of ABA treatment services as clinically indicated ~~at one (1) time unless a longer duration of treatment is clinically indicated~~. The number of ~~hours~~units authorized may differ from the ~~hours~~units requested on the prior authorization request based on the review by an OHCA reviewer, BCBA contractor, and/or physician. If the member's condition necessitates a change in the treatment plan, the provider must request a new prior authorization. The provider is responsible for ensuring eligibility, medical necessity, procedural coding, claims submission, and all other state and federal requirements are met. OHCA retains the final administrative review over both authorization and review of services as required by 42 C.F.R. 431.10. The prior authorization request must meet the following SoonerCare criteria for ABA services.

(1) The criteria should include a comprehensive behavioral assessment, FBA, ~~and other supporting assessment(s)~~BSP (if applicable), treatment plan, and the OHCA initial prior authorization template outlining the maladaptive behaviors or core deficits consistent with the diagnosis of ASD and its associated comorbidities. Additional assessments that may be submitted include the: Stress Index for Parents of Adolescents (SIPA); Assessment of Basic Language and Learning (ABLLS-R); Assessment, Evaluation, and Programming System (AEPS); Verbal Behavior Milestone Assessment and Placement Program (VB-MAPP); and Personalized System of Instruction (PSI.) In addition to completing the initial request form, providers ~~will be~~are required to submit documentation that ~~will consist~~consists of the following:

(A) Information about relevant medical status, prior assessment results, response to prior treatment, and other relevant information gathered from review of records and past assessments.
(B) Information gathered from interview of family and/or caregivers, rating scales, and social validity measures to assess perceptions of the client's skill deficits and behavioral excesses, and the extent to which these deficits impede the daily life of the member and the family.
(C) Direct assessment and observation, including any data related to the identified ~~problem~~maladaptive behavior or core deficits. Clinical history from past trauma should be included, if applicable. The analysis of such data serves as the primary basis for identifying pretreatment levels of functioning, developing, and adapting treatment protocols, and evaluating response to treatment and progress towards goals.
(D) Documentation of interviews with parent(s)/caregiver(s) to further identify and define lack of adaptive behaviors and presence of maladaptive behaviors or core deficits.
(E) Length of time that the child/youth has received ABA services as well as previous ABA provider(s).
~~(D)~~(F) Functional assessment of problem behavior that includes antecedent factors, skill deficits, and consequences contributing to the problem behavior. The treatment plan should address all three (3) areas, including antecedent interventions, teaching replacement skills, and modification of consequences. Other supporting assessments may be additionally submitted for review.
(G) All treatment plans should be signed and dated by the parent(s)/guardian(s) and child/youth, if applicable.
(H) The OHCA initial prior authorization form must be filled out completely or the request will be considered as incomplete.

(2) The prior authorization request for ABA treatment will be time limited ~~for up to thirty (30) hours per week~~ unless ~~other hours are~~ deemed medically necessary and authorized through a prior authorization request and must:

(A) Be a one-on-one encounter (face-to-face between the member and ABA provider) except in the case of family adaptive treatment guidance;
(B) Be child-centered and based upon individualized goals that are strengths-specific, family-focused, and community-based;
(C) Be culturally competent and the least intrusive as possible;

(D) Clearly define in measurable and objective terms the intervention plan so it can address specific target behaviors. The intervention plan should be clearly linked to the identified deficits interfering with the child's participation in daily life activities, and if applicable also related to the identified function of the maladaptive behavior and include antecedent interventions, replacement skills to be taught, and modification of consequences. Additional goals may be identified that are related to the core deficits of ASD and are prioritized based on current research and social significance for the ~~individual~~member.
(E) Record the frequency, rate, symptom intensity/duration, or other objective measures of baseline levels;
(F) Set quantifiable criteria for progress;
(G) Establish and record behavioral intervention techniques that are appropriate to the identified target and/or maladaptive behaviors. The detailed treatment plan utilizes reinforcement and other behavioral principles and excludes the use of methods or techniques that lack consensus about their effectiveness based on evidence in peer-reviewed publications;
(H) Specify strategies for generalization of learned skills beyond the clinical settings such as in the home~~ or other~~, clinic, community, or other natural settings;
(I) Document ~~planning~~plan for transition through the continuum of interventions, services, and settings, as well as discharge criteria. Treatment (behavioral training) will be individualized, and documentation will support the identified skill deficits and atypical or disruptive behavior.
(J) Document the daily schedule by hour and the staff with credentials that will perform each service. If there is a change in staff, identify this in the extension review.
~~(J)~~(K) Include parent(s)/legal guardian(s) in behavioral training techniques so that they can practice additional hours of intervention on their own. The treatment plan is expected to achieve the parent(s)/legal guardian(s) ability to successfully reinforce the established plan of care and support generalization of skills in the home and community settings. Frequency of parental involvement will be determined by the treatment provider and listed on the treatment plan;
~~(K)~~(L) Document parent(s)/legal guardian(s) participation in the training of behavioral techniques in the member's medical record. Parent(s)/legal guardian(s)' participation is critical to the generalization of treatment goals to the member's environment. It is expected that child/youth and parent(s)/guardian(s) attend at least eighty-five percent (85%) of treatment each review period, unless due to sickness or other unforeseen circumstances that may occur, to be documented this in the prior authorization request form; and
~~(L)~~(M) Ensure that recommended ABA services do not duplicate, or replicate services received in a member's primary academic education setting or provided within an Individualized Education Program (IEP), Individualized Service Plan (ISP), or any other individual plan of care. Documentation may be requested by the OHCA to support coordination of services with other providers and to prevent overlap and duplication of services including those in school settings.
(N) Identify if member is receiving additional therapies such as occupational therapy (OT), physical therapy (PT), or speech therapy and the timeframes in which this occurs, in relation to ABA services.

(b) **Service Limitations.**

(1) **Settings.** The following limitations apply to where ABA services are provided:
(A) ABA services are not allowed in a daycare setting or school setting, without OHCA approval. If approved, it will be time-limited to three (3) months or less. The BCBA shall create and submit a treatment plan that identifies the goals outlined to assist school staff with the members without ABA staff being present throughout the school year.
(B) The treatment plan should show a titration of services to school paraprofessionals/staff through the duration of the prior authorization.
(C) If the child/youth is transitioning into a private school, where IEPs are not legally required, then services will be time-limited to three (3) months or less. The BCBA should create and submit an FBA, treatment plan, or BSP, along with the prior authorization request that identifies the goals to match the setting and a specific plan to fade direct support.
(D) ABA treatment may be rendered via in-person service delivery, telehealth, or a hybrid of in-person and telehealth. The modality selected for delivery of ABA services must be clearly defined in the prior authorization template and treatment plan. If services will be provided via telehealth, the ABA provider must provide the justification of how treatment will be beneficial to the member and parents(s)/guardian(s) when rendered this way.

(E) Documentation of services must be maintained, to include: service rendered, location at which service was rendered, and that service was provided via telehealth. Documentation of services must also follow all other SoonerCare documentation requirements.

(2) **Coverage.** Services are limited to the following:

(A) Providers may only concurrently bill RBT and supervision hours when the following criteria is outlined in the prior authorization request:

(i) The BCBA or licensed psychologist met with the member and/or parent or guardian and directed the RBT through one (1) or more of the following:

(I) Monitoring treatment integrity to ensure satisfactory implementation of treatment protocols;

(II) Directing RBT staff and/or caregivers in the implementation of new or revised treatment protocols;

(III) Selection and development of treatment goals, protocols, and data collection systems;

(IV) Collaboration with family members and other stakeholders;

(V) Creating materials, gathering materials;

(VI) Reviewing data to adjust treatment protocols; and/or

(VII) Development and oversight of transition and discharge planning.

(B) The BCBA or licensed psychologist used behavior training in session as appropriate in supervision of the RBT staff and/or caregivers. Behavioral skills training consists of providing instructions, modeling, rehearsal, and feedback between provider and member.

(C) The functional behavior assessment is reimbursed per authorized units provided by the BCBA, not to exceed thirty-two (32) units (eight (8) hours).

(D) RBT and supervision codes may be reimbursed for ABA individual treatment.

(E) Parent training may be reimbursed for ABA parent/caregiver/family education and training services. This service must be completed by the BCBA or BCaBA and cannot be completed by the RBT.

(F) ABA is not allowed to be billed concurrently during any other therapies (i.e., OT, PT speech, etc.).

(G) ABA hours approved for one CPT code cannot be used in place of another.

(H) All ABA services should be billed under the rendering provider that performed the services.

(3) **Exclusions to Treatment.** The following services are non-covered benefits of Oklahoma Medicaid:

(A) ABA addressing academic goals.

(B) ABA addressing goals only related to performative social norms that do not significantly impact health, safety, or independence.

(C) Treatment other than at the maintenance or consultative level not expected to result in improvements in the child/youth's level of functioning.

(D) Services that do not require the supervision of or specific skills and judgement of a BCBA to perform.

(E) Services that do not meet accepted standards of practice for specific and effective treatment of ASD.

(F) Services in the school/daycare setting as a shadow, aide, or to provide general support to the child/youth.

(G) ABA evaluation or intervention services provided by a clinic or agency owned or partially owned by the child/youth's responsible adult (e.g., biological, adoptive, or foster parent(s), guardian(s), court-appointed managing conservator(s), or other family member(s) by birth or marriage).

(H) ABA evaluation or intervention services provided directly by the child/youth's responsible adult (e.g., biological, adoptive, or foster parent(s), guardian(s), court-appointed managing conservator(s), other family member(s) by birth or marriage).

(I) Experimental or investigational treatment.

(J) Services or items not generally accepted as effective and/or not within the normal course and duration of treatment.

(K) Services for the caregiver or provider convenience, for example, as respite care or limiting treatment to a setting chosen by provider for convenience.

(L) ABA authorized for toilet learning/toilet training, OT, or speech therapy.

317:30-5-315. ABA extension requests [AMENDED]

Extension requests for ABA services must be submitted to the OHCA or its designated agent.

(1) Documentation Requirements. Extension requests must contain the appropriate documentation validating the need for continued treatment and establish and/or document the following:

~~(1)~~(A) Eligibility criteria in OAC 317:30-5-313;

~~(2)~~(B) The frequency of the target behavior has diminished since last review, or if not, there has been modification of the treatment or additional assessments have been conducted;

(C) The daily schedule and staff with credentials that will be performing each service;

(D) Identified positive reinforces and negative reinforcers of targeted behaviors;

(E) A summary of progress towards goals as related to the core deficits and maladaptive behavior identified in the treatment plan;

(F) Updated assessments as appropriate, including an updated, FBA and BIP, updated treatment plan that clearly outlines progress towards goals and any new goals, the OHCA extension prior authorization template outlining the maladaptive behaviors or core deficits consistent with the diagnosis of ASD and its associated comorbidities;

~~(3) A functional analysis shall be completed by the provider when no measurable progress has occurred, or it may be requested by the OHCA. The functional analysis should record the member's serious maladaptive target behavioral symptom(s) and precipitants, and document the modifications of the current treatment plan to address progress, as well as make a determination of the function a particular maladaptive behavior serves for the member in the environmental context;~~

~~(4) Appropriate consultations from other staff or experts have occurred (to optimize psychiatric medications and medical treatments to include but not limited to psychiatric consults, pediatric evaluation for other conditions, etc.) and interventions have been changed, including the number of hours per week of service or setting (higher level of care);~~

~~(5) The OHCA may suggest appropriate consultation from other staff or experts during the process of prior authorization;~~

~~(6) Parent(s)/legal guardian(s) have received re-training on these changed approaches; and~~

~~(7) The treatment plan documents a gradual tapering of higher intensities of intervention and transitioning to supports from other sources (i.e., schools) as progress allows.~~

(2) To receive an increase in RBT hours on the first extension request, parent training by the BCBA or BCaBA must be provided at minimum of an hour (1) per week for three (3) months. Start and stop times must be included in the prior authorization request;

(3) Further extension request for an increase in RBT hours will require that parent training has been provided for two (2) hours/week for three (3) months. Start and stop times must be included in the prior authorization request;

(4) Include parent(s)/legal guardian(s) in behavioral training techniques so that they can practice additional hours of intervention on their own. The treatment plan is expected to achieve the parent(s)/legal guardian(s) ability to successfully reinforce the established plan of care and support generalization of skills in the home and community settings. Frequency of parental involvement will be determined by the treatment provider and listed on the treatment plan;

(5) Document parent(s)/legal guardian(s) participation in the training of behavioral techniques. Parent(s)/legal guardian(s)' participation is critical to the generalization of treatment goals to the member's environment.

(6) Absence or less than two (2) hours per month of appropriate parent training/involvement documented in the record will result in a reduction of hours and possibly denial of services;

(7) The OHCA extension prior authorization form must be filled out completely, or the request will be considered as incomplete. A summary of the supported documentation must be included in the prior authorization request;

(8) If problem behavior is persistent outside of clinic, please identify the treatment goals/techniques to address these behaviors in the community, home, or other natural environment;

(9) Document appropriate consultations from other staff or experts have occurred (to optimize psychiatric medications and medical treatments to include but not limited to psychiatric consults, pediatric evaluation for other conditions, etc.) and interventions have been changed, including the number of hours per week of service or setting (higher level of care);

(10) The OHCA may suggest appropriate consultation from other staff or experts during the process of prior authorizations;

(11) Identify if member is receiving additional therapies such as occupational therapy (OT), physical therapy (PT), speech therapy, or otherwise and the timeframes in which this occurs, in relation to ABA services;

(12) Extension request may only be submitted seven (7) calendar days prior to the end date of the most recent request. Late submissions may result in a technical denial and loss of days.

317:30-5-316. Reimbursement methodology [AMENDED]

SoonerCare shall provide reimbursement for ABA services in accordance with the Medicaid State Plan.

(1) Payment shall only be made to SoonerCare-contracted groups or qualified individual providers who are currently licensed and in good standing. Payment is not made to under supervision ABA practitioners/paraprofessionals, including but not limited to, BCaBAs and RBTs.

(2) Reimbursement for covered ABA procedure codes is for direct service time. Pre and post work for the session are not reimbursed separately. Separate reimbursement for treatment planning, note documentation, report writing, or updating of charts and data sheet is prohibited (other than what is allowable under the functional behavioral assessment procedure code).

~~(2)~~(3) Reimbursement for ABA services is only made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by OHCA to be a reasonable fee, consistent with efficiency, economy, and quality of care. ~~Payment for covered services is the lower of the provider's actual billed charges, consistent with the provider's usual and customary charge to the general public for the service, or the maximum allowable per unit of service.~~

~~(3)~~(4) Reimbursement shall only be made for services that have been prior authorized by OHCA or its designee; and performed on an individualized basis and not in a group setting except for family adaptive behavior treatment guidance by a qualified ABA provider ~~(~~outlined in OAC 317:30-5-311~~)~~.

~~(4) Providers may only concurrently bill current Procedural Terminology (CPT) codes when they outline in the prior authorization the following criteria:~~

~~(A) The BCBA or licensed psychologist met with the member and/or parent or guardian and directed the RBT through one (1) or more of the following:~~

~~(i) Monitoring treatment integrity to ensure satisfactory implementation of treatment protocols;~~

~~(ii) Directing RBT staff and/or caregivers in the implementation of new or revised treatment protocols;~~

~~(iii) Selection and development of treatment goals, protocols, and data collection systems;~~

~~(iv) Collaboration with family members and other stakeholders;~~

~~(v) Creating materials, gathering materials;~~

~~(vi) Reviewing data to make adjustments to treatment protocols; and/or~~

~~(vii) Development and oversight of transition and discharge planning.~~

~~(B) The BCBA or licensed psychologist used behavior training in session as appropriate in supervision of the RBT staff and/or caregivers. Behavioral skills training consists of providing instructions, modeling, rehearsal, and feedback between provider and member.~~

(5) Reimbursement for ABA services shall not be made to or for services rendered by a parent, legal guardian, or other legally responsible person.

(6) Services rendered via telehealth must be billed using the appropriate modifier.

(7) Reimbursement is in accordance with the prior authorization and coverage limitation requirements within OAC 317:30-5-314.

317:30-5-317. Restraint, Seclusion and Serious Occurrence Reporting Requirements [NEW]

Physical restraint is not appropriate during any service provided to SoonerCare clients under the Autism Services benefit except in emergency instances of threat of physical harm to the child/youth or others around them. If restraint is used, it may only occur under the following circumstances and according to the processes outlined below.

(1) Physical restraint may only be implemented by a person trained in the type of restraint being implemented. The training must be documented in the personnel file.

(2) Restraint must be limited to the use of such reasonable force as is necessary to address the emergency.

(3) Restraint must be discontinued at the point at which the emergency no longer exists.

(4) Restraint must be implemented in such a way as to protect the health and safety of the child/youth and others.

(5) Restraint must not deprive the child/youth of basic human necessities.

(6) Documentation must be kept of the up-to-date training for all staff members involved and of each incident that resulted in restraint.

(7) Documentation must be kept identifying the reason, start time/end time, the staff signature, and credentials of who performed the restraint, and date.

(8) A phone call to the parent or guardian must be reported immediately if an injury occurs and documented in the record.

(9) In the event of death or serious injury (i.e., bruising, scratches, etc.), the OHCA critical incident reporting form must be submitted to OHCA no later than 5:00 p.m. Central time the following business day.

317:30-5-318. Service Quality Review [NEW]
(a) A Service Quality Review (SQR, may be requested by OHCA or it's designated agent).
(b) The OHCA will designate the members of the SQR team. The SQR team will consist of one (1) to three (3) team members and will be comprised of LBHPs or registered nurses.
(c) The SQR will include, but not be limited to, review of facility and clinical record documentation, staff training, and qualifications. The clinical record review may consist of records of members currently at the facility as well as records of members for which claims have been filed with OHCA for Applied Behavior Analysis. The SQR includes validation of compliance with policy, which must be met for the services to be compensable.
(d) Following the SQR, the SQR team will report its findings in writing to the facility. A copy of the final report will be sent to the Program Integrity, and if applicable any licensing agencies.
(e) Deficiencies identified during the SQR may result in full or partial recoupment of paid claims. The determination of whether to assess full or partial recoupment shall be at the discretion of the OHCA based on the severity of the deficiencies.

[OAR Docket #24-990; filed 11-4-24]

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

[OAR Docket #24-999]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 5. Individual Providers and Specialties
Part 9. LONG-TERM CARE FACILITIES
317:30-5-122. Levels of care [AMENDED]
Part 43. AGENCY COMPANION, SPECIALIZED FOSTER CARE, DAILY LIVING SUPPORTS, GROUP HOMES, EXTENSIVE RESIDENTIAL SUPPORTS, AND COMMUNITY TRANSITION SERVICES [AMENDED]
317:30-5-422. Description of services [AMENDED]
Part 51. HABILITATION SERVICES
317:30-5-482. Description of services [AMENDED]
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 56 O.S. Section 1020; and Section 1915(c) of the Social Security Act
COMMENT PERIOD:
August 23, 2024 to September 7, 2024
PUBLIC HEARING:
N/A
ADOPTION:
September 17, 2024
EFFECTIVE:
Immediately upon Governor's approval
APPROVED BY GOVERNOR:
October 25, 2024
EXPIRATION:
Effective through September 14, 2025, 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 Agency requests emergency approval of rule revisions to its waiver policies to protect the public health, safety, and welfare to meet the needs of members who prefer to receive long-term care services and supports in their home or community. Emergency approval is necessary to avoid violation and align new and current rules with Oklahoma's 1915c HCBS waivers federal authority. Without the approval of these emergency rule changes, members would be without access to these services and could affect their overall health outcomes.
GIST/ANALYIS:
These emergency revisions are necessary to align with the 1915(c) HCBS waivers, which were previously approved by CMS on June 28, 2024, and made effective July 1, 2024. The proposed revisions will add language that allows the diagnosis of Global Developmental Delay as an acceptable diagnosis for admission to a DDS HCBS waiver for individuals under 6 years of age and clarify that a diagnosis of intellectual disability (ID) is based on Social Security Administration criteria for ID. Other revisions remove the requirement for authorization of community transition services to be issued for the date a member transitions. Additionally, revisions will add a new residential service to be provided to members in custody of OKDHS and adult members with extensive behavioral support needs that cannot be safely met with current available support. Finally, revisions will permit legally responsible individuals to serve as a Habilitation Training Specialist to individuals for whom they are legally responsible. The Oklahoma Health Care Authority anticipates that the approval of this emergency rule change will positively impact members by improving their access to the benefits of living in the community.
CONTACT PERSON:
Carmen Banks, Senior Policy & Program Advisor, 405-522-7211, carmen.banks@okhca.org.

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. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 9. LONG-TERM CARE FACILITIES

317:30-5-122. Levels of care [AMENDED]
(a) This rule sets forth the criteria used to determine whether an individual who is seeking SoonerCare payment for long term care services needs services at the level of Skilled Nursing Facility, or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID). The criteria set forth in this Section must be used when determining level of care for individuals seeking SoonerCare coverage of either facility-based institutional long term care services or Home and Community Based Services (HCBS) Waivers.
(b) The level of care provided by a long term care facility or through a HCBS Waiver is based on the nature of the person's needs and the care, services, and treatment required from appropriately qualified personnel. The level of care review is a determination of an individual's physical, mental, and social/emotional status to determine the appropriate level of care required. In addition to level of care requirements, other applicable eligibility criteria must be met.

