

**Agenda for the 11:00 am, Thursday, March 13, 2008**  
**Regular Meeting of the Oklahoma State Board of Health**

Posted at [www.health.ok.gov](http://www.health.ok.gov)  
Oklahoma State Department of Health  
1000 N. E. 10th Street - Rm. 307  
Oklahoma City, OK 73117-1299

*PRELIMINARY COURTESY AGENDA*  
*FINAL AGENDA POSTED 24 HOURS IN ADVANCE OF MEETING*

A. CALL TO ORDER AND OPENING REMARKS

B. REVIEW OF MINUTES

**1. Approval of Minutes for February 7, 2008, Regular Meeting**

Follow-up on Discussion and Action Items from Previous Meeting

C. APPOINTMENTS

**2. Hospital Advisory Council** (presented by Tom Welin / Hank Hartsell)

**Appointments:** 1 Hospital Administrator

**Authority:** 63 O.S. § 1-707(D)

**Members:** The Advisory Council shall be composed of nine (9) members appointed by the Commissioner with the advice and consent of the Board.

D. PROPOSED RULEMAKING ACTIONS

*Public Hearing to accept written or oral comments regarding proposed rulemaking actions.*

COMMUNITY HEALTH SERVICES

**3. CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH [AMENDED]**

[PERMANENT] Presented by Mike Brown / Steve Ronck

**PROPOSED RULES:** Subchapter 27. Contracts with Charitable Health Care Providers [NEW]:

310:2-27-1 through 310:2-27-6 [NEW].

**AUTHORITY:** Oklahoma State Board of Health; 51 O.S. Section 152.2

**SUMMARY:** The current emergency Rule sets forth processes and requirements to fulfill the legislative requirements of Senate Bill 930, codified at 51 O.S. Supp. 2007, SS 152 and 152.2 whereby a contract may be executed between a charitable health care provider and the Oklahoma State Department of Health or a city-county health department to provide health care services to medically indigent persons at, or on referral from a free clinic, where such providers would be considered a state employee for purposes of the Governmental Tort Claims Act (GTCA), and thus be immune from personal liability for such contract services provided at or on behalf of a free clinic. The State's potential liability for claims of negligence by a medically indigent person against a charitable health care provider under such contracts would be limited as provided by the Oklahoma GTCA. This permanent rule proposal establishes definitions, requirements, qualifications and the process for awarding contracts between health care professionals and the State Health Department or city-county health department. The rule defines key terms used within this Chapter, sets qualifications for health care professionals to enter into contracts with the State as a charitable healthcare provider and for individuals to be deemed medically indigent, and provides a process for healthcare professionals to apply for such contracts and for the cancellation of such contracts. The rule is required by direction of the Oklahoma Legislature as set forth in Senate Bill 930, codified at 51 O.S. Supp. 2007, SS 152 and 152.2. The intended effect of the rule proposal is to fulfill the

legislative enactment for the administration of contracts between a charitable health care provider(s) and the Oklahoma State Department of Health or a city-county health department for the benefit of Oklahoma residents who are medically indigent. These contracts will provide health care professionals who treat medically indigent persons with immunity from personal liability for services rendered pursuant to such contracts. Ultimately, it is hoped that this contracting process should encourage greater participation by health care professionals in providing care at free clinics.

**CHAPTER LAST AMENDED:** November 8, 2007 by Emergency Adoption

CENTER FOR HEALTH STATISTICS

**4. CHAPTER 105. VITAL STATISTICS [AMENDED]**

**[PERMANENT]** Presented by Kevin Pipes / Kelly Baker

**PROPOSED RULES:** Subchapter 1. Purpose, Forms and Fees: 310:105-1-3 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; 63 O.S. Section 1-325

**SUMMARY:** The current Rule sets forth that a search of a vital statistic file (birth or death record) or acquiring a certified copy of a birth or death certificate requires the payment of a fee of Ten Dollars (\$10.00) per search or certificate, and that amendment of birth and death certificates, issuance of a delayed birth certificate or adoption certificate, and amendment of a birth or death certificate due to court order require payment of a fee of Five Dollars (\$5.00). The proposal will increase the fee for a vital record search or for a birth or death certificate to Twenty Dollars (\$20.00) per search or certificate. Additionally, this rule proposal will increase the fee for amendment of birth and death certificates, issuance of a delayed birth certificate or an adoption certificate, and amendment of a birth or death certificate due to court order to Twenty-five Dollars (\$25.00) per item. The intended effect of this proposal is to provide partial funding to offset over \$11.5 million in statutorily mandated and unfunded health insurance and retirement increases during the past two years. Conservative estimates provide that an additional increase of at least 6% for health insurance and 1% for OPERS will add an additional \$2 million in unfunded costs in FY 09. The total unfunded benefits mandates will exceed \$13.5 million for three years. In addition continuing reductions in Federal funding of Health and Long Term Care, Communicable disease surveillance and intervention and a new required state match on Preparedness grants reduce program funding by close to another \$2 million.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

