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(7) **Package size.** The maximum size of packaging shall be established by the facility in its policy and procedures and shall insure that each resident receives the correct dosage; provided however, that no liquid medications shall be acquired nor maintained in a package size which exceeds 16 fluid ounces.

(8) **Allowed nonprescription drugs.** Facilities may have only oral analgesics, antacids, and laxatives for bulk dispensing and/or drugs listed in a facility formulary developed or approved by the consultant pharmacist, medical director and director of nurses. Non formulary over the counter medications may be prescribed if the resident has therapeutic failure, drug allergy, drug interaction or contraindications to the formulary over the counter medication.

[OAR Docket #16-708; filed 7-11-16]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 680. RESIDENTIAL CARE
HOMES**

[OAR Docket #16-709]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 13. Medication Storage and Administration
310:680-13-2 [AMENDED]

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Section 1-104 and Title 63 O.S. Section 1-1950.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

September 9, 2015

COMMENT PERIOD:

October 1, 2015 through November 4, 2015

PUBLIC HEARING:

November 4, 2015

ADOPTION:

December 8, 2015

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

December 18, 2015

APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's declaration on June 9, 2016

FINAL ADOPTION:

June 9, 2016

EFFECTIVE:

September 11, 2016

SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

ANALYSIS:

This rule amends OAC 310:680-13-2 which deals with bulk nonprescription drugs. This rule change removes a limitation on dispensing over the counter medications from bulk supplies of drugs maintained in residential care homes. This change inserts verbatim language from the law at Title 63 O.S. Section 1-1950(B) concerning the ordering or authorizing of medications by a physician. This change deletes language which restricts the use of bulk over the counter medications to only as needed or unscheduled dosage regimens and only upon written order of a physician. This change will allow residential care homes to dispense scheduled regimens of over the counter medications with an order or other authorization. This change brings the rule into conformity with the authorizing statute [Title 63 O.S.

Section 1-1950(B)] which is permissive, rather than restrictive, regarding the dispensing of bulk over the counter medications based on a nonscheduled regimen.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2016:

SUBCHAPTER 13. MEDICATION STORAGE AND ADMINISTRATION

310:680-13-2. Bulk nonprescription drugs

A facility may maintain nonprescription drugs for dispensing on an as needed basis from a common or bulk supply ~~only as ordered or otherwise authorized by a physician currently licensed to practice medicine in this state~~ [63:1-1950(B)] if all of the following are accomplished.

- (1) **Policy of facility.** The facility must have and follow a written policy and procedure to assure safety in dispensing and documentation of medications given to each resident.
- (2) **Acquisition.** The facility shall maintain records which document the name of the medication acquired, the acquisition date, the amount and the strength received for all medications maintained in bulk.
- (3) **Dispensing.** Only licensed nurses, physicians, pharmacists or medication aide technicians (MAT) may dispense ~~for administration~~ these medications ~~and only upon the written order for nonscheduled dosage regimens, as needed, dosing from a physician as documented in the record of the resident.~~
- (4) **Storage.** Bulk medications shall be stored in the medication area and not in resident rooms.
- (5) **Records.** The facility shall maintain records of all bulk medications which are dispensed on an individual signed medication administration record (MAR).
- (6) **Labeling.** The original labels shall be maintained on the container as it comes from the manufacturer or licensed repackager or on the unit-of-care (blister packs) package.
- (7) **Package size.** The maximum size of packaging shall be established by the facility in its policy and procedures and shall insure that each resident receives the correct dosage; provided however, that no liquid medication shall be acquired nor maintained in a container larger than 16 fluid ounces.
- (8) **Allowed nonprescription drugs.** Facilities may have drugs from each of the following categories for bulk dispensing. No other categories may be maintained as bulk medications.
 - (A) Oral analgesics.
 - (B) Antacids.

Permanent Final Adoptions

(C) Laxatives.