(1) **Skilled Nursing facility.** Payment is made for the Part A coinsurance and deductible for Medicare covered skilled nursing facility care for dually eligible, categorically needy individuals.

(2) **Nursing Facility.** Care provided by a nursing facility to members who require professional nursing supervision and a maximum amount of nonprofessional nursing care due to physical conditions or a combination of physical and mental conditions.

(3) **Intermediate Care Facility for Individuals with Intellectual Disabilities.** Care for persons with intellectual disabilities or related conditions to provide health and/or habilitative services in a protected residential setting. To qualify for ICF/IID level of care, persons must have substantial functional limitations in three or more of the following areas of major life activity:

(A) **Self-care.** The individual requires assistance, training, or supervision to eat, dress, groom, bathe, or use the toilet.

(B) **Understanding and use of language.** The individual lacks functional communication skills, requires the use of assistive devices to communicate, does not demonstrate an understanding of requests, or is unable to follow two-step instructions.

(C) **Learning.** The individual has a valid diagnosis of intellectual disability as defined in the Diagnostic and Statistical Manual of Mental Disorders. When the individual is seeking SoonerCare coverage of Oklahoma Human Services Developmental Disabilities Services HCBS Waivers they must be:

(i) determined by the Social Security Administration (SSA) to have a disability and a diagnosis of intellectual disability; or

(ii) Be determined by the Oklahoma Health Care Authority (OHCA) Level of Care Evaluation Unit (LOCEU) to have a disability and a diagnosis of intellectual disability per SSA guidelines or a diagnosis of global developmental delay when accompanied by a Full-Scale Intelligence Quotient less than or equal to 70, plus or minus five, when under six (6) years of age as defined in the Diagnostic and Statistical Manual of Mental Disorders.

(D) **Mobility.** The individual requires the use of assistive devices to be mobile and cannot physically self-evacuate from a building during an emergency without assistive device.

(E) **Self-direction.** The individual is seven (7) years old or older and significantly at risk in making age appropriate decisions or an adult who is unable to provide informed consent for medical care, personal safety, or for legal, financial, habilitative, or residential issues, and/or has been declared legally incompetent. The individual is a danger to himself or others without supervision.

(F) **Capacity for independent living.** The individual who is seven (7) years old or older and is unable to locate and use a telephone, cross the street safely, or understand that it is unsafe to accept rides, food, or money from strangers. Or an adult who lacks basic skills in the areas of shopping, preparing food, housekeeping, or paying bills.

PART 43. AGENCY COMPANION, SPECIALIZED FOSTER CARE, DAILY LIVING SUPPORTS, GROUP HOMES, EXTENSIVE RESIDENTIAL SUPPORTS, AND COMMUNITY TRANSITION SERVICES [AMENDED]

317:30-5-422. Description of services [AMENDED]

Residential supports include:

(1) agency companion services (ACS) per Oklahoma Administrative Code (OAC)317:40-5;

(2) specialized foster care ~~(SFC)~~ per OAC 317:40-5;

(3) daily living supports ~~(DLS)~~:

(A) Community Waiver per OAC 317:40-5-150; and

(B) Homeward Bound Waiver per OAC 317:40-5-153;

(4) group home services provided per OAC 317:40-5-152; ~~and~~

(5) extensive residential supports per OAC 317:40-5-154; and

~~(5)~~(6) community transition services (CTS).

(A) Minimum qualifications. The provider must enter into contractual agreements with the Oklahoma Health Care Authority (OHCA) to provide ACS, habilitation training specialist ~~(HTTS)~~ services, or DLS, in addition to a contract to provide CTS.

(B) Description of services. CTS is a one-time setup expense for members transitioning from an intermediate care facility for individuals with intellectual disabilities ~~(ICF/IID)~~ or provider-operated residential setting to the member's own home or apartment. The cost per member of CTS cannot exceed limitations set forth by OHCA. The member's name must be on the lease, deed or rental agreement. CTS:

(i) are furnished only when the member is unable to meet such expense and must be documented in the member's Individual Plan (IP);

(ii) include security deposits, essential furnishings, such as major appliances, dining ~~table/chairs,~~tables and chairs, bedroom set, sofa, chair, window coverings, kitchen ~~pots/pans,~~pots and pans, dishes, eating utensils, ~~bed/bath~~bed and bath linens, kitchen dish ~~towel/potholders,~~towels and potholders, a one month supply of laundry/cleaning products, and setup fees or deposits for initiating utility service, including phone, electricity, gas, and water . CTS also includes moving expenses, ~~services/items~~services and items necessary for the member's health and safety, such as pest eradication, allergen control, a one-time cleaning prior to occupancy, flashlight, smoke detector, carbon monoxide detector, first aid kit, fire extinguisher, and a tempering valve or other anti-scald device when determined by the Personal Support Team necessary to ensure the member's safety; and

(iii) ~~does~~do not include:

(I) recreational items, such as television, cable, satellite, internet, video cassette recorder (VCR), digital video disc (DVD) player, compact disc (CD) player, MP3 player, gaming system, cell phone or computer used primarily as a diversion or recreation;

(II) monthly rental or mortgage expenses;

(III) food;

(IV) personal hygiene items;

(V) disposable items, such as paper ~~plates/napkins,~~plates and napkins, plastic utensils, disposable food storage bags, aluminum foil, and plastic wrap;

(VI) items that are considered decorative, such as rugs, pictures, bread box, canisters, or a clock;

(VII) any item not considered an essential, one-time expense; or

(VIII) regular ongoing utility charges;

(iv) prior approval for exceptions ~~and/or~~and questions regarding eligible items ~~and/or~~and expenditures are directed to the programs manager for community transition services at ~~DHS DDS state office;~~Oklahoma Human Services Developmental Disabilities Services State Office;

~~(v) authorizations are issued for the date a member transitions;~~

~~(vii)~~(v) may only be authorized for members approved for the Community Waiver; and

~~(vii)~~(vi) may not be authorized for items purchased more than ~~30~~thirty (30) calendar days after the date of transition.

PART 51. HABILITATION SERVICES

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

Habilitation services include the services identified in (1) through (15) of this Section. Habilitation services providers must have an applicable agreement with the Oklahoma Health Care Authority (OHCA) to provide Developmental Disabilities Services (DDS) through Home and Community-Based Services (HCBS).

(1) **Dental services.** Dental services are provided per Oklahoma Administrative Code (OAC) 317:40-5-112.

(A) **Minimum qualifications.** Dental services providers must have non-restrictive licensure by the Oklahoma State Board of Dentistry to practice dentistry in Oklahoma.

(B) **Description of services.** Dental services include services for maintenance or improvement of dental health as well as relief of pain and infection. These services may include:

(i) Oral examinations;

(ii) Medically necessary images;

(iii) Prophylaxis;

(iv) Fluoride application;

(v) Development of a sequenced treatment plan that prioritizes:

(I) Pain elimination;

(II) Adequate oral hygiene; and

(III) Restoring or improving ability to chew;

(vi) Routine training of member or primary caregiver regarding oral hygiene; and

(vii) Preventive, restorative, replacement, and repair services to achieve or restore functionality provided after appropriate review when applicable, per OAC 317:40-5-112.

(C) **Coverage limitations.** Dental service coverage is specified in the member's Individual Plan (IP) in accordance with applicable Waiver limits. Cosmetic dental services are not authorized.

(2) **Nutrition services**. Nutrition Services are provided, per OAC 317:40-5-102.

(3) **Occupational therapy services.**

(A) **Minimum qualifications.** Occupational therapists and occupational therapy assistants have current, non-restrictive licensure by the Oklahoma Board of Medical Licensure and Supervision. Occupational therapy assistants are supervised by occupational therapists, per OAC 317:30-5-295 (b) (1).

(B) **Service description.** Occupational therapy services include evaluation, treatment, and consultation in leisure management, daily living skills, sensory motor, perceptual motor, mealtime assistance, assistive technology, positioning, and mobility. Occupational therapy services may include occupational therapy assistants, within the limits of the occupational therapist's practice.

(i) Services are:

(I) Intended to help the member achieve greater independence to reside and participate in the community; and

(II) Rendered in any community setting as specified in the member's IP. The IP includes a practitioner's prescription.

(ii) For this Section's purposes, a practitioner means medical and osteopathic physicians, physician assistants, and other licensed health care professionals with prescriptive authority to order occupational therapy services in accordance with the rules and regulations governing the SoonerCare program.

(iii) Service provision includes a written report or record documentation in the member's record, as required.

(C) **Coverage limitations.** For compensable services, payment is made to the individual occupational therapist for direct services or for services provided by a qualified occupational therapist assistant within the occupational therapist's employment. Payment is made in fifteen-minute (15-minute) units, with a limit of four hundred and eighty (480) units per Plan of Care (POC) year. Payment is not allowed solely for written reports or record documentation.

(4) **Physical therapy services.**

(A) **Minimum qualifications.** Physical therapists and physical therapist assistants must have current, non-restrictive licensure with the Oklahoma Board of Medical Licensure and Supervision. The physical therapist supervises the physical therapist assistant, per OAC 317:30-5-290.1 (b) (1).

(B) **Service description.** Physical therapy services include evaluation, treatment, and consultation in locomotion or mobility skeletal and muscular conditioning, assistive technology, and positioning to maximize the member's mobility and skeletal/muscular well-being. Physical therapy services may include physical therapist assistants, within the limits of the physical therapist's practice.

(i) Services are intended to help the member achieve greater independence to reside and participate in the community. Services are provided in any community setting as specified in the member's IP. The IP includes a practitioner's prescription. For this Section's purposes, practitioners are defined as licensed medical and osteopathic physicians and physician assistants in accordance with the rules and regulations covering the OHCA SoonerCare program.

(ii) Service provision includes a written report or record documentation in the member's record, as required.

(C) **Coverage limitations.** For compensable services, payment is to individual physical therapists for direct services or for services provided by a qualified physical therapist assistant within the physical therapist's employment. Payment is made in fifteen-minute (15-minute) units with a limit of four hundred and eighty (480) units per POC. Payment is not allowed solely for written reports or record documentation.

(5) **Psychological services.**

(A) **Minimum qualifications.** Qualification to provide psychological services requires current, non-restrictive licensure as a psychologist by the Oklahoma State Board of Examiners of Psychologists, or by the licensing board in the state where the service is provided. Psychological technicians who have completed all board certification and training requirements may provide services under a licensed psychologist's supervision.

(B) **Service description.** Psychological services include evaluation, psychotherapy, consultation, and behavioral treatment. Service is provided in any community setting as specified in the member's IP. The provider develops, implements, evaluates, and revises the Protective Intervention Protocol (PIP) corresponding to the relevant outcomes identified in the member's IP.

(i) Services are:

(I) Intended to maximize a member's psychological and behavioral well-being; and

(II) Provided in individual and group formats, with a six-person maximum.

(ii) Service approval is based on assessed needs per OAC 340:100-5-51.

(C) **Coverage limitations.**

(i) Payment is made in fifteen (15) minute units. A minimum of fifteen (15) minutes for each individual and group encounter is required.

(ii) Psychological services are authorized for a period, not to exceed twelve (12) months.

(I) Initial authorization does not exceed one hundred and ninety-two (192) units, forty-eight (48) service hours.

(II) Authorizations may not exceed two hundred and eighty-eight (288) units per POC year unless the DDS Behavior Support Services director or designee makes an exception.

(III) No more than twelve (12) hours of services, forty-eight (48) units, may be billed for PIP preparation. Any clinical document is prepared within sixty (60) calendar days of the request. Further, if the document is not prepared, payments are suspended until the requested document is provided.

(IV) When revising a PIP to accommodate recommendations of a required committee review, the provider may bill for only one (1) revision. The time for preparing the revision is clearly documented and does not exceed four (4) hours.

(6) **Psychiatric services.**

(A) **Minimum qualifications.** Qualification as a psychiatric services provider requires a current, non-restrictive license to practice medicine in Oklahoma. Certification by the American Board of Psychiatry and Neurology or satisfactory completion of an approved residency program in psychiatry is required.

(B) **Service description.** Psychiatric services include outpatient evaluation, psychotherapy, medication and prescription management and consultation, and are provided to eligible members. Services are provided in the community setting specified in the member's IP.

(i) Services are intended to contribute to the member's psychological well-being.

(ii) A minimum of thirty (30) minutes for encounter and record documentation is required.

(C) **Coverage limitations.** A unit is thirty (30) minutes, with a limit of two hundred (200) units, per POC year.

(7) **Speech-language pathology services.**

(A) **Minimum qualifications.** Qualification as a speech-language pathology services provider requires current, non-restrictive licensure as a speech-language pathologist, speech-language pathology assistant, or speech-language pathology clinical fellow, by the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, per OAC 317:30-5-675.

(B) **Service description.** Speech therapy includes evaluation, treatment, and consultation in communication, oral motor activities, and/or feeding activities provided to eligible members. Services are intended to maximize the member's community living skills and may be provided in the community setting specified in the member's IP.

(i) The IP includes a practitioner's prescription. For this Section's purposes, practitioners are defined as licensed medical and osteopathic physicians, physician assistants, and other licensed professionals with prescriptive authority to order speech or language services or both in accordance with rules and regulations covering the OHCA SoonerCare program.

(ii) A minimum of fifteen (15) minutes for encounter and record documentation is required.

(C) **Coverage limitations.** A unit is fifteen (15) minutes, with a limit of two hundred and eighty-eight (288) units, per POC. Payment is not allowed solely for written reports or record documentation.

(8) **Habilitation training specialist (HTS) services.**

(A) **Minimum qualifications.** Providers complete Oklahoma Human Services (OKDHS) DDS-sanctioned training curriculum. Residential habilitation providers:

(i) Are at least eighteen (18) years of age or older;

(ii) Are specifically trained to meet members' unique needs;

(iii) Have not been convicted of, pled guilty to, or pled nolo contendere to misdemeanor assault and battery, or a felony, per Section (§) 1025.2 of Title 56 of the Oklahoma Statutes (56 O.S. § 1025.2) unless a waiver is granted, per 56 O.S. §1025.2; and

(iv) Receive supervision and oversight from contracted-agency staff with a minimum of four (4) years of any combination of college-level education or full-time equivalent experience in serving persons with disabilities.

(B) **Service description.** HTS services include services to support the member's self-care, daily living, and adaptive and leisure skills needed to reside successfully in the community. Services are provided in community-based settings in a manner that contributes to the member's independence, self-sufficiency, community inclusion, and well-being.

(i) Payment is not made for~~:~~ routine care and supervision family normally provides.

~~(I) Routine care and supervision family normally provides; or~~

~~(II) Services furnished to a member by a person who is legally responsible, per OAC 340:100-3-33.2.~~

(ii) Family members who provide HTS services meet the same standards as providers who are unrelated to the member. Legally responsible individuals, per OAC 340:100-3-33.2, may provide HTS for extraordinary care as determined by the Oklahoma Choice Assessment completed annually by DDS staff. HTS staff residing in the same household as the member may not provide services in excess of forty (40) hours per week. Members who require HTS services for more than forty (40) hours per week use staff members who do not reside in the household, and who are employed by the member's chosen provider agency, to deliver the balance of necessary support staff hours. Exceptions may be authorized, when needed, for members who receive services through the Homeward Bound Waiver.

(iii) Payment does not include room and board or maintenance, upkeep, or improvement of the member's or family's residence.

(iv) For members who also receive intensive personal supports (IPS), the member's IP clearly specifies the role of the HTS and person providing IPS to ensure there is no service duplication.

(v) Review and approval by the DDS plan of care reviewer is required.

(vi) Pre-authorized HTS services accomplish the same objectives as other HTS services, but are limited to situations where the HTS provider is unable to obtain required professional and administrative oversight from an OHCA-approved oversight agency. For pre-authorized HTS services, the service:

(I) Provider receives DDS area staff oversight; and

(II) Is pre-approved by the DDS director or his or her designee.

(C) **Coverage limitations.** HTS services are authorized per OAC 317:40-5-110, 317:40-5-111, 317:40-7-13, and 340:100-3-33.1.

(i) A unit is fifteen (15) minutes.

(ii) Individual HTS service providers are limited to a maximum of forty (40) hours per week regardless of the number of members served.

(iii) More than one (1) HTS may provide care to a member on the same day.

(iv) Payment cannot be made for services provided by two (2) or more HTSs to the same member during the same hours of a day.

(v) An HTS may receive reimbursement for providing services to only one (1) member at any given time. This does not preclude services from being provided in a group setting where services are shared among group members.

(vi) HTS providers may not perform any job duties associated with other employment including on-call duties, at the same time they are providing HTS services.

(9) **Remote Supports (RS).** RS is provided per OAC 317:40-4-4.

(10) **Self Directed HTS (SD HTS).** SD HTS are provided per OAC 317:40-9-1.

(11) **Self Directed Goods and Services (SD GS).** SD GS are provided per OAC 317:40-9-1.

(12) **Audiology services.**

(A) **Minimum qualifications.** Audiologists have licensure as an audiologist by the Oklahoma Board of Examiners for Speech Pathology and Audiology per OAC 317:30-5-675 (d) (1).

(B) **Service description.** Audiology services include individual evaluation, treatment, and consultation in hearing to eligible members. Services are intended to maximize the member's auditory receptive abilities.

(i) The member's IP includes a practitioner's prescription. For this Section's purposes, practitioners are defined as licensed medical and osteopathic physicians, and physician assistants in accordance with OAC 317:30-5-1 covering the OHCA SoonerCare program.

(ii) A minimum of fifteen (15) minutes for encounter and record documentation is required.

(C) **Coverage limitations.** Audiology services are provided in accordance with the member's IP.

(13) **Prevocational services.**

(A) **Minimum qualifications.** Prevocational services providers:

(i) Are eighteen (18) years of age or older;

(ii) Complete OKDHS DDS-sanctioned training curriculum;

(iii) Are not convicted of, pled guilty to, or pled nolo contendere to misdemeanor assault and battery, or a felony per 56 O.S. § 1025.2, unless a waiver is granted per 56 O.S. § 1025.2; and

(iv) Receive supervision and oversight from a person with a minimum of four (4) years of any combination of college-level education or full-time equivalent experience in serving persons with disabilities.

(B) **Service description.** Prevocational services are not available to persons who can be served under a program funded per Section 110 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (IDEA) per Section 1401 et seq. of Title 20 of the United States Code.

(i) Prevocational services are learning and work experiences where the member can develop general, non-job, task-specific strengths that contribute to employability in paid employment in integrated community settings.

(ii) Activities include teaching concepts such as communicating effectively with supervisors, co-workers, and customers, attendance, task completion, problem solving, and safety. These activities are associated with building skills necessary to perform work.

(iii) Pre-vocational services are delivered to further habilitation goals that lead to greater opportunities for competitive, integrated employment. All prevocational services are reflected in the member's IP. Documentation is maintained in the record of each member receiving this service, noting the service is not otherwise available through a program funded under the Rehabilitation Act of 1973 or IDEA.

(iv) Services include:

(I) Center-based prevocational services, per OAC 317:40-7-6;

(II) Community-based prevocational services per, OAC 317:40-7-5;

(III) Enhanced community-based prevocational services per, OAC 317:40-7-12; and

(IV) Supplemental supports, as specified in OAC 317:40-7-13.

(C) **Coverage limitations.** A unit of center-based or community-based prevocational services is one (1) hour and payment is based on the number of hours the member participates in the service. All prevocational services and supported-employment services combined may not exceed the annual costs set forth in OKDHS Appendix D-26, Developmental Disabilities Services Rates Schedule. The services that may not be provided to the same member at the same time as prevocational services are:

(i) HTS;

(ii) IPS;

(iii) Adult Day Health;

(iv) Daily Living Supports (DLS);

(v) Homemaker; or

(vi) Therapy services, such as occupational therapy; physical therapy; nutrition, speech, or psychological services; family counseling; or family training, except to allow the therapist to assess the individual's needs at the workplace or to provide staff training, per OAC 317:40-7-6.

(14) **Supported employment.**

(A) **Minimum qualifications.** Supported employment providers:

(i) Are eighteen (18) years of age or older;

(ii) Complete the OKDHS DDS-sanctioned training curriculum;

(iii) Are not convicted of, pled guilty to, or pled nolo contendere to misdemeanor assault and battery, or a felony, per 56 O.S. § 1025.2 unless a waiver is granted, per 56 O.S. § 1025.5; and

(iv) Receive supervision and oversight from a person with a minimum of four (4) years of any combination of college-level education or full-time equivalent experience in serving persons with disabilities.

(B) **Services description.** For members receiving HCBS Waiver services, supported employment is conducted in various settings, particularly worksites where persons without disabilities are employed, and includes activities that are outcome based and needed to sustain paid work, including supervision and training. The supported employment outcome is sustained paid employment at or above minimum wage, but not less than the customary wage and benefit level the employer pays for the same or similar work individuals without disabilities perform. The paid employment occurs in an integrated setting in the general workforce in a job that meets personal and career goals.