PROTECTIVE HEALTH SERVICES

**5. CHAPTER 110. FEE AND FINE SCHEDULE FOR OCCUPATIONAL LICENSING [AMENDED]**

**[PERMANENT]** Presented by Matt Schue / Hank Hartsell

**PROPOSED RULES:** Subchapter 5. Administrative Fine Schedule: 310:110-5-8. Schedule of Fines for the Fire Extinguisher Industry [NEW].

**AUTHORITY:** Oklahoma State Board of Health; Fee and Fine Schedule For Occupational Licensing Service, 59 O.S., Section 61.1 et seq. and 1820.1 et seq.; 63 O.S. Section 1-106.1

**SUMMARY:** The proposed new rule establishes language that is necessary to implement a new section of law codified in the Oklahoma Statutes as Section 1820.1 of Title 59, known as the "Fire Extinguisher Licensing Act". The purpose of the Act is to regulate the sale, installation, and servicing of portable fire extinguishers, including both engineered and pre-engineered systems. The proposed rule creates the administrative citations for companies and individuals performing Fire Extinguisher work without proper licensure.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**6. CHAPTER 205. ALARM AND LOCKSMITH INDUSTRY [AMENDED]**

[PERMANENT] Presented by Matt Schue / Hank Hartsell

**PROPOSED RULES:** Subchapter 1. General Provisions: 310:205-1-2 [AMENDED]; Subchapter 3. License Requirements: 310:205-3-2 [AMENDED]; 310:205-3-3 [AMENDED]; 310:205-3-4 [AMENDED]; 310:205-3-7 [AMENDED]; 310:205-3-8 [AMENDED]; 310:205-3-9 [AMENDED]; 310:205-3-10 [AMENDED]; 310:205-3-11 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; Alarm and Locksmith Industry Act, 59 O.S. Sections 1800.1 et seq.

**SUMMARY:** **310:205-1-2** provides definitions of terms used in the industry. The proposed rule change includes a definition for electronic access control. The Rule change is necessary because the definition for electronic access control was inadvertently left out of the previous rule. This change to the Rule will have the effect of clarifying other terms within the Rule. **310:205-3-2** provides for the application and licensing fees, period and display, examination alternatives or prerequisites. The proposed rule amendment allows the applicant to be issued a temporary license by either submitting a criminal history record check from the Oklahoma Bureau of Investigation and/or, if applicant has resided in any other State in the past (10) ten years, submit a criminal history record from that State, or by submitting completed finger print cards that will be sent to the proper authority to insure a clear criminal record check prior to licensure. The proposed amendment deletes the requirement for each licensure applicant to complete a mandatory pre-licensing training course offered by a provider approved by the Alarm and Locksmith Industry Committee. The proposed rule allows the owners and managers of licensed alarm and locksmith companies to provide their own training, or to send their employees to any training courses they deem appropriate. Competency testing within the categories of licensing will continue to be provided through examinations administered by the Department. **310:205-3-3** establishes the licensure requirement for Burglar Alarm Companies and Individuals engaged in burglar alarm work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. **310:205-3-4** establishes the licensure requirement for Fire Alarm Companies and Individuals engaged in fire alarm work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. **310:205-3-7** establishes the licensure requirement for Fire Sprinkler Companies and Individuals engaged in fire sprinkler work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. **310:205-3-8** establishes the licensure requirement for Locksmith Companies and Individuals engaged in locksmith work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. **310:205-3-9** establishes the licensure requirement for Electronic Access Control Companies and Individuals engaged in electronic access control work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. **310:205-3-10** establishes the licensure requirement for Closed Circuit Television Companies and Individuals engaged in closed circuit television work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. **310:205-3-11** establishes the licensure requirement for Nurse Call Companies and Individuals engaged in nurse call work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. Additional minor changes are proposed within the existing alarm and locksmith industry categories to facilitate the proposed changes.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

## 7. **CHAPTER 210. BARBERS [AMENDED]**

[PERMANENT] Presented by Vernon Bolz / Hank Hartsell

**PROPOSED RULES:** Subchapter 3. Examinations: 310:210-3-3 [AMENDED]; 310:210-3-5 [AMENDED]; Subchapter 5. Licensing: 310:210-5-1 [AMENDED]; 310:210-5-2 [AMENDED]; 310:210-5-6 [AMENDED]; 310:210-5-8 [AMENDED]; 310:210-5-9 [NEW].