[OAR Docket #16-709; filed 7-11-16]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 1. COMMISSION POWERS AND JURISDICTION

[OAR Docket #16-555]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

325:1-1-3. Description and powers [AMENDED]

325:1-1-7. Jurisdiction of Stewards to suspend or fine [AMENDED]

AUTHORITY:

75 Oklahoma Statutes §§ 302, 305, and 307; Title 3A O.S., § 204(A); Oklahoma Horse Racing Commission

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

August 21, 2015

COMMENT PERIOD:

September 15, 2015 to November 19, 2015

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October 19, 2015

ADOPTION:

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SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

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Approved by Governor's declaration on June 9, 2016

FINAL ADOPTION:

June 9, 2016

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September 11, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The Ad Hoc Committee on Rules is comprised of three Commissioners, the Commission Executive Director, the Commission Counsel, the Commission Staff Attorney and the Executive Directors of the two horsemen's representative organizations [the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma]. The Committee has been reviewing the *Rules of Racing* document, proposing amendments to update information and/or delete obsolete language.

For 325:1-1-3, the amendment proposed to change the number of Commissioners from seven to nine to be in compliance with the CY 2005 statutory amendment in SB 738 to § 201 of Title 3A, The Oklahoma Horse Racing Act. For 325:1-1-7, the amendments proposed to add a descriptor [United States Drug Enforcement Agency] to a Schedule I or II substance and delete the reference to Buprenorphine.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2016:

325:1-1-3. Description and powers

The Oklahoma Horse Racing Commission is an administrative body created by 3A Oklahoma Statutes, 1984 Supplement, § 200, et seq. The Commission consists of ~~seven~~nine members who are appointed by the Governor, confirmed by the Senate, and whose powers and duties are prescribed by the Legislature. [3A:201(A)]. The Commission appoints an Executive Director who is the administrative head of the agency, and the Commission determines the duties of the Executive Director [3A:203.3(A)]. In general, the Legislature has prescribed that the Commission shall have supervision of all race meetings held in the State of Oklahoma, all occupation and Organization Licensees in the State, and all persons on the property of an Organization Licensee [3A:204(A)(1)].

325:1-1-7. Jurisdiction of Stewards to suspend or fine

(a) The Stewards' jurisdiction in any matter **is discontinuous**. The Stewards may deny, refuse to issue, or refer to the Commission for revocation, or suspend for not more than one year per violation the occupation license of any person whom they have the authority to supervise; or they may impose a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per violation; or they may exclude from all enclosures in this state; or they may suspend and fine and/or exclude; or they may order that a person be ineligible for a license. All such suspensions, fines, denials, refusals to issue, referrals or exclusions shall be reported immediately to the Commission.

(b) Upon a first offense for the following rule violations, the Stewards shall assess no less than the Stewards' maximum fine and suspension authorization to any person found to be in violation of Commission rules concerning:

(1) a positive laboratory report involving a United States Drug Enforcement Agency Schedule I or II controlled substance ~~or Buprenorphine~~, or

(2) possession of a United States Drug Enforcement Agency Schedule I or II controlled substance ~~or Buprenorphine~~ within the enclosure, or

(3) possession or use within the enclosure of a prohibited electrical or mechanical device. Any person whose racing record(s) reflects such prior rule violation(s) shall, upon a subsequent violation, be referred by the Stewards to the Commission with the Stewards' recommendation for specific fine and suspension above the Stewards' authorized fine and suspension maximums.

(c) The Stewards may suspend a horse from participating in races if the horse has been involved in violation(s) of the Rules promulgated by the Commission or the provisions of the Oklahoma Horse Racing Act under the following circumstances:

(1) A horse is a confirmed Bleeder as determined by the Official Veterinarian, and the Official Veterinarian recommends to the Stewards that the horse be suspended from participation.

(2) A horse is involved with:

(A) Any violation of medication laws and rules;

(B) Any suspension or revocation of an occupation license by the Stewards or the Commission or any