(i) When supported-employment services are provided at a worksite where persons without disabilities are employed, payment:

(I) Is made for the adaptations, supervision, and training members require as a result of their disabilities; and

(II) Does not include payment for the supervisory activities rendered as a normal part of the business setting.

(ii) Services include:

(I) Job coaching per OAC 317:40-7-7;

(II) Enhanced job coaching per OAC 317:40-7-12;

(III) Employment training specialist services per OAC 317:40-7-8; and

(IV) Stabilization per OAC 317:40-7-11.

(iii) Supported-employment services furnished under HCBS Waivers are not available under a program funded by the Rehabilitation Act of 1973 or IDEA.

(iv) Documentation that the service is not otherwise available under a program funded by the Rehabilitation Act of 1973 or IDEA is maintained in each member's record.

(v) Federal financial participation may not be claimed for incentive payment subsidies or unrelated vocational training expenses, such as:

(I) Incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;

(II) Payments passed through to users of supported-employment programs; or

(III) Payments for vocational training not directly related to a member's supported-employment program.

(C) **Coverage limitations.** A unit is fifteen (15) minutes and payment is made per OAC 317:40-7-1 through 317:40-7-21. All prevocational services and supported-employment services combined cannot exceed $27,000, per POC year. The DDS case manager assists the member to identify other alternatives to meet identified needs above the limit. The services that may not be provided to the same member, at the same time as supported-employment services are:

(i) HTS;

(ii) IPS;

(iii) Adult Day Health;

(iv) DLS;

(v) Homemaker; or

(vi) Therapy services, such as occupational therapy; physical therapy; nutrition, speech, or psychological services, family counseling, or family training, except to allow the therapist to assess the individual's needs at the workplace or to provide staff training.

(15) **IPS.**

(A) **Minimum qualifications.** IPS provider agencies must have a current provider agreement with OHCA and OKDHS DDS. Providers:

(i) Are eighteen (18) years of age or older;

(ii) Complete OKDHS DDS-sanctioned training curriculum;

(iii) Are not convicted of, pled guilty to, or pled nolo contendere to misdemeanor assault and battery, or a felony, per 56 O.S. § 1025.2 unless a waiver is granted, per 56 O.S. § 1025.2;

(iv) Receive supervision and oversight from a person with a minimum of four (4) years of any combination of college-level education or full-time equivalent experience in serving persons with disabilities; and

(v) Receive oversight regarding specific methods to be used with the member to meet the member's complex behavioral or health support needs.

(B) **Service description.**

(i) IPS:

(I) Are support services provided to members who need an enhanced level of direct support in order to successfully reside in a community-based setting; and

(II) Build on the support level HTS or DLS staff provides by utilizing a second staff person on duty to provide assistance and training in self-care, daily living, and recreational and habilitation activities.

(ii) The member's IP clearly specifies the role of HTS and the person providing IPS to ensure there is no service duplication.

(iii) The DDS POC reviewer is required to review and approve services.

(C) **Coverage limitations.** IPS are limited to twenty-four (24) hours per day and are included in the member's IP, per OAC 317:40-5-151 and 317:40-5-153.

(16) **Adult day health.**

(A) **Minimum qualifications.** Adult day health provider agencies:

(i) Meet licensing requirements, per 63 O.S. § 1-873 *et seq*. and comply with OAC 310:605; and

(ii) Are approved by the OKDHS DDS director and have a valid OHCA contract for adult day health.

(B) **Service description.** Adult day health provide assistance with retaining or improving the member's self-help ability adaptive and socialization skills, including the opportunity to interact with peers in order to promote a maximum level of independence and function. Services are provided in a non-residential setting away from the home or facility where the member resides.

(C) **Coverage limitations.** adult day health is furnished four (4) or more hours per day on a regularly scheduled basis, for one (1) or more days per week. A unit is fifteen (15) minutes for up to a maximum of eight (8) hours daily. All services are authorized in the member's IP.

[OAR Docket #24-999; filed 11-4-24]

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

[OAR Docket #24-1001]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. HOSPITALS

317:30-5-42.7. Emergency department (ED) care/services [AMENDED]

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

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Title 43A Oklahoma Statute § Section 2-401.2

COMMENT PERIOD:

August 23, 2024 to September 7, 2024

PUBLIC HEARING:

N/A

ADOPTION:

September 17, 2024

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 25, 2024

EXPIRATION:
Effective through September 14, 2025, 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 Agency requests emergency approval of rule revisions to protect the public health, safety and welfare of SoonerCare members.
GIST/ANALYIS:
These emergency revisions are necessary to comply with SB712. The Oklahoma Health Care Authority will seek federal and state approval to allow the Agency to separately reimburse for opioid antagonists provided to members in an emergency department with symptoms of an opioid overdose, opioid disorder, or any other adverse opioid event related to opioid use.
CONTACT PERSON:
Carmen Banks, Senior Policy & Program Advisor, 405-522-7211, carmen.banks@okhca.org.

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. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 3. HOSPITALS

317:30-5-42.7. Emergency department (ED) care/services [AMENDED]

Emergency department care must:

(1) Be provided in a hospital with a designated emergency department; and

(2) Provide direct patient care, including patient assessment, monitoring, and treatment by hospital medical personnel such as physicians, nurses, or lab and x-ray technicians.

(A) Medical records must document the emergency diagnosis and the extent of direct patient care.

(B) Emergency department care does not include unattended waiting time.

(C) Emergency services are covered for a medical emergency. This means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(i) Placing the physical or mental health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy; or continuation of severe pain;

(ii) serious impairment to bodily functions; serious dysfunction of any bodily organ or part; or death.

(D) Labor and delivery is a medical emergency, if it meets this definition.

(3) Prescheduled services are not considered an emergency.

(4) Services provided as follow-up to initial emergency care are not considered emergency services.
(5) Include provision of emergency opioid antagonist upon discharge as per state law.

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

Reimbursement will be made for inpatient hospital services in the following manner:
(1) Covered inpatient services provided to eligible SoonerCare members admitted to in-state acute care and critical access hospitals will be reimbursed the lesser of the billed charges or the Diagnosis Related Group (DRG) amount. In addition to the billed charges or DRG payment, whichever is less, an outlier payment may be made to the hospital for very high-cost stays. Additional outlier payment is applicable if either the amount billed by the hospital or DRG payment, whichever applies, is less than a threshold amount of the hospital cost. Each inpatient hospital claim is tested to determine whether the claim qualified for a cost outlier payment. Payment is equal to a percentage of the cost after the threshold is met.
(2) The lesser of the billed charges or DRG amount and outlier, if applicable, represent full reimbursement for all non-physician services provided during the inpatient stay. Payment includes but is not limited to:
(A) Laboratory services;
(B) Prosthetic devices, including pacemakers, lenses, artificial joints, cochlear implants, implantable pumps;
(C) Technical component on radiology services;
(D) Transportation, including ambulance, to and from another facility to receive specialized diagnostic and therapeutic services;
(E) Pre-admission diagnostic testing performed within seventy-two (72) hours of admission; and
(F) Organ transplants.
(3) Charges for services or supplies deemed not medically necessary and/or not separately billable may be recouped upon post payment review of outlier payments.
(4) Hospitals may submit a claim for payment only upon the final discharge of the patient or upon completion of a transfer of the patient to another hospital.
(5) Covered inpatient services provided to eligible members of the SoonerCare program, when treated in out-of-state hospitals will be reimbursed in the same manner as in-state hospitals. Refer to OAC 317:30-3-90 and 317:30-3-91.
(6) Cases which indicate transfer from one (1) acute care hospital to another will be monitored under a retrospective utilization review policy to help ensure that payment is not made for inappropriate transfers.
(7) The transferring hospital will be paid the lesser of the calculated transfer fee or the DRG base payment amount for a non-transfer.
(8) If the transferring or discharge hospital or unit is exempt from the DRG, that hospital or unit will be reimbursed according to the method of payment applicable to the particular facility or units.
(9) Covered inpatient services provided in out-of-state specialty hospitals may be reimbursed at a negotiated rate not to exceed one-hundred percent (100%) of the cost to provide the service. Negotiation of rates will only be allowed when the OHCA determines that the specialty hospital or specialty unit provides a unique (non-experimental) service required by SoonerCare members and the provider will not accept the DRG payment rate. Prior authorization is required.
(10) New providers entering the SoonerCare program will be assigned a peer group and will be reimbursed at the peer group base rate for the DRG payment methodology or the statewide median rate for per diem methods.
(11) All inpatient services are reimbursed per the methodology described in this Section and/or as approved under the Oklahoma Medicaid State Plan.
(12) For high-investment drugs, refer to OAC 317:30-5-47.6.
(13) Separate reimbursement may be obtained for provision of two (2) doses of emergency opioid antagonist upon discharge as per state law.

[OAR Docket #24-1001; filed 11-4-24]

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

[OAR Docket #24-1194]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 5. Individual Providers and Specialties
Part 9. LONG-TERM CARE FACILITIES
317:30-5-133.3. Nursing home ventilator-dependent and tracheostomy care services [AMENDED]
AUTHORITY:
The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board
COMMENT PERIOD:
August 30, 2024 to September 14, 2024
PUBLIC HEARING:
N/A
ADOPTION:
September 17, 2024
EFFECTIVE:
Immediately upon Governor's approval
APPROVED BY GOVERNOR:
October 25, 2024
EXPIRATION:
Effective through September 14, 2025, 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 Agency requests emergency approval of rule revisions to protect the public health, safety, and welfare.
GIST/ANALYIS:
New policy to establish criteria for an add-on rate for nursing facilities that serve tracheostomy patients who meet the high-acuity criteria. The rate will help to cover the high cost associated with this type of care and is being determined using existing cost data based on four components: direct care and allied staff costs, social and support staff costs, cost of drugs and medical supplies, and general and administrative costs.
CONTACT PERSON:
Lauren Johnson, 405-522-7891, lauren.johnson@okhca.org

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. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 9. LONG-TERM CARE FACILITIES

317:30-5-133.3. Nursing home ventilator-dependent and tracheostomy care services [AMENDED]

(a) Admission is limited to ventilator-dependent and/or ~~qualified~~high-acuity tracheostomy residents.

(b) The ventilator-dependent resident and/or ~~qualified~~high-acuity tracheostomy resident must meet the current nursing facility level of care criteria. (Refer to OAC 317:30-5-123.)

(c) All criteria must be present in order for a resident to be considered ventilator-dependent:

(1) The resident is not able to breathe without a volume with a backup.

(2) The resident must be medically dependent on a ventilator for life support six (6) hours per day, seven (7) days per week.

(3) The resident has a tracheostomy.

(4) The resident requires daily respiratory therapy intervention (i.e., oxygen therapy, tracheostomy care, physiotherapy or deep suctioning). These services must be available twenty four (24) hours a day.

(5) The resident must be medically stable and not require acute care services. A Registered Nurse or Licensed Practical Nurse must be readily available and have primary responsibility of the unit at all times.

(d) The resident will also be considered ventilator-dependent if all of the above requirements were met at admission but the resident is in the process of being weaned from the ventilator. This excludes residents who are on C-PAP or Bi-PAP devices only.

(e) All criteria must be present in order for a resident to be considered ~~as~~a high-acuity tracheostomy ~~care qualified~~resident:

(1) The resident is not able to breathe without the use of a tracheostomy.

(2) The resident requires daily respiratory therapy intervention (i.e., oxygen therapy, tracheostomy care, chest physiotherapy, or deep suctioning). These services must be available twenty four (24) hours a day.

(3) A Registered Nurse or Licensed Practical Nurse must be readily available and have primary responsibility of the unit.

(f) In addition to the requirements in paragraph (e), high-acuity tracheostomy residents will need to meet at least one (1) of the listed criteria below:

(1) The resident has a Brief Interview for Mental Status (BIMS) Interview score between zero and twelve (0-12) (moderately to severely impaired).

(2) The resident sees a pulmonologist monthly and a respiratory therapist at least once every other week, with a respiratory therapist available on call twenty four (24) hours a day.

(3) The resident is nonverbal, comatose, or in a vegetative state.

(4) The resident has a contractures diagnosis that results in limited mobility.

(5) The resident requires total dependency from staff with all aspects of daily care.

(6) The resident is unable to suction themselves.

(7) The resident requires tracheostomy deep suctioning at an increased frequency of at least ten (10) times daily due to thick, copious amounts of secretions.

(8) The resident is unable to clear their own secretions and protect their airway.

(9) The resident has been diagnosed with a progressive neurological disorder that results in muscle weakness; this includes, but is not limited to, Amyotrophic Lateral Sclerosis (ALS), Multiple Sclerosis (MS), Alzheimer's, head injuries, or Cerebrovascular Accident (CVA).

(10) The resident requires five (5) L/min of oxygen or greater than 40% Fraction of Inspired Oxygen (FIO2).

(11) The resident requires breathing treatments that are at an increased frequency of three (3) or more times daily.

(12) The resident has an artificial opening in the neck for the tracheostomy, and an artificial opening in the abdomen for a gastrostomy tube.

(13) The resident has multiple co-morbidities, resulting in demonstrative complications.

(~~f~~g) Not withstanding the foregoing, a ventilator-dependent or ~~qualified~~high-acuity tracheostomy resident who is in the process of being weaned from ventilator dependence or requiring qualified tracheostomy treatment shall continue to be considered a qualified resident until the weaning process is completed.

[OAR Docket #24-1194; filed 11-4-24]

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

[OAR Docket #24-1000]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

317:40-1-1. Home and Community-Based Services (HCBS) Waivers for persons with intellectual disabilities or certain persons with related conditions [AMENDED]

Subchapter 5. Member Services

Part 11. OTHER COMMUNITY RESIDENTIAL SUPPORTS

317:40-5-155. Extensive residential supports (ERS) [NEW]

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 56 O.S. Section 1020; and Section 1915(c) of the Social Security Act

COMMENT PERIOD:

August 23, 2024 to September 7, 2024

PUBLIC HEARING:

N/A

ADOPTION:

September 17, 2024

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

October 25, 2024

EXPIRATION:

Effective through September 14, 2025, 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 Agency requests emergency approval of rule revisions to its waiver policies to protect the public health, safety, and welfare to meet the needs of members who prefer to receive long-term care services and supports in their home or community. Emergency approval is necessary to avoid violation and align new and current rules with Oklahoma's 1915c HCBS waivers federal authority. Without the approval of these emergency rule changes, members would be without access to these services and could affect their overall health outcomes.

GIST/ANALYIS:

These emergency revisions are necessary to align with the 1915(c) HCBS waivers, which were previously approved by CMS on June 28, 2024, and made effective July 1, 2024. The proposed revisions will add language that allows the diagnosis of Global Developmental Delay as an acceptable diagnosis for admission to a DDS HCBS waiver for individuals under 6 years of age and clarify that a diagnosis of intellectual disability (ID) is based on Social Security Administration criteria for ID. Other revisions remove the requirement for authorization of community transition services to be issued for the date a member transitions. Additionally, revisions will add a new residential service to be provided to members in custody of OKDHS and adult members with extensive behavioral support needs that cannot be safely met with current available support. Finally, revisions will permit legally responsible individuals to serve as a Habilitation Training Specialist to individuals for whom they are legally responsible. The Oklahoma Health Care Authority anticipates

that the approval of this emergency rule change will positively impact members by improving their access to the benefits of living in the community.

CONTACT PERSON:

Carmen Banks, Senior Policy & Program Advisor, 405-522-7211, carmen.banks@okhca.org.

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

SUBCHAPTER 1. GENERAL PROVISIONS

317:40-1-1. Home and Community-Based Services (HCBS) Waivers for persons with intellectual disabilities or certain persons with related conditions [AMENDED]

(a) **Applicability.** This Section applies to services funded through Medicaid HCBS Waivers per Oklahoma Administrative Code (OAC) 317:35-9-5 and Section 1915(c) of the Social Security Act. Specific Waivers are the In-Home Supports Waiver (IHSW) for Adults, IHSW for Children, Community Waiver, and Homeward Bound Waiver.

(b) **Program provisions.** Each individual requesting services provided through an HCBS Waiver and his or her family or guardian, are responsible for:

(1) Accessing with the Oklahoma Department of Human Services (OKDHS) staff assistance, all benefits available under Oklahoma's Medicaid State Plan or other payment sources prior to accessing funding for those same services under an HCBS Waiver program;

(2) Cooperating in the determination of medical and financial eligibility including prompt reporting of changes in income or resources;

(3) Choosing between services provided through an HCBS Waiver or institutional care; and

(4) Reporting any changes in address or other contact information to OKDHS within thirty (30) calendar days.

(c) **Waiver eligibility.** To be eligible for Waiver services, an applicant must meet the criteria established in (1) of this Subsection and the criteria for one (1) of the Waivers established in (1) through (8) of this Subsection.

(1) **HCBS Waiver services.** Services provided through an HCBS Waiver are available to Oklahoma residents meeting SoonerCare (Medicaid) eligibility requirements established by law, regulatory authority, and policy within funding available through state or federal resources. To be eligible and receive services funded through any of the Waivers listed in (a) of this Section, an applicant must meet conditions, per OAC 317:35- 9-5. The applicant:

(A) Must be determined financially eligible for SoonerCare, per OAC 317:35-9-68;

(B) May not simultaneously be enrolled in any other Medicaid Waiver program or receiving services in an institution including a hospital, rehabilitation facility, mental health facility, nursing facility, or residential care home per Section (§) 1-820 of Title 63 of the Oklahoma Statutes (O.S.), or Intermediate Care facility for individuals with intellectual disabilities (ICF/IID);

(C) May not be receiving Developmental Disabilities Services (DDS) state-funded services, such as the Family Support Assistance Payment, Respite Voucher Program, sheltered workshop services, community integrated employment services, or assisted living without Waiver supports, per OAC 340:100-5-22.2; and

(D) Must also meet other Waiver-specific eligibility criteria.

(2) **In-Home Supports Waivers (IHSW).** To be eligible for services funded through the IHSW, an applicant must:

(A) Meet all criteria listed in (c) of this Section; and

(B) Be determined by the Social Security Administration (SSA) to have a disability and a diagnosis of intellectual disability; or

(C) Be determined by the Oklahoma Health Care Authority (OHCA) Level of Care Evaluation Unit (LOCEU) to have a disability per SSA guidelines or a diagnosis of global developmental delay when accompanied by a Full-Scale Intelligence Quotient (FSIQ) less than or equal to seventy (70), plus or minus five (5), when under six (6) years of age and a diagnosis of intellectual disability as defined in the Diagnostic and Statistical Manual of Mental Disorders ~~by the Oklahoma Health Care Authority (OHCA) Level of Care Evaluation Unit (LOCEU)~~; and

(D) Be three (3) years of age or older;

(E) Be determined by the OHCA LOCEU to meet the ICF/IID Institutional Level of Care requirements, per OAC 317:30-5-122; and

(F) Reside in:

(i) A family member's or friend's home;

(ii) His or her own home;

(iii) An OKDHS Child Welfare Services (CWS) foster home; or

(iv) A CWS group home; and

(vii) Have critical support needs that can be met through a combination of non-paid, non-Waiver, and SoonerCare (Medicaid) resources available to the individual; and HCBS Waiver resources within the annual per capita Waiver limit, agreed on between the State of Oklahoma and the Centers for Medicare and Medicaid Services (CMS).

(3) **Community Waiver.** To be eligible for services funded through the Community Waiver, the applicant must:

(A) Meet all criteria listed in (c) of this Section;

(B) Be determined by the SSA to have a disability and a diagnosis of intellectual disability; or

(C) Have an intellectual ~~disability as defined in the Diagnostic and Statistical Manual of Mental Disorders~~per SSA guidelines or a related condition by DDS and be covered under the State's alternative disposition plan, adopted under Section 1919(e)(7)(E) of the Social Security Act; or

(D) Be determined by the OHCA LOCEU to have a disability and a diagnosis of intellectual disability per SSA guidelines or a diagnosis of global developmental delay when accompanied by an FSIQ less than or equal to seventy (70), plus or minus five (5), when under six (6) years of age as defined in the Diagnostic and Statistical Manual of Mental Disorders ~~or the OHCA LOCEU~~; and

(E) Be three (3) years of age or older; and

(F) Be determined by the OHCA LOCEU, to meet ICF/IID Institutional Level of Care requirements, per OAC 317:30-5-122; and

(G) Have critical support needs that can be met by the Community Waiver and cannot be met by IHSW services or other service alternatives, as determined by the DDS director or designee.

(4) **Homeward Bound Waiver.** To be eligible for services funded through the Homeward Bound Waiver, the applicant must:

(A) Be certified by the United States District Court for the Northern District of Oklahoma as a member of the plaintiff class in *Homeward Bound et al. v. The Hissom Memorial Center*, Case No. 85-C-437-E;

(B) Meet all criteria for HCBS Waiver services listed in (c) of this Section; and

(C) Be determined by SSA to have a disability and a diagnosis of intellectual disability; or

(D) Have an intellectual disability as defined in the Diagnostic and Statistical Manual of Mental Disorders or a related condition, per OAC 317:35-9-45 as determined by DDS, and to be covered under the State's alternative disposition plan adopted under Section 1919(e)(7)(E) of the Social Security Act; or

(E) Have a disability as defined in the Diagnostic and Statistical Manual of Mental Disorders by the OHCA/LOCEU; and

(F) Meet ICF/IID Institutional Level of Care requirements, per OAC 317:30-5-122, as determined by the OHCA LOCEU.

(5) **Evaluations and information.** Applicants desiring services through any of the Waivers listed in (a) of this Section participates in diagnostic evaluations and provides information necessary to determine HCBS Waiver services eligibility, including:

(A) A psychological evaluation, by a licensed psychologist that includes:

(i) A full-scale, functional and/or adaptive assessment; and

(ii) A statement of age of onset of the disability; and

(iii) Intelligence testing that yields a full-scale, intelligence quotient.

(I) Intelligence testing results obtained at sixteen (16) years of age and older are considered valid of the current status, provided they are compatible with current behavior. Intelligence testing results obtained between seven to sixteen (7 to 16) years of age are considered current for four (4) years when the full-scale intelligence quotient is less than forty (40) and for two (2) years when the intelligence quotient is forty (40) or above.

(II) When an applicant is approved for an HCBS waiver with a diagnosis of global developmental delay, a new psychological evaluation must be conducted and submitted after the child reaches six (6) years of age. Re-evaluation occurs at the beginning of the plan of care year following the child's sixth (6^{th}) birthday, at which

time, a diagnosis of Intellectual Disability must be confirmed to continue waiver services.

~~(II)~~(III) DDS may require a current psychological evaluation when a significant change of condition, disability, or psychological status is noted;

(B) A social service summary, current within twelve (12) months of the requested approval date that includes a developmental history; and

(C) A medical evaluation, current within one (1) calendar year of the requested approval date; and

(D) A completed Form LTC-300, ICF/IID Level of Care Assessment; and

(E) Proof of disability per SSA guidelines. When a disability determination is not made by SSA, OHCA LOCEU may make a disability determination using SSA guidelines.

(6) **Eligibility determination.** OHCA reviews the diagnostic reports listed in (2) of this subsection and makes an eligibility determination for DDS HCBS Waivers.

(7) **State's alternative disposition plan.** For individuals who are determined to have an intellectual disability or a related condition by DDS per the State's alternative disposition plan adopted under Section 1919(e)(7)(E) of the Social Security Act, DDS reviews the diagnostic reports listed in (2) of this subsection and, on behalf of OHCA, makes a determination of eligibility for DDS HCBS Waiver services and ICF/IID level of care.

(8) **Member's choice.** A determination of need for ICF/IID Institutional Level of Care does not limit the opportunities of the person receiving services to participate in community services. Individuals are assured of the opportunity to exercise informed choice in the selection of services.

(d) **Request list.** When state DDS resources are unavailable to add individuals to services funded through an HCBS Waiver, persons are placed on a statewide Request for Waiver Services List.

(1) The Request for Waiver Services List is maintained in chronological order, based on the date of receipt of a written request for services on Form 06MP001E, Request for Developmental Disabilities Services. The applicant must submit the required documentation, per Form 06MP001E, Request for Developmental Disabilities Services, for initial consideration of potential eligibility. Active United States Armed Forces personnel, who have a pending HCBS Waiver application in another state for an immediate family member, may be placed on the list with the date they applied in the other state. The person's name is added to the list when he or she provides proof of application date from the other state.

(2) The Request for Waiver Services List for persons requesting services provided through an HCBS Waiver is administered by DDS uniformly throughout the state.

(3) An individual applicant is removed from the Request for Waiver Services List, when he or she:

(A) Is found to be ineligible for services;

(B) Cannot be located by OKDHS;

(C) Does not provide OKDHS-requested information or fails to respond;

(D) Is not an Oklahoma resident at the requested Waiver approval date; or

(E) Declines an offer of Waiver services.

(4) An applicant removed from the Request for Waiver Services List, because he or she could not be located, may submit a written request to be reinstated to the list. The applicant is returned to the same chronological place on the Request for Waiver Services List, provided he or she was on the list prior to January 1, 2015.

(e) **Applications.** When resources are sufficient for initiation of HCBS Waiver services, DDS ensures action regarding a request for services occurs within forty-five (45) calendar days. When action is not taken within the required forty-five (45) calendar days, the applicant may seek resolution, per OAC 340:2-5-61.

(1) Applicants are allowed sixty (60) calendar days to provide information requested by DDS to determine eligibility for services.

(2) When requested information is not provided within sixty (60) calendar days, the applicant is notified that the request was denied, and he or she is removed from the Request for Waiver Services List.

(f) **Admission protocol.** Initiation of services funded through an HCBS Waiver occurs in chronological order from the Request for Waiver Services List, per (d) of this Section based on the date of DDS receipt of a completed request for services, as a result of the informed choice of the person requesting services or the individual acting on the member's behalf, and upon determination of eligibility, per (c) of this Section. Exceptions to the chronological requirement may be made, when:

(1) An emergency situation exists in which the health or safety of the person needing services or of others is endangered and there is no other resolution to the emergency. An emergency exists, when:

(A) The person is unable to care for himself or herself and:

(i) the person's caretaker, 43A O.S. § 10-103:

(I) Is hospitalized;

(II) Moved into a nursing facility;
(III) Is permanently incapacitated; or
(IV) Died; and
(ii) There is no caretaker to provide needed care to the individual; or
(iii) An eligible person is living at a homeless shelter or on the street;
(B) OKDHS finds the person needs protective services due to ongoing physical, sexual, or emotional abuse or neglect in his or her present living situation, resulting in serious jeopardy to the person's health or safety;
(C) The behavior or condition of the person needing services is such that others in the home are at risk of being seriously harmed by the person. For example, when the person is routinely physically assaultive to the caretaker or others living in the home and sufficient supervision cannot be provided to ensure the safety of those in the home or community; or
(D) The person's medical, psychiatric, or behavioral challenges are such that the person is seriously injuring or harming himself or herself, or is in imminent danger of doing so.
(2) The Legislature appropriated special funds with which to serve a specific group or a specific class of individuals, per HCBS Waiver provisions;
(3) Waiver services may be required for people who transition to the community from a public ICF/IID or children in OKDHS custody receiving services from OKDHS. Under some circumstances Waiver services related to accessibility may be authorized in advance of transition, but may not be billed until the day the member leaves the ICF/IID and enters the Waiver; or
(4) Individuals subject to the provisions of Public Law 100-203 residing in nursing facilities for at least 30-continuous months prior to January 1, 1989, and are determined by Preadmission Screening and Resident Review (PASRR) evaluation conducted per Title 42 Section 483.100 of the Federal Code of Regulations to have an intellectual disability or a related condition, who are covered under the State's alternative disposition plan adopted under Section 1919(e)(7)(E) of the Social Security Act, and choose to receive services funded through the Community or Homeward Bound Waiver.

(g) **Movement between DDS HCBS Waiver programs.** A person's movement from services funded through one (1) DDS-administered HCBS Waiver to services funded through another DDS-administered HCBS Waiver is explained in this subsection.
(1) When a member receiving services funded through the IHSW for children becomes eighteen (18) years of age, services through the IHSW for adults becomes effective.
(2) Change to services funded through the Community Waiver from services funded through the IHSW occurs only when:
(A) A member has critical health and safety support needs that cannot be met by IHSW services, non-Waiver services, or other resources as determined by the DDS director or designee; and
(B) Funding is available, per OAC 317:35-9-5.
(3) Change to services funded through the IHSW from services funded through the Community Waiver may only occur when a member's history of annual service utilization was within the IHSW per capita allowance.
(4) When a member served through the Community Waiver has support needs that can be met within the per capita Waiver allowance of the applicable IHSW and through a combination of non-Waiver resources, the individual may choose to receive services through the IHSW.

(h) **Continued eligibility for HCBS Waiver services.** Eligibility for members receiving services provided through the HCBS Waiver is re-determined by the OHCA LOCEU when a determination of disability was not made by the Social Security Administration. The OHCA LOCEU determines categorical relationship to the SoonerCare disabled category according to Social Security Administration guidelines. OHCA LOCEU also approves the level of care, per OAC 317:30-5-122, and confirms a diagnosis of intellectual disability per ~~the Diagnostic and Statistical Manual of Mental Disorders.~~SSA guidelines.
(1) DDS may require a new psychological evaluation and re-determination of eligibility at any time when a significant change of condition, disability, or psychological status is noted.
(2) Annual review of eligibility requires a medical evaluation that is current within one year of the requested approval date. The medical evaluation must be submitted by the member or the individual acting on his or her behalf thirty (30) calendar days prior to the Plan of Care expiration.

(i) **HCBS Waiver services case closure.** Services provided through an HCBS Waiver are terminated, when:
(1) A member or the individual acting on the member's behalf chooses to no longer receive Waiver services;
(2) A member is incarcerated;
(3) A member is financially ineligible to receive Waiver services;

(4) A member is determined by SSA to no longer have a disability qualifying the individual for services under these Waivers;
(5) A member is determined by the OHCA LOCEU to no longer be eligible;
(6) A member moves out of state or the custodial parent or guardian of a member who is a minor moves out of state;
(7) A member is admitted to a nursing facility, ICF/IID, residential care facility, hospital, rehabilitation facility, or mental health facility for more than thirty (30) consecutive calendar days;
(8) The guardian of a member who is a minor or adjudicated adult fails to cooperate during the annual review process, per OAC 340:100-5-50 through 340:100-5-58;
(9) The guardian of a member who is a minor or adjudicated adult fails to cooperate in the implementation of the OKDHS rule or service delivery in a manner that places the health or welfare of the member at risk, after efforts to remedy the situation through Adult Protective Services or Child Protective Services were not effective;
(10) The member is determined to no longer be SoonerCare eligible;
(11) There is sufficient evidence the member or the individual acting on the member's behalf engaged in fraud or misrepresentation, failed to use resources as agreed on in the Individual Plan, or knowingly misused public funds associated with these services;
(12) The member or the individual acting on the member's behalf either cannot be located, did not respond, or did not allow case management to complete plan development or monitoring activities as required, per OAC 340:100-3-27, and the member or the individual acting on the member's behalf:
(A) Does not respond to the notice of intent to terminate; or
(B) The response prohibits the case manager from being able to complete plan development or monitoring activities as required, per OAC 340:100-3-27;
(13) The member or the individual acting on the member's behalf fails to cooperate with the case manager to implement a Fair Hearing decision;
(14) It is determined services provided through an HCBS Waiver are no longer necessary to meet the member's needs and professional documentation provides assurance the member's health, safety, and welfare can be maintained without Waiver supports;
(15) The member or the individual acting on the member's behalf fails to cooperate with service delivery;
(16) A family member, the individual acting on the member's behalf, other individual in the member's household, or persons who routinely visit, pose a threat of harm or injury to provider staff or official OKDHS representatives; or
(17) A member no longer receives a minimum of one (1) Waiver service per month and DDS is unable to monitor the member on a monthly basis.

(j) **Reinstatement of services.** Waiver services are reinstated when:
(1) The situation resulting in case closure of a Hissom class member is resolved;
(2) A member is incarcerated for ninety (90) calendar days or less;
(3) A member is admitted to a nursing facility, ICF/IID, residential care facility, hospital, rehabilitation facility, or mental health facility for ninety (90) calendar days or less; or
(4) A member's SoonerCare eligibility is re-established within ninety (90) calendar days of the SoonerCare ineligibility date.

SUBCHAPTER 5. MEMBER SERVICES

PART 11. OTHER COMMUNITY RESIDENTIAL SUPPORTS

317:40-5-155. Extensive residential supports (ERS) [NEW]

(a) **Introduction.** ERS are provided by an agency, approved by Developmental Disabilities Services (DDS), that has a valid Oklahoma Health Care Authority contract for the service.
(1) ERS provide up to twenty-four (24) hours per day of direct support services, including the provision of more than one staff when the needs of the member indicate additional supports are required.
(2) ERS provides a level of supervision necessary to keep the member safe in the home and in the community and to assist the member with obtaining desired outcomes identified in the member's Individual Plan (Plan).

(b) **Provider approval criteria**. Prospective providers of ERS must demonstrate a history of effective services and supports to persons with challenging behaviors per OAC 340:100-5-57(c), emotional challenges or community protection needs. Provider approval requires review of historical information, when available, from DDS Quality Assurance Unit and Residential Unit. The DDS director or designee must approve the location of the home prior to the implementation of services. Each prospective provider submits written documentation of:

(1) a history of services to persons who present challenging behaviors, emotional challenges, or community protection needs, including:

(A) past experience;

(B) number of persons served;

(C) provider's perspective on the greatest challenges in serving persons eligible for ERS services; and

(D) provider's philosophy for service provision;

(2) financial viability through fiscal information when requested, including the anticipated budget related to the rate for ERS services;

(3) service provision plans, including:

(A) anticipated number of homes;

(B) location;

(C) gender to be served;

(D) population to be served; and

(E) availability of psychological, psychiatric, vocational and educational services in the proposed location;

(4) plans for staffing and program coordination; and

(5) staff qualifications, including any additional training provided.

(c) **Services provided.** Services and supports are based on person-centered principles and practices and consistent with OAC 317:40-1-3. The service includes but is not limited to:

(1) program supervision and oversight, which includes:

(A) 24-hour availability of response staff to:

(i) meet schedules or unpredictable needs in a way that promotes maximum dignity and independence; and

(ii) provide supervision, safety and security consistent with the program described in the member's Plan; and

(B) staff who are available to respond to a crisis to:

(i) help ensure safety; and

(ii) assist the member to self-regulate to help prevent placement disruption;

(2) behavioral support, which includes supporting the member in being a valued member of the community. Challenging interactions may include but are not limited to:

(A) physical or verbal aggression;

(B) sexually unsafe behaviors or actions;

(C) victimizing other people or animals;

(D) property destruction;

(E) self-harm;

(F) suicidal ideations or attempts; and

(G) stealing or other illegal behavior;

(3) activities of daily living, which includes instruction, hands-on support, supervision, modeling or prompting to:

(A) eat;

(B) bathe;

(C) dress;

(D) toilet;

(E) complete personal hygiene;

(F) transfer;

(G) complete housework;

(H) manage money;

(I) engage in community safety;

(J) participate in recreation;

(K) engage in socialization;

(L) manage health;

(M) manage medication; or
(N) attend school and other community-based educational opportunities;
(4) coordinating overall safety and supports in the home;
(5) self-advocacy training and support, which includes, but is not limited to:
(A) training and assistance in supported decision making;
(B) accessing needed services;
(C) asking for help;
(D) recognizing and reporting abuse, neglect, mistreatment, or exploitation of self,
(E) responsibility for one's own actions; and
(F) participation in all meetings;
(6) development of communication skills;
(7) assistance with:
(A) emergency planning;
(B) safety planning;
(C) fire, weather and disaster drills; and
(D) crisis intervention;
(8) community access support to enhance the abilities and skills necessary for the member to access typical activities and functions of community life.
(A) Accessing the community includes providing a wide variety of opportunities which may include:
(i) development of social, communication and other skills needed to successfully participate in the desired communities;
(ii) facilitating and building natural relationships in the desired communities;
(iii) participating in community education experiences or training;
(iv) participating in volunteer activities the member finds interesting and desirable;
(v) exploring and understanding available public transportation options; and
(vi) participating in pre-employment and employment activities;
(B) Services are conducted in a variety of settings in which members interact with individuals without disabilities. Services may include:
(i) social skill development;
(ii) adaptive skill development; and
(iii) personnel to accompany and support the member in community settings; and
(9) implementation of recommended and approved follow-up counseling, behavioral, or other therapeutic interventions;
(10) implementation of services delivered under the direction of a licensed or certified professional in that discipline including, but not limited to:
(A) family training;
(B) psychological services;
(C) counseling services;
(D) physical therapy;
(E) occupational therapy; and
(F) speech therapy;
(11) medical and health care services that are integral to meeting the daily needs of the member, which include, but are not limited to:
(A) routine administration of medications; and
(B) tending to the medical needs of members;
(12) the provision of staff training per Oklahoma Administrative Code (OAC) 340:100-3-38.14, to meet the specific needs of the member; and
(13) assisting the member in obtaining services and supplies.
(d) **Eligibility.** ERS are provided to members who:
(1) have challenging behaviors, emotional challenges, or community protection needs and require additional supports to enable them to reside successfully in community settings. These services are designed to assist members to acquire, retain and improve the self-help, socialization, and adaptive skills necessary to remain in the community;
(2) have needs that cannot be met in other traditional community settings;
(3) participate in the DDS Community Waiver, per OAC 317:40-1-1;
(4) need community residential services outside the family home;

(5) do not receive:
(A) home-and community-based services options per OAC 340:100-5-22.1;
(B) group home services per OAC 317:40-5-152;
(C) habilitation training specialist per OAC 317:40-5-110;
(D) respite care per OAC 317:30-5-517;
(E) homemaker per OAC 317:30-5-535; and
(F) intensive personal supports per OAC 317:40-5-151; and
(6) are eighteen (18) years of age or older, unless approved by the DDS director or designee.

(e) **Service requirements.** ERS must be:
(1) included in the member's Plan per OAC 340:100-5-51, including a description of the type(s) and intensity of supervision and assistance that must be provided to the member;
(2) authorized in the member's Plan of Care (POC);
(3) provided by the contracted provider agency chosen by the member or guardian;
(4) delivered per OAC 340:100-5-22.1; and
(5) provided directly to the member.

(f) **Home Requirements.** ERS are provided to eligible members living outside the family's home in a home:
(1) licensed by Oklahoma Human Services (OKDHS) Child Care Services when the member is a child in custody of OKDHS, Child Welfare Services; or
(2) leased or owned by the member receiving services.

(g) **Responsibilities of provider agencies.** Each agency providing ERS ensures:
(1) ongoing supports are available as needed when the member is out of the home visiting family and friends, or hospitalized for psychiatric or medical care;
(2) compliance with all applicable DDS policy found at OAC 340:100; and
(3) that trained staff are available to the member as described in the Plan.
(4) a trainer of a nationally recognized person-centered planning program approved by DDS is employed as a member of the provider's leadership team or is contracted with the provider.
(5) A background investigation is conducted on staff per OAC 340:100-3-39.
(6) staff identified to work with children complete a Federal Bureau of Investigation (FBI) national criminal history search, which is based on the staff's fingerprints.

(h) **ERS claims.** No more than one unit of ERS per day may be billed.
(1) The provider agency claims one unit of service for each day during which the member receives ERS. A day is defined as the period between 12:00 a.m. and 11:59 p.m.
(2) Claims must not be based on budgeted amounts.
(3) When a member changes provider agencies, only the outgoing service provider agency claims for the day that the member moves.

(i) **Therapeutic leave.** ERS provides for therapeutic leave payments to enable the provider agency to retain direct support staff.
(1) Therapeutic leave is claimed when the member does not receive ERS services for 24-consecutive hours from 12:00 a.m. to 11:59 p.m. because of:
(A) a visit with family or friends without direct support staff;
(B) vacation without direct support staff; or
(C) hospitalization, whether direct support staff are present or not. ERS staff may be present with the member in the hospital as approved by the member's Personal Support Team (Team) in the Plan but are not responsible for the care of the patient.
(2) Therapeutic Leave must be authorized and documented in the POC.
(3) A member may receive therapeutic leave for no more than fourteen (14) consecutive days per event, not to exceed sixty (60) calendar days per POC year.
(4) The payment for a day of therapeutic leave is the same amount as the per diem rate for ERS.
(5) To promote continuity of staffing in the member's absence, the provider agency pays the staff member the salary that he or she would have earned if the member was not on therapeutic leave or provides the staff member a temporary, alternative work opportunity.

(j) **Transition.** Teams plan for a service recipient's transition to appropriate services when it is determined ERS is no longer necessary.
(1) Within six months of the service recipient's admission to ERS, the Team develops measurable, reasonable criteria for the service recipient's transition to a less restrictive environment that are:
(A) based on findings of the risk assessment completed by the Team per OAC 340:100-5-56.

(B) included in a written plan submitted to designated DDS State Office staff; and
(C) reviewed at least annually by the Team.
(2) All transitions from ERS must be approved by designated DDS State Office staff. DDS State Office staff may adjust the transition date when necessary.
(k) **DDS-initiated transition.** The DDS director or designee may initiate the transition process for a member receiving ERS who can be effectively served in another residential environment.

[OAR Docket #24-1000; filed 11-4-24]

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

[OAR Docket #24-1179]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 1. General Provisions
442:10-1-4. Definitions [AMENDED]
Subchapter 4. Research Facilities and Education Facilities
442:10-4-2. Licenses [AMENDED]
Subchapter 5. Medical Marijuana Businesses
442:10-5-2. Licenses [AMENDED]
442:10-5-16. Prohibited acts [AMENDED]
Subchapter 7. Packaging, Labeling, and Advertising
442:10-7-1. Labeling and packaging [AMENDED]
442:10-7-2. Prohibited products [AMENDED]
Subchapter 8. Laboratory Testing
442:10-8-3. Sampling requirements and procedures [AMENDED]
Subchapter 9. Waste Disposal Facilities
442:10-9-2. Licenses and permits [AMENDED]
AUTHORITY:
Executive Director of the Oklahoma Medical Marijuana Authority; 63 O.S. § 427.14, 63 O.S. § 427.14c, and 63 O.S. § 431.1.
COMMENT PERIOD:
N/A
PUBLIC HEARING:
N/A
ADOPTION:
October 23, 2024
EFFECTIVE:
Immediately upon Governor's approval
APPROVED BY GOVERNOR:
October 29, 2024
EXPIRATION:
Effective through September 14, 2025, unless superseded by another rule or disapproved by the Legislature.
SUPERSEDED EMERGENCY ACTIONS:
SUPERSEDED RULES:
442:10-1-4. Definitions [AMENDED]
442:10-4-2. Licenses [AMENDED]
442:10-5-2. Licenses [AMENDED]
442:10-8-3. Sampling requirements and procedures [AMENDED]
442:10-9-2. Licenses and permits [AMENDED]
GUBERNATORIAL APPROVAL:
August 16, 2024

Emergency Adoptions

REGISTER PUBLICATION:
42 Ok Reg 18
DOCKET NUMBER:
24-924
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 SB1939 and HB3361 and address changes in statute under 63 O.S. § 427.14, 427.14c, and 431.1. The emergency rules are intended to provide a structure for the implementation of these legislative requirements. Permanent rules implementing the requirements set forth in the new legislation cannot be promulgated until 2025.
GIST/ANALYIS:
Changes to required application materials like ownership transfers, pursuant to SB1939, occur at OAC 442:10-3-1(c-e), OAC 442:10-4-2(c)(2); OAC 442:10-4-2(e)(A)(i); OAC 442:10-4-3(e); OAC 442:10-5-2(c); OAC 442:10-5-2(e); OAC 442:10-5-3(e)(8-9); and OAC 442:10-9-3(e)(9). New definitions for “change of ownership request”, “license transfer application”, “location change request”, and “name change request” provide clarification of the new ownership transfer requirements pursuant to SB1939 and are added to definitions at OAC 442:10-1-4. Updated timeframes to submit renewal applications pursuant to SB1939 are incorporated at OAC 442:10-4-2(c)(6) and OAC 442:10-5-2(c)(5). Specific location prohibitions regarding multiple licenses of the same type pursuant to SB1939 are added to OAC 442:10-5-2(b)(2). Amendments regarding ownership transfers pursuant to SB1939 are added to OAC 442:10-4-2(e); OAC 442:10-5-2(e); and OAC 442:10-9-2(e)(2). Language regarding the possession, sale, or transfer of medical marijuana upon expiration of a license are added to OAC 442:10-4-2(d); OAC 442:10-5-2(d); and OAC 442:10-9-2(d)(1) as required by SB1939. Rules requiring medical marijuana to be sold in pre-packaged quantities pursuant to HB3361 are added to OAC 442:10-7-1 and OAC 442:10-7-2. Specific prohibitions regarding opening pre-packaged products are added to OAC 442:10-5-16(s).
CONTACT PERSON:
Ashley Crall, Director of Government Affairs, 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 1. GENERAL PROVISIONS

442:10-1-4. Definitions [AMENDED]

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

"Actively operating" or **"Actively conducting business operations"** means a commercial licensee that possesses, sells, purchases or transfers medical marijuana and/or medical marijuana products to or from its licensed premises in a regular or seasonal capacity.

"Advertising" means the act of providing consideration for the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to induce directly or indirectly any person to patronize a particular medical marijuana business or to purchase any particular medical marijuana or medical marijuana products. "Advertising" includes marketing but does not include packaging and labeling.

"Alcoholic beverage" means *alcohol, spirits, beer and wine and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings* [37A O.S. § 1-103].

"Applicant" means the natural person or entity in whose name a license would be issued.

"Application status" means the status of a submitted application and includes the following:

(A) **"Submitted"** means the application has been submitted but a review is not yet complete;

(B) **"Rejected"** means the application has been reviewed but contains one or more errors requiring correction by the applicant before a final determination on the application can be made. "Rejected" does not mean the application is denied;

(C) **"Approved"** means the application has been approved and that a license will be issue and mailed to the applicant; and

(D) **"Denied"** means the applicant does not meet the qualifications under Oklahoma law and this Chapter for a license.

"Authority" or **"OMMA"** means the Oklahoma Medical Marijuana Authority.

"Batch number" means a unique numeric or alphanumeric identifier assigned prior to any testing to allow for inventory tracking and traceability.

"Business license" means a license issued by the Authority to a medical marijuana dispensary, grower, processor, testing laboratory, or transporter.

"Cannabinoid" means any of the chemical compounds that are active principles of marijuana.

"Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering marijuana plants.

"Caregiver" means a family member or assistant who regularly looks after a licensed medical marijuana patient license holder whom a physician attests needs assistance.

"CFR" means the Code of Federal Regulations, the compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government which is published by the U.S. Government Printing Office. Citations in this Chapter to the CFR refer sequentially to the Title, Part and Section numbers.

"Change of ownership request" means any request submitted to the Authority that would change, amend, or in any way alter the ownership of a medical marijuana commercial license, including, but not limited to:

(A) Any shareholders owning an interest of a corporate entity and all officers of a corporate entity;

(B) Any partners of a general partnership;

(C) Any general partners and all limited partners that own an interest in a limited partnership;

(D) Any members that own an interest in a limited liability company;

(E) Any beneficiaries that hold a beneficial interest in a trust and all trustees of a trust;

(F) Any persons or entities that own interest in a joint venture;

(G) Any persons or entities that own an interest in an association;

(H) Any owners of any other type of legal entity; and

(I) Any other person holding an interest or convertible note in any entity which owns, operates, or manages a licensed medical marijuana facility.

"Child-resistant" means packaging that is:

(A) Designed or constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 CFR § 1700.15 (1995) and 16 CFR § 1700.20 (1995); and

(B) Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

"Clone" means a non-flowering plant cut from a mother plant that is capable of developing into a new plant and has shown no signs of flowering.

"COA" means certificate of analysis.

"Commercial license" means any license issued to an individual or entity that is not a patient, caregiver, or transporter agent.

"Commercial licensee" means an individual or entity issued a commercial license and does not mean a patient, caregiver, or transporter agent.

"Complete(d) application" means a document prepared in accordance with Oklahoma law, these Rules, and the forms and instructions provided by the Authority, including any supporting documentation required by the Authority and the license fee.

"Decontamination" means a ~~type of remediation~~ process that attempts to remove or reduce to an acceptable level a contaminant exceeding an allowable threshold set forth in these Rules without changing or altering the medical marijuana form ~~in a harvest batch, provided it is not processed into a solvent-based concentrate~~.

"Director" or **"Executive Director"** means the Executive Director of the Oklahoma Medical Marijuana Authority.

"Dispense" means the retail selling of medical marijuana or medical marijuana products that are packaged and labeled in accordance with the law to a licensed patient, the licensed patient's parent(s) or legal guardian(s) if licensed patient is a minor, or a licensed caregiver.

"Dispensary" or **"Commercial dispensary"** means an individual or entity that has been issued a medical marijuana business license by the Authority, which allows the dispensary to purchase medical marijuana or medical marijuana products from a licensed processor, grower, or dispensary; to sell medical marijuana and medical marijuana products to a licensed patient, to a licensed caregiver, and to the licensed patient's parent(s) or legal guardian(s) if licensed patient is a minor; to prepare and package noninfused pre-rolled medical marijuana with a net weight that does not exceed one (1) gram to sell to medical marijuana patients and caregivers; and to sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana or medical marijuana products to another licensed dispensary, a research facility, and an educational facility; and to transfer samples to testing laboratories.

"Dispose" or **"Disposal"** means the disposition of medical marijuana waste by either a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.

"Disqualifying criminal conviction" means:

(A) Any non-violent felony conviction within last two (2) years of submitting an application to the Authority;

(B) Any violent felony conviction for an offense listed in 57 O.S. § 571(2) within last five (5) years of submitting an application to the Authority; or

(C) Incarceration for any reason during submission of application to the Authority.

"Education facility" means an individual or entity that has been issued a license by the Authority to operate a facility providing training and education to individuals involving the cultivation, growing, harvesting, curing, preparing, packaging, or testing of medical marijuana, or the production, manufacture, extraction, processing, packaging, or creation of medical-marijuana-infused products or medical marijuana products for the limited education and research purposes permitted under state and federal law and these Rules; to transfer, by sale or donation, medical marijuana grown within its operation to licensed research licensees; and to transfer samples to licensed testing laboratories.

"Entity" means an individual, sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

"Entrance to a private or public school" means an opening, such as a door, passage, or gate, that allows access to any public or private schools, including school buildings, facilities, or other indoor and outdoor properties utilized for classes or school activities.

"Error in measurement" means a mistake made by the Authority or a municipality in the setback measurement process where either the distance between a medical marijuana dispensary and a school is miscalculated due to mathematical error or the methods used to measure the setback distance is inconsistent with 63 O.S. § 425(G).

"Error in measurement allowance" means an allowance of an error in measurements of the distance between a medical marijuana dispensary and a school up to and including five hundred (500) feet when remeasured after an original license has been issued.

"Exit package" means an opaque bag that is provided at the point of sale in which pre-packaged medical marijuana is placed.

"Final harvest batch" means a specifically identified quantity of medical marijuana that is:

(A) uniform in strain;

(B) cultivated utilizing the same cultivation practices;

(C) harvested at the same time from the same location;

(D) cured under uniform conditions; and

(E) completed and ready for consumption prior to transfer to a licensed medical marijuana dispensary.

"Final product" ~~or **"Final medical marijuana product"**~~ means ~~any finished medical marijuana product that has been infused with a concentrate or that has been further processed and is in the form in which it will be sold to medical marijuana patients and caregivers, meaning no other ingredients or additives will be infused or otherwise added into the product~~ the finished product that is available for transport to licensed medical marijuana dispensaries and ready for consumption by licensed medical marijuana patients.

"Final production batch" means

(A) any amount of medical marijuana finished product of the same category and produced using the same extraction methods, standard operating procedures, meeting all applicable law, rules, and regulations required by the Oklahoma Medical Marijuana and Patient Protection Act prior to transfer to a licensed medical marijuana dispensary, licensed medical marijuana patient, or licensed medical marijuana caregiver; or

(B) any amount of medical marijuana finished product of the same exact type, produced using the same ingredients, standard operating procedures, and the same production batch of medical marijuana concentrate.

"Flower" means the reproductive organs of the marijuana or cannabis plant referred to as the bud or parts of the plant that are harvested and used for consumption in a variety of medical marijuana products.

"Flowering" means the reproductive state of the marijuana or cannabis plant in which there are physical signs of flower or budding out of the nodes of the stem.

"Food" means *articles used for food or drink for man, (2) chewing gum, and (3) articles used for components of any such article* [63 O.S. § 1-1101] and *any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption* [OAC 310:257-1-2 and OAC 310:260-1-6].

"Grower" or **"Commercial grower"** means an individual or entity that has been issued a medical marijuana business license by the Authority, which allows the grower to grow, harvest, dry, cure, package medical marijuana and noninfused pre-rolled medical marijuana with a net weight that does not exceed one (1) gram, to sell, transfer, and transport or contract with a commercial transporter for the transport of medical marijuana in accordance with Oklahoma law and this Chapter to a dispensary, processor, grower, research facility, education facility, or samples to a testing laboratory, and includes the following:

(A) **"Indoor grow"** means an indoor, greenhouse, or light deprivation medical marijuana grow facility;

(B) **"Greenhouse"** means a structure located outdoors that is completely covered by a material that allows a controlled level of light transmission;

(C) **"Light deprivation"** means a structure that has concrete floors and the ability to manipulate natural light; and

(D) **"Outdoor grow"** means an outdoor medical marijuana grow facility that does not include any indoor, greenhouse, or light deprivation medical marijuana grow facilities.

"Harvest batch" means a specifically identified quantity of usable medical marijuana, not to exceed harvest batch sizes allowable under OAC 442:10-8-1(b), that is uniform in strain, cultivated utilizing the same cultivation practices, harvested at the same time from the same location, and dried or cured under uniform conditions. For purposes of this Chapter, “harvested at the same time” refers to medical marijuana harvested during a single continuous harvest process that may exceed one (1) day.

"Hazardous processor license" means a license issued to a medical marijuana processor that performs an extraction method that utilizes chemicals considered hazardous by the OSHA Hazard Communication Standard under 29 CFR § 1910.1200.

"Immature plant" means a nonflowering marijuana plant that has not demonstrated signs of flowering.

"Indirect beneficial owner" means an individual or entity who indirectly, through any contract, arrangement, understanding, relationship or otherwise, owns ten percent (10%) or more of the equity interests of a grower, processor, or dispensary.

"Information panel" means the same definition as set forth in 21 CFR § 101.2 and means "that part of the label immediately contiguous and to the right of the principal display panel as observed by an individual facing the principal display panel."

"Infused pre-roll" means pre-rolled medical marijuana into which cannabis concentrate, extracts, derivatives, or other ingredients have been incorporated.

"Integration" or **"Integrated"** means a third-party vendor's software application or a software service that has been fully validated to share inventory tracking or other data directly with the State inventory tracking system via a secure Application Programming Interface ("API").

"Inventory tracking system" or **"State inventory tracking system"** means the required tracking system established by the Authority that accounts for medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana product is sold to a patient at a medical marijuana dispensary, disposed of in accordance with these Rules, or used in a research project by a medical marijuana research facility, meaning that the State's inventory tracking system accounts for the entire life span of medical marijuana and medical marijuana products, including any testing samples thereof and medical marijuana waste.

"Kief" means the resinous trichomes of marijuana that have been separated from the marijuana plant.

"Label" means the same definition as set forth in 63 O.S. § 1-1101 and *means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if there be any, of the retail package of such article, or is easily legible through the outside container or wrapper.*

"License" means a state issued license or other state issued documentation proving the holder of such license is a member of a state-regulated medical marijuana program.

"License number" means the unique multi-character identifier issued and printed upon each license.

"Licensee" means any natural born person or entity that holds a medical marijuana license provided for in this Chapter, excluding inmates of any local, county, state, or federal correctional facility or jail.

"Licensed packager" means as used in 63 O.S. § 422(C) a processor.

"Licensed premises" means the premises specified in an application for a medical marijuana business, research facility, education facility, or waste disposal facility that is owned or in lawful possession of the licensee and within which the licensee is authorized to operate.

"License transfer application" means any request submitted to the Authority in the form or manner prescribed by the Authority that would do one of the following:

(A) Transfer a medical marijuana commercial license from a prior owner to a new owner;

(B) Change, amend, or in any way alter the location of the licensed premises due to a change in ownership;

(C) Change, amend, or alter in any way the business name or individual or entity holding the license;

"Location change request" means any request submitted to the Authority that would change, amend, or alter in any way the location of the licensed premises.

"Lot" means the food produced during a period of time indicated by a specific code.

"Marijuana" means the same as the term that is defined in 63 O.S. § 2-101 and shall not include any plant or material containing delta-8 or delta-10 tetrahydrocannabinol which is grown, processed or sold pursuant to the provisions of the Oklahoma Industrial Hemp Program.

"Material change" means any change that would affect the qualifications for licensure of an applicant or licensee.

"Mature plant" means harvestable female marijuana plant that is flowering.

"Medicaid" means the program that is also commonly known in Oklahoma as "SoonerCare."

"Medical marijuana" means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.

"Medical marijuana business" means an individual or entity licensed by the Authority as a medical marijuana dispensary, grower, processor, testing laboratory, or transporter.

"Medical marijuana concentrate" or **"Concentrate"** means a substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived. Categories of concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate, solvent-based concentrate, and heat- or pressure-based medical marijuana concentrate as those terms are defined in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

"Medical marijuana infused product" means a product infused with medical marijuana including, but not limited to, edible products, ointments, tinctures and infused pre-rolls.

"Medical marijuana product" means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a licensed patient, including but not limited to concentrates, oils, tinctures, edibles, pills, topical forms, gels, creams, and other derivative forms, except that this term does not include live plant forms.

"Medical marijuana research" means research on medical marijuana and medical marijuana products for public purposes, including the advancement of (A) Public health policy and public safety policy, (B) Agronomic and horticultural best practices, and (C) Medical and pharmacopoeia best practices. For purposes of this Chapter, this term does not include biomedical and clinical research that is subject to federal regulations and institutional oversight and shall not be subject to Authority oversight.

"Medical marijuana waste" means

(A) unused, surplus, returned or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts, except the term shall not include seeds, roots, stems, stalks and fan leaves,

(B) all product which is deemed to fail laboratory testing and cannot be remediated or decontaminated, or

(C) all products and inventory from commercial licensees that:

(i) have gone out of business;

(ii) are not subject to the provisions of Section 1560 of Title 12 of the Oklahoma Statute; and

(iii) are unable to lawfully transfer or sell the product and inventory to another commercial licensee.

"Minor" means any natural person younger than eighteen (18) years of age.

"Mother plant" means a marijuana plant that is grown or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to a processor or dispensary.

"Municipality" means the same definition as set forth in the Oklahoma Municipal Code, 11 O.S. § 1-102, and "*means any incorporated city or town*."

"Name change request" means any request submitted to the Authority that would change, amend, or alter in any way the business name or individual or entity holding the license. Name change requests must be submitted in a license transfer application.

"Nonhazardous processor license" means a license issued by the Authority to a processor that will not perform any processing or extraction methods that utilize a chemical considered hazardous by the OSHA Hazard Communication Standard under 29 CFR § 1910.1200.

"Noninfused pre-roll" means pre-rolled medical marijuana that consist only of flower, shake, or trim, and may include unflavored paper, a filter, tip, or cone. This product shall not include marijuana concentrates, extracts, derivatives, or any other ingredients.

"Nonliquid medical marijuana product" means a substance obtained by separating cannabinoids that have been extracted from plant material by physical or chemical means and is not a liquid, meaning that it does not conform to a container in which it is placed. Examples include wax, budder, shatter, and hash.

"Nonoperational" means a commercial licensee that cannot provide proof that it is actively operating or working towards operational status.

"Officer of a corporate entity" or **"Principal officer"** means an officer identified in the corporate bylaws, articles of organization or other organizational documents, or in a resolution of the governing body.

"Officer of a municipality" means *any person who is elected to an office in municipal government or is appointed to fill an unexpired term of an elected office, and the clerk and the treasurer whether elected or appointed* [11 O.S. § 1-102].

"Oklahoma resident" or **"Resident"** means an individual who can provide proof of residency as required by OAC 442:10-1-6 (relating to proof of residency) or OAC 442:10-5-3.1 (relating to proof of residency for commercial business licensees).

"Oklahoma uniform symbol" or **"Universal symbol"** means the image, established by the Authority and made available to commercial licensees through the OMMA website, which indicates the package contains medical marijuana or medical marijuana products with THC and must be printed at least one-half inch in size by one-half inch in size in the color designated by the Authority.

"Openly in existence" means any building, location, or structure on a school site that has visible outward markings indicating the building, location, or structure was operating as a school which would serve as sufficient notice of the existence of the school or a reason for further inquiry on the part of the medical marijuana dispensary license applicant. "Openly in existence" shall not mean any school that operated secretly or discreetly without any signs or other markings on any building, location, or structure on the school site, undeveloped land or a structure owned by a school that was not openly used and marked as a school site, or any school site that was established after the medical marijuana dispensary had been established and licensed by the Authority.

"Organic" means the same as the term defined in the National Organic Program codified at 7 CFR § 205.2. This includes the terms "organically produced" as set forth in 7 U.S.C. § 6502(15) and "100 percent organic" and "made with organic (specified ingredients or food group(s))" as set forth in 7 CFR § 205.102.

"Out-of-state medical marijuana patient license" means an unexpired medical marijuana patient license issued by another U.S. state, which is the substantial equivalent of the Oklahoma medical marijuana patient license issued pursuant to OAC 442:10-2-1 and OAC 442:10-2-2.

"Owner" means, except where the context otherwise requires, a direct beneficial owner, including, but not limited to, all persons or entities as follows:

(A) All shareholders owning an interest of a corporate entity and all officers of a corporate entity;
(B) All partners of a general partnership;
(C) All general partners and all limited partners that own an interest in a limited partnership;
(D) All members that own an interest in a limited liability company;
(E) All beneficiaries that hold a beneficial interest in a trust and all trustees of a trust;
(F) All persons or entities that own interest in a joint venture;
(G) All persons or entities that own an interest in an association;
(H) The owners of any other type of legal entity; and
(I) Any other person holding an interest or convertible note in any entity which owns, operates, or manages a licensed medical marijuana facility.

"Package" or **"Packaging"** means any container or wrapper that a medical marijuana business may use for enclosing or containing medical marijuana or medical marijuana products, except that "package" or "packaging" shall not include any carry-out bag or other similar container.

"Patient" or **"Licensed patient"** means a person that has been properly issued a medical marijuana license pursuant to Oklahoma law and these Rules.

"Pesticide" means

(A) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or

(B) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. "Pesticide" shall not include any article that is a "new animal drug" as designated by the United States Food and Drug Administration.

"Physician" or **"Oklahoma Physician"** means a doctor of medicine, a doctor of osteopathic medicine, or a doctor of podiatric medicine who holds a valid, unrestricted and existing license to practice in the State of Oklahoma.

"Plant material" means the leaves, stems, buds, and flowers of the marijuana plant, and does not include seedlings, seeds, clones, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.

"Political subdivision" means any county or municipal governments.

"Preschool" means a public early childhood education program offered under 70 O.S. §§ 11-103.7 and 1-114 (B) or similar program offered by a private school whose primary purpose is to offer educational (or academic) instruction. Preschool does not include a homeschool, daycare, or child care facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.

"Principal display panel" has the same definition as set forth in 21 CFR § 101.1 and "means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale."

"Private school" means an elementary, middle, or high school maintained by private individuals, religious organizations, or corporations, funded, at least in part, by fees or tuition, and open only to pupils selected and admitted based on religious affiliations or other particular qualifications. "Private school" shall not include a homeschool, daycare, or child care facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq.

"Process" means to distill, extract, manufacture, prepare, or otherwise produce a medical marijuana product.

"Processor" or **"Commercial processor"** means an individual or entity that has been issued a medical marijuana business license by the Authority, which allows the processor to: purchase medical marijuana or medical marijuana products from a grower or processor; process, package, sell, transfer, and transport or contract with a commercial transporter to transport medical marijuana and medical marijuana products that they processed to a licensed dispensary, processor, or samples to a testing laboratory in accordance with Oklahoma law and this Chapter; and process medical marijuana received from a licensed patient into a medical marijuana concentrate, for a fee. Processors will receive either a hazardous processor license or a non-hazardous processor license based on the type of chemicals the processor will be utilizing in the extraction process in accordance with these Rules.

"Production batch" means

(A) Any amount of medical marijuana concentrate or nonliquid medical marijuana products, not to exceed production batch sizes allowable under OAC 442:10-8-1(b), of the same category and produced using the same extraction methods, standard operating procedures, and an identical group of harvest batch of medical marijuana; ~~and~~ or

(B) Any amount of ~~finished~~ medical marijuana product, not to exceed production batch sizes allowable under OAC 442:10-8-1(b), of the same exact type, produced using the same ingredients, standard operating procedures, and same production batch of medical marijuana concentrate or same harvest batch of medical marijuana.

"Public institution" means any entity established or controlled by the federal government, state government, or a local government or municipality, including, but not limited, institutions of higher education and related research institutions.

"Publicly traded company" means a business entity organized under the laws of the United States or Canada where the domicile for the business entity permits the sale of marijuana and such business entity has a class of securities that are registered and traded for investment pursuant to the Securities Exchange Act of 1934 or listed and traded for investment on a reputable recognized foreign stock exchange or foreign market.

"Public money" means any funds or money obtained from any governmental entity, including, but not limited to, research grants.

"Public school" means an elementary, middle, high school, or technology center school established under state law, regulated by the local state authorities in the various political subdivisions, funded and maintained by public taxation, and open and free to all children of the particular district where the school is located.

"Quality assurance laboratory" means a laboratory designated by the Authority to conduct surveillance of testing laboratories for compliance purposes.

"Readily accessible" means that a licensee can immediately produce the documentation upon the Authority's request.

"Registered to conduct business" means any individual or entity that is required under Oklahoma law to register with the Oklahoma Secretary of State and has provided sufficient proof to the Authority of its good standing with such.

"Remediation" means the process by which ~~a harvest batch or production batch that fails testing undergoes a procedure to remedy the harvest batch or production batch failure and is retested~~medical marijuana flower or trim, which has failed testing, is processed into solvent-based medical marijuana concentrate and the final product is tested in accordance with Oklahoma law and these Rules.

"Research project" means a discrete scientific endeavor to answer a research question or a set of research questions related to medical marijuana and is required for a medical marijuana research license.

"Research facility" means an individual or entity that has been issued a license by the Authority to grow, cultivate, possess, and transfer samples to testing laboratories, and to transfer by sale or donation to other licensed research facilities, medical marijuana for the limited research purposes permitted under state and federal law and these Rules.

"Retailer" or **"Retail marijuana establishment"** as used in 63 O.S. § 420 et seq. means an entity licensed by the Oklahoma Medical Marijuana Authority as a medical marijuana dispensary.

"Revocation" means the Authority's final decision in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq., that any license issued by the Authority pursuant to Oklahoma law and this Chapter is rescinded.

"Rules" means, unless otherwise indicated, the rules as adopted and set forth in OAC 442:10.

"Sampler" means a person who is employed by or is an owner of a licensed laboratory, dispensary, grower, or processor and is authorized by that employer to collect samples in accordance with the testing laboratory's standard operating procedures and these Rules.

"Seedling" means a marijuana plant that has no flowers.

"Seed-to-sale tracking system" means an electronic inventory tracking system utilized by a commercial licensee to track inventory, any steps through the process of cultivating or manufacturing medical marijuana and/or medical products, transactions with other licensees, testing, and other required information for the purpose of reporting that information to the Authority in accordance with Oklahoma law, rules, and regulations.

"Shipping container" means a hard-sided container with a lid or other enclosure that can be secured into place. A shipping container is used solely for the transport of medical marijuana, medical marijuana concentrate, or medical marijuana products between medical marijuana businesses, a medical marijuana research facility, or a medical marijuana education facility.

"State question" means Oklahoma State Question No. 788 and Initiative Petition Number 412.

"Strain" means the name given to a particular variety of medical marijuana that is based on a combination of factors which may include, but is not limited to, botanical lineage, appearance, chemical profile, and accompanying effects. An example of a "strain" would be "OG Kush" or "Pineapple Express".

"Tamper-evident" means a seal, security tape, or marking that has one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.

"Terpenoids" means isoprenes that are the aromatic compounds found in cannabis, including, but not limited to those listed at OAC 442:10-8-1(i)(7)(A).

"Testing laboratory" or **"Laboratory"** means a public or private laboratory licensed pursuant to state law and these Rules to conduct testing and research on samples of medical marijuana and medical marijuana products.

"THC" means tetrahydrocannabinol, which is the primary psychotropic cannabinoid formed by decarboxylation of naturally occurring tetrahydrocannabinolic acid, which generally occurs by exposure to heat.

"Transporter" or **"Commercial transporter"** means an individual or entity issued a medical marijuana commercial license by the Authority, which allows the transporter to transport, store, and distribute, but not take ownership of, medical marijuana and medical marijuana products to and from the licensed premises of commercial licensees. As used in this Chapter, "Transporter" or "Commercial Transporter" does not mean licensed commercial growers, processors, dispensaries, laboratories, research facilities, and education facilities who are automatic holders of transporter licenses.

"Transporter agent" means an agent, employee, officer, or owner of commercial transporter, grower, processor, dispensary, laboratory, research facility, or education facility who has been issued a transporter agent license by the Authority to transport medical marijuana and medical marijuana products on behalf of the said commercial transporter, grower, processor, dispensary, laboratory, research facility, and education facility.

"Transporter license" means a medical marijuana business license issued by the Authority either (A) automatically to commercial growers, processors, dispensaries, laboratories, research facilities, and education facilities upon approval of a business license, or (B) to commercial transporters solely for the transportation, storage, and distribution of medical marijuana and medical marijuana products.

"Usable medical marijuana" means the dried leaves, flowers, oils, vapors, waxes, and other portions of the marijuana plant and any mixture or preparation thereof, excluding seed, roots, stems, stalks, and fan leaves.

"Waste disposal facility" means an individual or entity that has been issued a medical marijuana waste disposal facility license by the Authority to dispose of medical marijuana waste as authorized in Oklahoma law and these Rules.

"Waste disposal facility license" means a license issued by the Authority to possess, transport, and dispose of medical marijuana waste. The waste disposal facility license shall be issued to the location submitted by the applicant that is first approved by the Authority.

"Waste disposal facility permit" means a permit issued by the Authority to a waste disposal licensee to possess, transport, and dispose of medical marijuana waste at the location submitted on the permit application. Waste disposal facility permits shall be required for each approved facility operated by a waste disposal facility licensee.

"Wholesale package" means medical marijuana from the same harvest batch or multiple units of medical marijuana product from the same production batch that are combined together as a single unit for the purpose of inventory tracking system tagging and are transported to a single commercial licensee.

"Working towards operational status" means a commercial licensee that:

(A) Has applied for any additional permits, registrations, or licenses required by the Authority or another Oklahoma agency, organization, or political subdivision to lawfully conduct operations at the licensed premises and is awaiting issuance of such permit(s), registration(s), or other license(s);
(B) Is performing construction or other material changes to the licensed premises in preparation of operations at the licenses premises;
(C) Is onboarding or training initial staff in preparation of operations at the licensed premises;
(D) Is in the process of purchasing or is awaiting receipt of delivery of physical materials essential to operations at the licensed premises, such as furniture or equipment; or
(E) Any additional actions determined to be sufficient by the Authority.

SUBCHAPTER 4. RESEARCH FACILITIES AND EDUCATION FACILITIES

442:10-4-2. Licenses [AMENDED]

(a) **Timeframe.** Research facility and education facility licenses shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license may be issued upon receipt of a completed application, payment of application fee, and verification by the Authority the individual or entity complies with the requirements set forth in Oklahoma law and this Chapter.

(b) **Location.** Research facility and education facility licenses shall only be valid for a single location at the address listed on the application. If a single research project will occur in multiple locations, a separate research facility or education facility license shall be required for each location.

(c) **Renewal of license.**

(1) It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the procedures provided in OAC 442:10-4-3.
(2) Before renewing a license, the Authority may require further information and documentation to determine the licensee continues to meet the requirements set forth in Oklahoma law and these Rules. ~~Once a certificate of compliance is properly submitted showing full compliance, no additional certificate of compliance will be required for license renewal unless a change of use or occupancy occurs, or other change that would require additional inspection, licensure, or permitting by the state or municipality.~~
(3) If the research conducted by a research facility licensee includes a public institution or public money, the Authority shall review any reports made by the licensee to determine if the research continues to meet qualifications in state law and these Rules.
(4) The Authority may refuse to renew a license of a research or education facility for the following:

(A) Failure to meet the requirements for licensure set forth in 63 O.S. § 420 et seq; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or OAC 442:10.

(B) Noncompliance with 63 O.S. § 420 et seq.; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.; or OAC 442:10.

(5) Upon the determination that a licensee has not met the requirements for renewal, the Authority shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.

(6) A commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee in the amount of $500.00 to reinstate the license once processed~~. A~~ and a license that has been expired for more than ninety (90) days shall not be renewed. Beginning November 1, 2024, a commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee of five hundred dollars ($500.00) per week that the license is expired and a license that has been expired for more than sixty (60) calendar days shall not be renewed. Only license renewal applications submitted at least sixty (60) calendar days prior to the expiration date shall be considered timely submitted and subject to the requirement that applications be reviewed within ninety (90) business days of receipt of the application in accordance with Subsection F of Section 427.14 of Title 63 of the Oklahoma Statutes. A medical marijuana business license shall remain unexpired during the pendency of the application for renewal provided that such application was timely submitted. The Authority shall allow renewal applications to be submitted at least one hundred twenty (120) calendar days prior to the expiration date of a medical marijuana business license.

(d) **Liquidation of products**. A research facility or education facility licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall cease all operations immediately upon expiration of the license and shall liquidate or dispose of all medical marijuana and medical marijuana products in accordance with OAC 442:10-5-2(d). Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana research facility or medical marijuana education facility shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

(e) **Change in information**.

(1) Licensees shall notify the Authority in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Authority's instructions.

(2) Licensees shall obtain Authority approval for any material changes that affect the licensee's qualifications for licensure. No licensee shall operate under the conditions of a material change ~~unless and until the Authority has approved in writing the material change~~ without written approval of an application by the Authority. Licensees shall submit a material change request to the Authority in writing in advance of any material change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation and fees, in accordance with the Authority's instructions. ~~When submitting a material change request, the licensee will be required to pay a $500.00 nonrefundable fee. Except as is otherwise authorized by the Authority, licensees are limited to one location change request and one ownership change request per year of licensure.~~

(A) Medical marijuana research and education licensees submitting a location change must provide a five hundred dollar ($500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-4-3 relating to locations, including but not limited to the following:

(i) ~~A certificate of compliance as~~ As required in OAC 442:10-4-3(e)(1), all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal ~~on a form prescribed or otherwise authorized by the Authority that is issued by the political subdivision where the licensed premises is to be located~~ certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission; and

(ii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(B) Medical marijuana research and education licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-4-3 relating to owners, including but not limited to the following:

(i) If applicable, a list of all owners and principal officers of the applicant and supporting documentation as set forth in OAC 442:10-4-3(e)(3);

(ii) Documents required under OAC 442:10-4-3(e)(4) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the research facility's or education facility's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;
(iii) For public institutions seeking a research facility license, a background check for each principal investigator and co-principal investigator; ~~and~~
(iv) Applications submitted prior to November 1, 2024 shall provide a nonrefundable application fee of five hundred dollars ($500.00). Applications submitted on or after November 1, 2024, shall provide a nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; and
(v) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(3) Licensees shall notify the Authority prior to any changes that affect the initial research project and/or curriculum, including funding, in a manner prescribed by the Authority. If the research will be conducted with a public institution or public money, the licensee shall supply any documentation or information the Authority determines is necessary to determine whether any change to the research project and/or curriculum constitutes a material change. If there is a material change, the Authority may deny the change and require the licensee to submit a new application.

(f) **Transfer of license**.

(1) Licenses shall not be changed from one license type to another.
(2) Licenses are limited to the research project(s) approved by the Authority and shall not be transferred to any other research project, research, or curriculum.

(g) **Surrender of license**. A research facility or education facility licensee may voluntarily surrender a license to the Authority at any time in accordance with OAC 442:10-5-2(g).

SUBCHAPTER 5. MEDICAL MARIJUANA BUSINESSES

442:10-5-2. Licenses [AMENDED]

(a) **Timeframe**. A medical marijuana business license shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license may be issued upon receipt of a completed application, payment of application fee, and verification by the Authority the individual or entity complies with the requirements set forth in Oklahoma law and this Chapter.

(b) **Location**. A business license issued to a grower, processor, dispensary, or testing laboratory shall only be valid for a single location at the address listed on the application. A transporter license shall only be valid at the physical locations that have been submitted to and approved by the Authority and are listed on the application.

(1) For a medical marijuana commercial grower that has a combination of both indoor and outdoor growing facilities at one (1) location, the medical marijuana commercial grower shall be required to obtain a separate license from the Authority for each type of grow operation and shall be subject to the licensing fees provided in 63 O.S. 427.14 and these Rules.
(2) Beginning June 1, 2023, no more than one (1) medical marijuana commercial grower license shall be issued for any one (1) property; a medical marijuana commercial grower holding a combination of both indoor and outdoor licenses at one (1) location shall be exempt from this requirement. Beginning November 1, 2024, no medical marijuana business premises is permitted to have multiple licenses of the same type, excluding the following:

(A) a commercial grower with a combination of an indoor or outdoor growing facility on one (1) parcel of land, For the purposes of this section, a “parcel of land” means the specific portion of land that is identified by a legal description, which is considered as a single unit for the purpose of ownership, and upon which the licensed premises is located.
(B) a licensed medical marijuana processor used by multiple licensees, and
(C) a licensed medical marijuana business that has an approved application by the Authority while the new business seeks registration from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBNDD).

(c) **Renewal of license**.

(1) It is the responsibility of the license holder to renew the license, with all applicable documentation, prior to the date of expiration of the license by following the procedures provided in OAC 442:10-5-3.
(2) Before renewing a license, the Authority may require further information and documentation and may require additional background checks to determine the licensee continues to meet the requirements set forth in Oklahoma law and these Rules. ~~Once a certificate of compliance is properly submitted showing full compliance, no additional certificate of compliance will be required for license renewal unless a change of use or occupancy occurs, or other change that would require additional inspection, licensure, or permitting by the state or municipality.~~
(3) The Authority may refuse to renew a license of a medical marijuana business for the following:
(A) Failure to meet the requirements for licensure set forth in 63 O.S. § 420 et seq; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; or OAC 442:10.
(B) Noncompliance with 63 O.S. § 420 et seq.; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.; or OAC 442:10.
(4) Upon the determination that a licensee has not met the requirements for renewal, the Authority shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.
(5) A commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee in the amount of $500.00 to reinstate the license once processed and approved by the Authority~~. A~~and a license that has been expired for more than ninety (90) days shall not be renewed. Beginning November 1, 2024, a commercial licensee that attempts to renew its license after the expiration date of the license shall pay a nonrefundable late renewal fee of five hundred dollars ($500.00) per week that the license is expired and a license that has been expired for more than sixty (60) calendar days shall not be renewed. Only license renewal applications submitted at least sixty (60) calendar days prior to the expiration date shall be considered timely submitted and subject to the requirement that applications be reviewed within ninety (90) business days of receipt of the application in accordance with Subsection F of Section 427.14 of Title 63 of the Oklahoma Statutes. A medical marijuana business license shall remain unexpired during the pendency of the application for renewal provided that such application was timely submitted. The Authority shall allow renewal applications to be submitted at least one hundred twenty (120) calendar days prior to the expiration date of a medical marijuana business license.
(6) Late renewal applications and late renewal fees provided in OAC 442:10-5-2(C)(5) apply only to initial renewal applications. If an initial renewal application is rejected for any reason, the licensee has thirty (30) days to resubmit the application with the required information as provided by OAC 442:10-5-3(f). Failure to resubmit the application within the thirty (30) days shall result in expiration of the application and the licensee is prohibited from submitting a new renewal application subject to the late renewal fee as provided in OAC 442:10-5-2(C)(5).

(d) **Liquidation of products.** A medical marijuana business licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall cease all operations immediately upon expiration of the license and shall dispose of any medical marijuana or medical marijuana products in accordance with OAC 442:10-5-10 that were not liquidated prior to licensure expiration in accordance with Oklahoma law and these Rules. Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana business shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

(e) **Change in information**.
(1) Licensees shall notify the Authority in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Authority's instructions.
(2) Licensees shall obtain Authority approval for any material changes that affect the licensee's qualifications for licensure. No licensee shall operate under the conditions of a material change ~~unless and until the Authority has approved in writing the material change~~ without written approval of an application by the Authority. Applications for written approval of material changes that affect the licensee's qualifications for licensure shall not occur during the renewal application and must be submitted in a separate material change request to the Authority. Licensees shall submit a material change request to the Authority in writing in advance of any material change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation and fees, in accordance with the Authority's instructions. ~~When submitting a material change request, the licensee will be required to pay a $500.00 nonrefundable fee. Except as is otherwise~~

~~authorized by the Authority, licensees are limited to one location change request, one name change request, and one ownership change request per year of licensure.~~

(A) Medical marijuana business licensees submitting a location change request must provide a five hundred dollar ($500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to locations, including but not limited to the following:

(i) If applicable, proof as required in OAC 442:10-5-3(e)(6) that the location of the dispensary or grower is at least one thousand (1,000) feet from any public and private school;

(ii) ~~A certificate of compliance as~~As required in OAC 442:10-5-3(e)(8) ~~on a form prescribed or otherwise authorized by the Authority that is issued by the political subdivision where the licensed premises is to be located~~ , all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission;

(iii) ~~If applicable, all Certificate(s) of Occupancy, Final Inspection Report(s), and Site Plan(s), issued from or approved by the organization, political subdivision, office, or individual responsible for enforcing the requirements of all building and fire codes adopted by the Oklahoma Uniform Building Code Commission pursuant to OAC 748:20. Pursuant to 74 O.S. § 324.11, in all geographical areas where the applicable Certificate(s) of Occupancy, Final Inspection Report(s), Site Plan(s) and/or permit(s) are not issued from and/or approved by local authorities, such documentation must be obtained from the Oklahoma Office of the State Fire Marshal;~~

~~(iv)~~ If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and

~~(v)~~(iv) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

~~(vi)~~(v) Upon written acceptance of a location change by the Authority, commercial licensees must carry a physical copy of the written location change approval while transporting medical marijuana products from location to location.

(vi) If a location change request is being submitted due to a change of ownership, name, or the transfer of a license to a new licensee, the location change request must be included in a license transfer application pursuant to OAC 442:10-5-2(f)(2).

(B) Medical marijuana business licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-5-3 relating to owners, including but not limited to the following:

(i) A list of all owners and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(ii) An affidavit of lawful presence for each new owner;

(iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;

(iv) A background check in accordance with OAC 442:10-1-5;

(v) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; ~~and~~

(vi) Applications submitted prior to November 1, 2024 shall provide a nonrefundable application fee of five hundred dollars ($500.00). Applications submitted on or after November 1, 2024, shall provide a nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; and

(vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(viii) All licensees submitting a change of ownership request must submit a license transfer application pursuant to OAC 442:10-5-2(f)(2).

(C) A medical marijuana business licensee submitting a name change request must provide a five hundred dollar ($500.00) nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to the business name, including, but not limited to, the following:

(i) A certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application;

(ii) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;

(iii) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;

(iv) A list of all owners and principal officers of the licensee under the new name and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(v) Documents establishing that seventy-five (75%) of the ownership of the licensee under the new name are Oklahoma residents in accordance with OAC 442:10-5-3(e)(7);

(vi) If applicable, a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26; and

(vii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(viii) Requests to change the name of a business or individual holding the license is considered a transfer of license from one licensee to another. Licensees submitting a name change request must do so by submitting a license transfer application pursuant to OAC 442:10-5-2(f)(2).

(D) Medical marijuana growers, processors, or commercial transporters that have held a valid medical marijuana business license for at least eighteen (18) months and are operating in good standing may submit an ownership change request to add a publicly traded company as an owner. The publicly traded company shall not own more than forty percent (40%) of the equity in the existing medical marijuana grower, processor, or commercial transporter. The following documentation must be provided:

(i) If applicable, a certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application.

(ii) A list of all owners, excluding all shareholders of the publicly traded company, and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-5-3(e)(1);

(iii) Documents required under OAC 442:10-5-3(e)(7) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the grower, processor, or transporter applicant's ownership interests, excluding the publicly traded company, are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.

(3) Upon cancellation or expiration of a bond, commercial grower licensees shall provide proof to the Authority on forms and in a manner prescribed by the Authority of a new alternate bond or attestation and accompanying documentation meeting the requirements of OAC 442:10-5-3.3 before the date of cancellation or expiration of the previous bond. Any grower that fails to comply with this section shall be subject to disciplinary action including, but not limited to, revocation, nonrenewal, or monetary penalties.

(f) **Transfer of license**. ~~Licenses may not be changed from one license type to another.~~

(1) Licenses may not be changed from one license type to another.

(2) Beginning on November 1, 2024, licensees wishing to transfer a license, submit an ownership change request, or submit a name change request are required to submit a license transfer application. The license transfer application shall be submitted by the new owner. The application fee for license transfer applications shall be the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for medical marijuana business license types. License transfer applications shall be subject to all requirements under OAC 442:10-5-3.

(A) Upon approval of a license transfer application, the applicant must register with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control before the transfer of the license is finalized. Prior to finalization of the license transfer, the prior owner will remain responsible for maintaining the license, including submission of license renewal applications. Upon issuance of the registration by OBNDD. The prior owner and the new owner will have fifteen (15) business days from the issuance of an OBNDD registration to transfer all inventory of medical marijuana, medical marijuana concentrate, and

medical marijuana products, if any. Fifteen (15) business days after issuance of an OBNDD registration, the prior owner will no longer be a licensee.
(B) The new owner is not authorized to take possession of medical marijuana, medical marijuana concentrate, or medical marijuana products, exercise control over any activities involving the medical marijuana business, or hold themselves out as having control over any activities involving the medical marijuana business unless and until the application has been approved by the Authority and the new owner is registered with OBNDD.
(C) Any attempt to transfer a medical marijuana business, medical marijuana, medical marijuana concentrate, or medical marijuana products of a medical marijuana business without approval from the Authority shall be grounds for revocation or nonrenewal of the license and denial, revocation, or nonrenewal of current or future licenses or license applications with ownership held by any such person involved in the unlawful transfer.

(g) **Surrender of license**.
(1) A licensee may voluntarily surrender a license to the Authority at any time.
(2) If a licensee voluntarily surrenders a license, the licensee shall:
(A) Return the license to the Authority;
(B) Submit on a form prescribed by the Authority a report to the Authority including the reason for surrendering the license; contact information following the close of business; the person or persons responsible for the close of the business; and where business records will be retained;
(C) Submit proof of the licensee's identity through submission of documentation identified in OAC 442:10-1-7 (relating to Proof of Identity); and
(D) Liquidate or dispose of any medical marijuana or medical marijuana products remaining in the possession of the licensee in accordance with OAC 442:10-5-2(d) and OAC 442:10-5-10.

442:10-5-16. Prohibited acts [AMENDED]
(a) No commercial licensee shall allow the consumption of alcohol or the smoking or vaping of medical marijuana or medical marijuana products on the licensed premises, except that if the licensed premises is a residence, a commercial licensee shall only be prohibited from consuming alcohol or the smoking or vaping of medical marijuana in areas of the licensed premises where operations of the business are conducted.
(b) No commercial licensee shall employ any person under the age of eighteen (18).
(c) No commercial licensee shall allow for or provide the delivery of medical marijuana or medical marijuana products to licensed patients or caregivers.
(d) No dispensary shall allow any physician to be located, maintain an office, write recommendations, or otherwise provide medical services to patients at the same physical address as a dispensary.
(e) No commercial licensee shall engage in advertising prohibited under OAC 442:10-7-3.
(f) No commercial licensee shall sell or offer to sell medical marijuana or medical marijuana product by means of any advertisement or promotion that includes any statement, representation, symbol, depiction, or reference, directly or indirectly, which would reasonably be expected to induce minors to purchase or consume marijuana or medical marijuana products.
(g) No commercial licensee shall falsify or misrepresent any documents, forms, or other materials or information submitted to the Authority.
(h) No commercial licensee shall threaten or harm a patient, medical practitioner, or an employee of the Authority.
(i) No commercial licensee shall fail to adhere to any acknowledgment, verification, or other representation made to the Authority.
(j) No licensed grower shall possess, sell or otherwise transfer, or offer to sell or otherwise transfer medical marijuana products.
(k) No licensee shall operate or otherwise use any extraction equipment or processes utilizing butane, propane, carbon dioxide or any potentially hazardous material in residential property.
(l) Licensees shall not sell or otherwise transfer, purchase, obtain, or otherwise accept the transfer of medical marijuana or medical marijuana products from an any individual or entity that is not an Oklahoma-licensed medical marijuana business, except that licensed dispensaries may sell medical marijuana and medical marijuana products to licensed patients and caregivers and a processor may process medical marijuana directly on behalf of a licensed patient or caregiver in accordance with OAC 442:10-5-5. No licensee shall purchase or sell medical marijuana or medical marijuana products to or from any unlicensed individual or entity.

(m) After implementation of the State inventory tracking system, no licensee shall sell or otherwise transfer, purchase, obtain or otherwise accept the transfer of medical marijuana or otherwise accept the transfer of medical marijuana or medical marijuana products that are not properly inputted and tracked in the State inventory tracking system in accordance with Oklahoma law and regulations.
(n) Medical marijuana growers and dispensaries shall not make or package infused pre-rolls.
(o) Medical marijuana growers and dispensaries shall not make or package pre-rolls that exceed one (1) gram in net weight.
(p) Licensees shall not allow any other entity or person to use their OMMA license number who is not an owner, employee, or authorized contractor of the commercial licensee while conducting business on behalf of that commercial licensee.
(q) No commercial licensee shall make, sell, transfer, or offer to sell any alcoholic beverage that has been infused with medical marijuana or medical marijuana products.
(r) Growers shall not purchase, make, sell, transfer, or otherwise obtain any medical marijuana products except growers may package and sell noninfused pre-rolls and kief in accordance with these Rules.
(s) Dispensaries shall not open, package or alter ~~packaging or labeling of~~pre-packaged medical marijuana or medical marijuana products except for the following reasons:

(1) Dispensaries are authorized to create, package and sell noninfused pre-rolled marijuana provided all other packaging, labeling, and testing requirements are met prior to transfer to a licensed patient or licensed caregiver; and;
(2) Dispensaries~~, or employees thereof, may handle loose or nonpackaged medical marijuana to be placed in packaging for retail sale consistent with Oklahoma law and these Rules, including packaging and labeling requirements in OAC 442:10-7-1(d)-(c)~~ are authorized to display samples of medical marijuana of no more than three (3) grams pursuant to OAC 442:10-5-14;
(3) Dispensaries may apply barcodes, ~~qr~~QR codes, or other inventory tracking tags and labels. These items shall not obscure required label and packaging requirements; and
(4) Dispensaries must place medical marijuana or medical marijuana products into a child-resistant exit package at the point of transfer to a patient or caregiver if those items are not already in child-resistant packaging.

(t) Growers shall not engage in any commercial growing operations without a bond or attestation as required under OAC 442:10-5-3.3 certifying compliance with 63 O.S. § 427.26.
(u) No licensed medical marijuana commercial grower shall knowingly hire or employ undocumented immigrants to perform work inside a medical marijuana commercial grow facility or anywhere on the property of the medical marijuana commercial grower operation. A licensed medical marijuana commercial grower that violates the provisions of this subsection shall be subject to penalties including but not limited to, license revocation and denial of future license applications.
(v) No commercial licensee shall employ any employee without a credential issued pursuant to OAC 442:10-5-1.1(13). For purposes of this Section, "employee" shall have the same meaning as OAC 442:10-5-1.1(13).

SUBCHAPTER 7. PACKAGING, LABELING, AND ADVERTISING

442:10-7-1. Labeling and packaging [AMENDED]

(a) **Prohibition on sale or transfer.** Commercial licensees shall not sell, distribute, or otherwise transfer medical marijuana and medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules. Beginning June 1, 2025, all medical marijuana flower, trim, shake, kief, medical marijuana product, or other flower-based product not defined as a concentrate, shall be sold by licensed medical marijuana processors and licensed medical marijuana commercial growers to licensed medical marijuana dispensaries only in pre-packaged form in package sizes weighing not less than one-half (1/2) of one (1) gram to not more than three (3) ounces and must be affixed with a tamper-evident seal. Nonopaque materials may be used when packaging medical marijuana flower, provided all other packaging and labeling requirements for medical marijuana products sold in this state are met and it is placed in an opaque container before leaving a licensed medical marijuana dispensary. Dispensaries shall not open, package, or alter pre-packaged medical marijuana or medical marijuana products except for the following reasons:

(1) Dispensaries are authorized to create and package noninfused pre-rolled marijuana provided all other packaging, labeling, and testing requirements are met prior to transfer to a licensed patient or licensed caregiver; and

(2) Dispensaries are authorized to display samples of medical marijuana of no more than three (3) grams pursuant to OAC 442:10-5-14. Any remaining medical marijuana from a pre-packaged package size that exceeds three (3) grams must be wasted or disposed of in accordance with Oklahoma law and these Rules.

(b) **Nonacceptance or return.** A dispensary shall refuse to accept or shall return to the licensee transferring medical marijuana or medical marijuana products to the dispensary, any medical marijuana or medical marijuana products that are not packaged and labeled in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq., and these Rules. The business licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products shall accept such return. If circumstances are such that the dispensary cannot return or refuse to accept the nonconforming medical marijuana or medical marijuana products, the dispensary shall dispose of the nonconforming medical marijuana and medical marijuana products in accordance with the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., and these Rules. Products may be returned to the licensed medical marijuana dispensary when found defective or hazardous to the health of the patient. The return of all medical marijuana and medical marijuana products from a licensed medical marijuana dispensary to a licensed medical marijuana processor or licensed medical marijuana commercial grower, or from a licensed medical marijuana processor to a licensed medical marijuana commercial grower, or from any other licensed entity that transferred medical marijuana products to another licensed entity shall be permitted. Pursuant to 63 O.S. § 428.1, returned medical marijuana and medical marijuana products shall be considered medical marijuana waste as defined in OAC 442:10-1-4 and must be disposed of in accordance with Oklahoma law and these Rules.

(c) **Documentation.** A dispensary shall document any such return, nonacceptance, or disposal, and such documentation shall include at a minimum:

(1) The license number, name, contact information, and address of the licensee who sold or otherwise transferred the nonconforming medical marijuana or medical marijuana products to the dispensary;

(2) A complete inventory of the medical marijuana and medical marijuana products to be returned or disposed, including the batch number;

(3) The reason for the nonacceptance, return, or disposal; and

(4) The date of the nonacceptance, return, or disposal.

(d) **General requirements.** The following general label and packaging requirements, prohibitions, and exceptions shall apply to all medical marijuana and medical marijuana products being transferred or sold to a dispensary or by a dispensary:

(1) Labels, packages, and containers shall not be attractive to minors and shall not contain any content that reasonably appears to target children, including toys, cartoon characters, and similar images. Packages should be designed to minimize appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.

(2) Packaging must contain a label that reads: "Keep out of reach of children." and "For use by licensed medical marijuana patients only. "

(3) All medical marijuana and medical marijuana products must be packaged in child-resistant containers, although the containers may be clear in order to allow licensed medical marijuana patient and licensed medical marijuana caregivers the ability to view the product inside the container, and placed into an exit package at the point of sale or other transfer to a patient, a patient's parent or legal guardian if patient is a minor, or a caregiver.

(4) Label must contain a warning that states "Women should not use marijuana or medical marijuana products during pregnancy because of the risk of birth defects."

(5) Packages and labels shall not contain any deceptive, false or misleading statements. For purposes of this section, information that is deceptive, false, or misleading includes:

(A) Any indication that the medical marijuana or medical marijuana product is organic, unless the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Section 6501 et seq.)) authorizes organic certification and designation for marijuana and marijuana products. This includes variants of the word "organic" such as "organix" and "organique."

(B) Any indication that the medical marijuana or medical marijuana product is "Pesticide-free," unless the medical marijuana or a medical-marijuana product was grown, harvested, processed, and dispensed without any pesticide.

(6) No medical marijuana or medical marijuana products shall be intentionally or knowingly packaged or labeled so as to cause a reasonable patient confusion as to whether the medical marijuana or medical marijuana product is a trademarked product.

(7) No medical marijuana or medical marijuana products shall be packaged or labeled in a manner that violates any federal trademark law or regulation.

(8) Packages and labels shall not make any claims or statements that the medical marijuana or medical marijuana products provide health or physical benefits to the patient.
(9) Packages and labels shall not contain the logo of the Oklahoma Medical Marijuana Authority.
(10) Packages and labels shall not contain any universal symbols from another state, any statements that the medical marijuana was grown in another state, or any depictions, symbols, or other information that could cause a reasonable patient to be confused as to the state of origin of the medical marijuana or medical marijuana product.
(11) Labels shall be designed and applied in a manner that does not cause patient confusion regarding the package's contents, potency, or other required information. In the event that any package or immediate container of medical marijuana or medical marijuana product is relabeled, all prior labels must be removed in entirety prior to the new label being applied. Covering an initial label with an updated label is prohibited.
(12) All packaging and labeling must contain current and accurate information on file with the Authority, including, but not limited to, the licensee's legal name, trade name, and license number.
(13) Packages and labels shall be considered inaccurate if the difference in percentage of the cannabinoid and/or total THC claimed to be present on a package or label is plus or minus fifteen percent (15%) of the percentage on the COA. For example, bulk order packaging that identifies a THC amount as 100mg would be inaccurate if the COA for that production batch indicated a THC content of less than 85mg or more than 115mg.

(e) **Label requirements for sales to dispensaries or by dispensaries.**

(1) Labels on medical marijuana and medical marijuana products being transferred or sold to a dispensary or by a dispensary shall contain, at a minimum, the following information:

(A) The name and license number of the grower, dispensary, or processor who is selling or otherwise transferring the medical marijuana or medical marijuana products to the dispensary;
(B) Name of the medical marijuana or medical marijuana product;
(C) The batch number of the medical marijuana or medical marijuana product;
(D) Net quantity or weight of contents;
(E) Ingredients list;
(F) The Oklahoma Uniform Symbol in the manner and form prescribed by the Authority;
(G) THC potency on the COA for that batch;
(H) Total terpenoid content in the manner prescribed by the Authority; ~~and~~
(I) Beginning June 1, 2025, the date the medical marijuana or medical marijuana product was packaged and the date the medical marijuana or medical marijuana product was tested, and
(J) The statement, "This product has been tested for contaminants."

(2) Labels for edible medical marijuana products shall also meet the requirements set forth in OAC 442:10-5-8.
(3) As applicable, inventory tracking system tags shall not obscure required label and packaging requirements.

(f) **Label requirements for sales between growers and/or processors.** All medical marijuana and medical marijuana products sold or otherwise transferred between growers and/or processors shall be labeled and the label shall contain, at a minimum, the following information:

(1) Name and license number of the grower or processor who is selling or otherwise transferring the medical marijuana or medical marijuana product;
(2) The batch number of the medical marijuana or medical marijuana product; and
(3) Date of harvest or production~~; and~~.
~~(4) A statement that the medical marijuana or medical marijuana products have passed testing or statement that the medical marijuana failed testing and is being transferred to a processor for purposes of remediation.~~

(g) **Storage requirements for growers, processors, and dispensaries.**

(1) Growers,processors, and dispensaries shall store medical marijuana and medical marijuana products under conditions and in a manner that protects the medical marijuana and medical marijuana products from physical and microbial contamination and deterioration.
(2) When not in use, medical marijuana and medical marijuana products shall be tagged and stored in receptacles that are capable of being fully closed and sealed and are kept fully closed and sealed.
(3) When any storage receptacle is in use and contains medical marijuana or medical marijuana products, commercial licensees shall identify the batch number and tag on the storage receptacle of all medical marijuana and medical marijuana products so that an inspector can easily identify to which batch the medical marijuana and medical marijuana products belong.

442:10-7-2. Prohibited products [AMENDED]

(a) No commercial licensee shall manufacture, process, or offer for sale or consumption any medical marijuana product intended to be attractive to children or minors.
(b) No commercial licensee, other than a licensed dispensary, shall offer for retail sale any marijuana seedlings or mature plants. No mature plants are authorized in the possession of either a commercial licensee or patient license holder until 60 days after August 27, 2018. No seedlings are authorized in the possession of a commercial license holder until 7 days after August 27, 2018.
(c) Beginning June 1, 2025, no dispensary shall sell, distribute, or otherwise transfer any medical marijuana flower, trim, shake, kief, medical marijuana product, or other flower-based product not defined as a concentrate, not packaged in pre-packaged form in package sizes weighing not less than one-half (1/2) of one (1) gram to not more than three (3) ounces or not affixed with a tamper-evident seal.

SUBCHAPTER 8. LABORATORY TESTING

442:10-8-3. Sampling requirements and procedures [AMENDED]
(a) **General requirements.** Samples must be collected, handled, stored, and disposed of in accordance with this Section. Individuals collecting samples are called "Samplers."
(1) Samplers shall:
(A) Follow the approved standard operating procedures of the laboratory that will be testing the samples collected
(B) Be trained on how to collect samples in accordance with the standard operating procedures of the laboratory(ies) that will be conducting the testing on the samples collected;
(C) Have access to a copy of the laboratory's standard operating procedures while they are collecting the samples; and
(D) Follow inventory manifest requirements set forth in these Rules.
(2) Samplers shall collect samples at the location of the grower, processor or dispensary and must affix the samples with a ~~tamper-proof~~tamper-evident seal at the time of collection.
(3) All commercial transporters, growers, processors or dispensaries transporting samples to a laboratory shall be prohibited from storing samples at any location other than the laboratory facility. All samples must be delivered the day of collection.
(4) ~~For transfer or sale of harvest batches or production batches, samples must be collected in the final form. For purpose of this Subsection, "final form" means the following:~~ Final product samples must be collected and tested before being transferred, or sold, to a dispensary. For the purposes of this Subsection “final product” means the following:
(A) For all medical marijuana and medical marijuana products excluding medical marijuana products that are administered via inhalation, "final ~~form~~product" means the form medical marijuana or a medical marijuana product is in when sold or transferred.
(B) For medical marijuana products that are administered via inhalation, "final ~~form~~product" means the form the medical marijuana product is in after being placed into any physical glass, metal, or plastic cartridge or container used to smoke, vaporize, vape, or e-cigarette the product.
(5) The sampler shall collect both a primary sample and a reserve sample from each final harvest batch and final production batch. The sample shall be clearly and conspicuously labeled, and the label shall include at least the following information:
(A) Whether the sample is the "Primary Sample" or "Reserve Sample";
(B) The name and license number of grower, processor or dispensary from whom the sample was taken; and
(C) The batch number of the final harvest batch or final production batch from which the sample was taken.
(6) The primary sample and reserve sample shall be stored separately and analyzed separately. The reserve sample shall only be used for quality control purposes or for retesting in accordance with OAC 442:10-8-1(j).
(7) Samples shall be transported and subsequently stored at the laboratory in a manner that prevents degradation, contamination, and tampering. If the medical marijuana or medical marijuana product specifies on the label how the product shall be stored, the laboratory shall store the sample as indicated on the label.
(8) The sampler shall create and use a sample field log to record the following information for each sample, and copies of the sample field log shall be maintained by both the laboratory and the commercial licensee from which the samples are being collected. The field log shall include, at a minimum, the following information:
(A) Laboratory's name, address, and license number;

(B) Title and version of the laboratory's standard operating procedure(s) followed when collecting the sample;
(C) Sampler's name(s) and title(s);
(D) Date and time sampling started and ended;
(E) Grower's, processor's or dispensary's name, address, and license number;
(F) Batch number of the batch from which the sample was obtained;
(G) Sample matrix;
(H) Total batch size, by weight or unit count;
(I) Total weight or unit count of the primary sample;
(J) Total weight or unit count of the reserve sample;
(K) The unique sample identification number for each sample;
(L) Name, business address, and license number of the person who transports the samples to the laboratory;
(M) Requested analyses;
(N) Sampling conditions, including temperature;
(O) Problems encountered and corrective actions taken during the sampling process, if any; and
(P) Any other observations from sampling, including major inconsistencies in the medical marijuana color, size, or smell.

(9) The laboratory shall maintain inventory manifest documentation listed in OAC 442:10-3-6 and utilize an electronic inventory management system that meets the requirements set forth in OAC 442:10-5-6(d) for each sample that the laboratory collects, transports, and analyzes.
(10) Commercial licensees shall document all employee training on a testing laboratory's standard operating procedures.
(11) Commercial licensees must maintain the documentation required in these rules for at least seven (7) years and must provide that information to the Authority upon request.

(b) **Sample size.**

(1) To obtain a representative sample of a final harvest batch or the final product composed of non-infused pre-rolls, a total of one-half of one percent (0.5%) of the batch shall be collected from different areas of the batch following the laboratory's approved protocol. The sample shall then be well mixed and aliquoted into a primary sample and reserve sample. The primary sample and the reserve sample shall each weigh greater than or equal to five grams (≥ 5 g). Any amounts left over after aliquoting may be returned to the harvest or production batch.
(2) To obtain a representative sample of a final production batch that is a well mixed liquid, a sampler shall obtain a primary sample and a reserve sample that shall each weigh greater than or equal to five grams (≥ 5 g) To obtain a representative sample of infused pre-rolls or a non-liquid final production batch, one-half of one percent (0.5%) of the batch shall be collected from different portions of the batch following the laboratory's approved protocol. The sample shall then be well mixed and aliquoted into a primary sample and reserve sample, which shall be equal in amount. The primary sample and reserve sample shall each weigh greater than or equal to five grams (≥ 5 g). Any amount left over after aliquoting may be returned to the final production batch.

(c) **Sampling standard operating procedures.**

(1) Samples collected must be representative of the entire batch to ensure accurate microbial analysis and foreign material assessments.
(2) Sampling protocol shall be approved by the laboratory director. The laboratory shall develop and implement written sampling policies and procedures that are appropriate for each test method and each type of matrix to be tested and that are consistent with these regulations. Sampling procedures must describe the laboratory's method for collection, preparation, packaging, labeling, documentation, and transport of samples from each matrix type the laboratory tests.
(3) The sampling standard operating procedures (SOP) shall include at least the following information:
(A) A step-by-step guide for obtaining samples from each matrix type the laboratory samples;
(B) Protocols for ensuring that contaminants are not introduced during sampling, including protocols relating to the sanitizing of equipment and tools, protective garb, and sampling containers;
(C) Accepted test sample types;
(D) Minimum test sample size;
(E) Recommended test sample containers;
(F) Test sample labeling;
(G) Transport and storage conditions, such as refrigeration, as appropriate to protect the physical and chemical integrity of the sample;

(H) Other requirements, such as use of preservatives, inert gas, or other measures designed to protect sample integrity; and

(I) Chain-of-custody documentation for each sample in accordance with OAC 442:10-5-6.

(4) The sampling SOP shall be signed and dated by the medical laboratory director and shall include any revision dates and authors. The laboratory director's signature denotes approval of the plan.

(5) The laboratory shall retain a controlled copy of the sampling SOP on the laboratory premises and ensure that the sampling SOP is accessible to the sampler in the field during sampling.

(d) **Sample handling, storage and disposal.** A laboratory shall establish sample handling procedures for the tracking of test samples through the analytical process (by weight, volume, number, or other appropriate measure) to prevent diversion.

(1) The laboratory shall not accept a test sample that is less than the minimum amount listed in OAC 442:10-8-3(b);

(2) The laboratory shall store each test sample under the appropriate conditions appropriate to protect the physical and chemical integrity of the sample;

(3) Analyzed test samples consisting of medical marijuana or medical marijuana products shall be held in a controlled access area pending destruction or other disposal.

(4) Reserve samples shall be maintained and properly stored by the laboratory for at least thirty (30) days. Any retesting requested by the originating licensee must be requested within thirty (30) days to ensure the retesting occurs within the required thirty (30) day storage period for reserve samples.

(5) After the required thirty (30) day storage period, any portion of a medical marijuana or medical marijuana product test sample that is not destroyed during analysis shall be:

(A) Returned to the licensed individual or entity that provided the sample after the required retention period for reserve samples;

(B) Transported to a state or local law enforcement office; or

(C) Disposed of in accordance with OAC 442:10-5-10 (relating to medical marijuana waste disposal).

(e) **Data reporting.**

(1) The laboratory shall generate a certificate of analysis (COA) for each sample that the laboratory analyzes.

(2) The laboratory shall issue the COA to the ~~requester~~ originating licensee within two (2) business days after technical and administrative review of analysis has been completed. Any amendments to a COA shall include a revision identifier or report number, an explanation of the amendment, and shall identify all changes included in the amendment.

(3) All COAs, whether in paper or electronic form, shall contain, at minimum, the following information:

(A) The name, address, license number, and contact information of the laboratory that conducted the analysis;

(B) If the laboratory sends a sample to another laboratory for testing, the reference laboratory must be identified as having performed that test;

(C) The name, address, and license number of the requester;

(D) The description of the type or form of the test sample (leaf, flower, powder, oil, specific edible product, etc.) and its total primary sample weight in grams, reported to the nearest gram;

(E) The unique sample identifier;

(F) Batch number of the batch from which the sample was obtained;

(G) Sample history, including the date collected, the date received by the laboratory, and the date(s) of sample analyses and corresponding testing results, including units of measure where applicable;

(H) The analytical methods used, including at a minimum identification of the type of analytical equipment used (e.g., GC, HPLC, UV, etc.);

(I) The reporting limit for each analyte tested;

(J) Any compounds detected during the analyses of the sample that are not among the targeted analytes and are unknown, unidentified, tentatively identified or known and injurious to human health if consumed, if any;

(K) The identity of the supervisory or management personnel who reviewed and verified the data and results and ensured that data quality, calibration, and other applicable requirements were met;

(L) Definitions of any abbreviated terms; and

(M) The state inventory tracking system tag number, the sample tag number, and the source package tag number.

(4) The laboratory shall report test results for each primary sample on the COA as follows:

(A) When reporting quantitative results for each analyte, the laboratory shall use the appropriate units of measurement as required under this chapter and indicate "pass" or "fail";
(B) When reporting qualitative results for each analyte, the laboratory shall indicate "pass" or "fail";
(C) "Pass" and "Fail" must be clear, conspicuous, and easily identifiable in a font size no less than the size of 12 pt font in Times New Roman and shall not be in fine print or footnotes;
(D) When reporting results for any analytes that were detected below the analytical method limit of quantitation (LOQ), indicate "<LOQ" and list the results for analytes that were detected above the LOQ but below the allowable limit; and
(E) Indicate "NT" for not tested for any test that the laboratory did not perform.

(5) Upon detection of any compounds during the analyses of the sample that are not among the targeted analytes and are unknown, unidentified, tentatively identified, or known and injurious to human health if consumed, laboratories shall notify the Authority immediately and shall submit to the Authority a copy of the COA containing those compounds as required in OAC 442:10-8-3(e)(3)(I). The Authority may require a processor, grower, or dispensary to submit samples for additional testing, including testing for analytes that are not required by these Rules. The licensee shall provide the samples or units of medical marijuana or medical marijuana products at its own expense but shall not be responsible for the costs of testing.
(6) When a laboratory determines that a harvest batch or production batch has failed any ~~required~~ testing, the laboratory shall immediately, ~~notify the Authority~~ in the manner and form prescribed by the Authority, ~~on its website and shall submit a copy of the COA to the Authority within two (2) business days~~ notify the Authority and shall submit a copy of the COA. Submission of this information to the Authority through the State's inventory tracking system shall be sufficient to satisfy this reporting requirement.

SUBCHAPTER 9. WASTE DISPOSAL FACILITIES

442:10-9-2. Licenses and permits [AMENDED]

(a) **Timeframe.** Waste disposal facility licenses and permits shall be issued for a twelve (12) month period expiring one (1) year from the date of issuance. The license or permit may be issued upon receipt of a completed application, payment of application fee, and verification by the Authority the individual or entity complies with the requirements set forth in Oklahoma law and this Chapter.
(b) **Location.** Waste disposal facility licenses and permits shall only be valid for a single location at the address listed on the application.
(c) **Renewal of license or permit**

(1) It is the responsibility of the license holder to renew the license and any associated permits, with all applicable documentation, prior to the date of expiration of the license or permit by following the procedures provided in OAC 442:10-9-3 and OAC 442:10-9-4.
(2) Before renewing a license or permit, the Authority may require further information and documentation to determine if the licensee continues to meet the requirements set forth in Oklahoma law and these Rules.
(3) The Authority may refuse to renew a license or permit of a medical marijuana waste facility for the following:
(A) Failure to meet the requirements for licensure or permits set forth in the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq., or OAC 442:10.
(B) Noncompliance with 63 O.S. § 420 et seq.; the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.; the Oklahoma Medical Marijuana Waste Management Act, 63 O.S. § 427a et seq.; or OAC 442:10.
(4) Upon the determination that a licensee has not met the requirements for renewal, the Authority shall provide written notice to the licensee. The notice shall provide an explanation for the denial of the renewal application.

(d) **Disposal of waste upon termination of license/permit.**

(1) A waste disposal facility licensee whose license is not renewed, or whose license is revoked, suspended, or voluntarily surrendered, shall immediately cease all operations at all licensed and permitted locations upon expiration of the license and shall immediately either dispose of any medical marijuana waste remaining in its possession or transfer such medical marijuana waste to another licensed medical marijuana waste disposal facility licensee. Except as provided by Section 427.14 of Title 63 of the Oklahoma Statutes, immediately upon expiration of a license, any medical marijuana waste disposal facility shall cease all possession, transfer, or sale of medical marijuana or medical marijuana products. Any continued possession, sale, or transfer shall subject the business owners and operators to felony prosecution pursuant to the Uniform Controlled Dangerous Substances Act.

(2) A waste disposal facility licensee whose permit is not renewed, or whose permit is revoked, suspended, or voluntarily surrendered, shall cease all operations at the permitted location immediately upon expiration of the permit and shall immediately take one of the following actions:

(A) Dispose of any medical marijuana waste remaining in its possession at the permitted location;

(B) Transfer such medical marijuana waste to another permitted location belonging to the same licensed medical marijuana waste disposal facility licensee; or

(C) Transfer such medical marijuana waste to another licensed medical marijuana waste disposal facility licensee.

(e) **Change in information.**

(1) Licensees shall notify the Authority in writing within fourteen (14) days of any changes in contact information by electronically submitting a change request in accordance with the Authority's instructions.

(2) Licensees shall obtain Authority approval for any material changes that affect the licensee's qualifications for licensure. No licensee shall operate under the conditions of a material change ~~unless and until the Authority has approved in writing the material change~~ without written approval of an application by the Authority. Applications for written approval of material changes that affect the licensee's qualifications for licensure shall not occur during the renewal application and must be submitted in a separate material change request to the Authority. Licensees shall submit a material change request to the Authority in writing in advance of any material change that may affect the licensee's qualifications for licensure by electronically submitting a change request, along with any relevant documentation and fees, in accordance with the Authority's instructions. ~~When submitting a material change request, the licensee will now be required to pay a $500.00 nonrefundable fee. Except as is otherwise authorized by the Authority, licensees are limited to one location change request, one ownership change request, and one name change request per year of licensure.~~

(A) Medical marijuana waste licensees submitting a location change for any licensed or permitted location must provide a $500.00 nonrefundable application fee and the information and documentation required in OAC 442:10-9-4 relating to locations, including but not limited to the following:

(i) Proof as required in OAC 442:10-9-4(c)(1) that the location of the waste facility is at least one thousand (1,000) feet from any public or private school; and

(ii) As required in OAC 442:10-9-3(e)(9), all building permits and/or certificate(s) of occupancy issued by the Oklahoma State Fire Marshal or by the political subdivision with an authority having a jurisdiction agreement on file with the Oklahoma State Fire Marshal certifying compliance with the categories listed in 63 O.S. § 426.1(E) for the construction or alteration of any buildings or structures classified as occupancies under the building codes adopted by the Oklahoma Uniform Building Code Commission; and

(iii) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(B) Medical marijuana business licensees submitting an ownership change request must provide the nonrefundable application fee listed below and the information and documentation required in OAC 442:10-9-3 relating to owners, including but not limited to the following:

(i) An list of all owners and principal officers of the commercial applicant and supporting documentation as set forth in OAC 442:10-9-3(e)(1);

(ii) An affidavit of lawful presence for each new owner;

(iii) Documents required under OAC 442:10-9-3(e)(5) establishing that the applicant; and the members, managers, and board members if applicable; and seventy-five percent (75%) of the commercial applicant's ownership interests are Oklahoma residents as required in the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 427.1 et seq.;

(iv) Background checks in accordance with OAC 442:10-1-5; ~~and~~

(v) Applications submitted prior to November 1, 2024 shall provide a nonrefundable application fee of five hundred dollars ($500.00). Applications submitted on or after November 1, 2024, shall provide a nonrefundable application fee that is the annual license or application fee established under Section 427.14 of Title 63 of the Oklahoma Statutes for the medical marijuana business license type; and

(vi) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(C) A medical marijuana business licensee submitting a name change request must provide a $500.00 nonrefundable application fee and the information and documentation required in OAC 442:10-5-3 relating to the business name, including but not limited to the following:

(i) A certificate of good standing from the Oklahoma Secretary of State issued within thirty (30) days of submission of the application as required under OAC 442:10-5-3(e)(2);
(ii) If applicable, official documentation from the Secretary of State establishing the applicant's trade name;
(iii) If applicable, an electronic copy or digital image in color of a sales tax permit issued by the Oklahoma Tax Commission;
(iv) A list of all owners and principal officers of the licensee under the new name and supporting documentation as set forth in OAC 442:10-5-3(e)(1);
(v) Documents establishing that seventy-five (75%) of the ownership of the licensee under the new name are Oklahoma residents in accordance with OAC 442:10-5-3(e)(6); and
(vi) Any further documentation the Authority determines is necessary to ensure the business licensee is still qualified under Oklahoma law and this Chapter to obtain a business license.

(f) **Transfer of license or permit.** Licenses may not be changed from one license type to another.
(g) **Surrender of license or permit.** A waste disposal facility licensee may voluntarily surrender a license or permit to the Authority at any time in accordance with OAC 442:10-5-2(g). If a waste disposal facility license is surrendered, all associated permitted locations will be surrendered.
(h) **Revocation of license or permit.** If a waste disposal facility license is revoked, all associated permitted locations will be revoked.

[OAR Docket #24-1179; filed 10-30-24]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS

[OAR Docket #24-1251]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 3. Facility Record System
Part 3. INTAKE AND ADMISSION ASSESSMENT
450:70-3-5.4. Assessment and record content - Level of care [AMENDED]
Subchapter 6. Substance Use Disorder Treatment Services
Part 3. TREATMENT SERVICES
450:70-6-17.2. Service phases - General [AMENDED]
AUTHORITY:
Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. § 3-601 et. seq.
COMMENT PERIOD:
N/A
PUBLIC HEARING:
N/A
ADOPTION:
September 26, 2024
EFFECTIVE:
Immediately upon Governor's approval
APPROVED BY GOVERNOR:
October 30, 2024
EXPIRATION:
Effective through September 14, 2025, 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 rule revisions to Chapter 70 update language to align with changes in federal regulations at 42 CFR Part 8.

GIST/ANALYIS:

Language precluding individuals from receiving treatment based on the number of previous withdrawal episodes, as well as language precluding individuals from receiving medications based on participation in other treatment services, is removed. New language replaces these restrictions with new guidelines.

CONTACT PERSON:

Melissa Miller, Chief of Policy and Provider Regulation/Administrative Rules Liaison, Melissa.Miller@odmhsas.org or (405) 248-9345

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 3. FACILITY RECORD SYSTEM

PART 3. INTAKE AND ADMISSION ASSESSMENT

450:70-3-5.4. Assessment and record content - Level of care [AMENDED]

~~(a) The OTP shall have written policy and procedure stating that persons served with two (2) or more unsuccessful managed withdrawal episodes within a twelve (12) month period must be assessed by the medical director or a program physician for identification of need for other forms of treatment. An OTP shall not admit a person served for more than two (2) withdrawal management episodes in one (1) year.~~(a) The OTP shall have written policy and maintain current procedures that ensure that those persons served who choose to taper from treatment medication are provided the opportunity to do so with informed consent and at a mutually agreed upon rate that minimizes taper-related risks. Such consent must be documented in the clinical record by the treating practitioner.

(b) Compliance with these standards and criteria may be determined by a review of the following:

(1) Policy and Procedures,

(2) Review of all facility records, and

(3) Investigations, site visits, treatment protocols, clinical records, clinical service manuals and certification reviews.

SUBCHAPTER 6. SUBSTANCE USE DISORDER TREATMENT SERVICES

PART 3. TREATMENT SERVICES

450:70-6-17.2. Service phases - General [AMENDED]

(a) The OTP shall have written policy and procedure describing structured phases of treatment and rehabilitation to support progress of persons served and to establish requirements regarding attendance and service participation. The requirements listed below for each phase indicate minimum requirements and the frequency and extent of treatment and rehabilitation services may be increased, based on individual patient need and unless otherwise indicated in this chapter. The OTP shall utilize ASAM criteria to determine the appropriate level of care during each phase of treatment.

(b) Refusal of persons served to participate in treatment services as prescribed in 450:70-6-17.3 through 450:70-6-17.8 shall not preclude them from receiving medications from the OTP. The OTP shall document refusal of treatment services in the clinical record.

~~(b)~~(c) If an OTP is providing doses to a person served receiving residential level of care substance use disorder services, the required minimum services listed for each phase may be delivered by the residential level of care substance use disorder provider. The OTP shall document the provision of these services and the provider delivering such services in the service plan.

~~(c)~~(d) Compliance with 450:70-6-17.2 may be determined by:

(1) A review of policies and procedures,

(2) Treatment records, and

(3) Other facility documentation.

[OAR Docket #24-1251; filed 11-8-24]

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

1:2024-27.

EXECUTIVE ORDER 2024-27

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

1. Severe storms, tornadoes, straight-line winds, and flooding beginning Saturday, November 2 and continuing have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, straight-line winds, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Cleveland, Garvin, Lincoln, McClain, Oklahoma, and Stephens.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

Based on the foregoing, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., and pursuant to 49 C.F.R. Part 390.23, I hereby declare that there is a State of Emergency continuing in the State of Oklahoma.

Due to impacts from severe storms, tornadoes, straight-line winds, and flooding beginning November 3, 2024 including extensive damage to power lines and infrastructure, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following in all 50 states as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for emergency relief and power restoration;

2. The cost and fees of overweight permits required of carriers whose purpose is the transportation of materials and supplies used for emergency relief and power restoration, which require an overweight permit under Title 47 of Oklahoma statutes;

3. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;

4. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

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

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

This Executive Order shall be effective for thirty (30) days.

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

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 3rd day of November, 2024.

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

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-1200; filed 11-4-24]

TITLE 1. EXECUTIVE ORDERS

1:2024-27A.

EXECUTIVE ORDER 2024-27A

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

1. Severe storms, tornadoes, straight-line winds, and flooding beginning Saturday, November 2 have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, straight-line winds, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Adair, Cleveland, Garvin, Lincoln, Logan, McClain, Muskogee, Oklahoma, and Stephens.

4. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

Based on the foregoing, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., and pursuant to 49 C.F.R. Part 390.23, I hereby declare that there is a State of Emergency continuing in the State of Oklahoma.

Due to impacts from severe storms, tornadoes, straight-line winds, and flooding beginning November 2, 2024 including extensive damage to power lines and infrastructure, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and to provide assistance to the residents of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following in all 50 states as they apply to vehicles in the support efforts:

1. The requirements for size and weights permits of oversized vehicles under Title 47 of the Oklahoma Statutes whose sole purpose is transportation of materials and supplies used for emergency relief and power restoration;

2. The cost and fees of overweight permits required of carriers whose purpose is the transportation of materials and supplies used for emergency relief and power restoration, which require an overweight permit under Title 47 of Oklahoma statutes;

3. The requirements under Parts 390 through 399 pursuant to part 390.23 of Title 49 of the Federal Motor Carrier Safety Administration Regulations;

4. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and

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

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

This Executive Order shall be effective for thirty (30) days.

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

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 8th day of November.

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

ATTEST:
Josh Cockroft
Secretary of State

[OAR Docket #24-1252; filed 11-8-24]