**AUTHORITY:** Oklahoma State Board of Health; Barber Regulations, 59 O.S., §§ 61.1 et seq.

**SUMMARY:** The current rule establishes general provisions, examination, prerequisites, fees, and licensing requirements for Barbers Apprentices, Barbers School Graduates, Hardship Apprentices, Barber Instructors and Barber Schools or colleges.

The proposed rule changes allows a barber who holds a license from another state or entity to obtain a license from Oklahoma without taking the Oklahoma barber examination. The proposed rule would establish an additional requirement for those seeking licensure under the reciprocal license rule. The proposed rule changes will increase the fee for Barbers from twenty five dollars to fifty dollars, Barber Instructors fee from fifty dollars to seventy five dollars, Barber Schools or colleges from two hundred dollars to four hundred dollars, Barber Apprentices from the current amount of ten dollars for a one-year license to fifty dollars for a two-year license, and raise the fee for a 12 month hardship apprentice license from ten dollars to twenty five dollars. In conjunction with these rule changes there will also be a two hundred dollar fee for a reciprocal barber license. Additional proposed rule changes would include an apprentice license to expire 24 months from the date of issue, instead of the current 12 months, except for a hardship apprentice license, which would be valid for 12 months, would require the supervising barber to submit to the Department, hours accumulated by the apprentice every three months, and that the barber apprentice shall complete three thousand hours in not less than eighteen months or more than twenty four months. The proposed changes are necessary to make the Barber Program self-supportive and the two-year license period for barber apprentices would reduce administrative costs. Additional changes are needed to allow for flexibility in working with States that recognize that the Oklahoma Barber Program meets their State requirements. The intended effect of these Rule changes is to make the barber program self-supportive and to allow the Oklahoma Barber Program to license individuals from States that reciprocate with Oklahoma and that can show that their licensure requirements are substantively the same as Oklahoma's.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**8. CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICES [AMENDED]**

[PERMANENT] Presented by Tressa Madden / Hank Hartsell

**PROPOSED RULES:** Subchapter 3. License Classifications and Associated Fees For Consumer Health Services: 310:250-3-1 Food service establishments' permits [AMENDED]; 310:250-3-7 Application fee [NEW].

**AUTHORITY:** Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-106.1 and 1-1118 et seq.

**SUMMARY:** The proposal amends Subchapter 3 of the present Fee Schedule For Consumer Health Services Regulations in order to correct items to correspond with the OAC 310:257 "Food Service Establishment Regulations". The new changes involve additional language to establish an application fee to the existing regulations to institute funding for Food Service Establishments, Drug Operational permits and Lodging establishment operational permits for the inspection programs and industry education activities.

**CHAPTER LAST AMENDED:** September 15, 2005 by Permanent Adoption

**9. CHAPTER 345. REGISTRATION OF SANITARIANS AND ENVIRONMENTAL SPECIALISTS [AMENDED]**

[PERMANENT] Presented by Vernon Bolz / Hank Hartsell

**PROPOSED RULES:** Subchapter 3. Applications: 310:345-3-3 [AMENDED]; 310:345-3-6 [AMENDED]; Subchapter 5. Registration: 310:345-5-3 [AMENDED]; Subchapter 7. Revocation and Reinstatement: 310:345-7-2 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; Oklahoma Sanitarian and Environmental Specialist Registration Act, 59 O.S., Section 1150.1 et seq.

**SUMMARY:** 310:345-3-3. The Rule establishes the time for payment of registration fees as well as

the amounts of registration fees for Sanitarians and Environmental Specialists. The proposed rule change establishes an increase of the registration fees for initial full registration from \$20 to \$25 per registration; in training to full registration from \$20 to \$25 per registration; yearly renewal from \$7.50 to \$25 per registration; lifetime from \$20 to \$60 per registration; and provides for an examination fee of \$30 for applicants taking the Oklahoma examination as a qualification for initial registration. This Rule change is necessary because of the rising costs in the operation and maintenance of this program. The proposed increased revenue will have the effect of enabling this program to meet the budget demands for the operation and maintenance of this program. It should be noted the fees initially established at the inception of this program in 1953 have never been increased. **310:345-3-6.**This Rule provides for reciprocity in the case of Sanitarians or Environmental Specialists from jurisdictions outside of Oklahoma. The proposed Rule change allows other reciprocal states to be on equivalency terms with Oklahoma's requirements. This Rule change is necessary so that other states will recognize Oklahoma's programs and criteria. The proposed change will have the effect of speeding the process of licensure. **310:345-5-3.** This Rule provides for expiration and renewals of registrations for Sanitarians and Environmental Specialists. The proposed Rule changes the renewal fee from \$7.50 to \$25.00. The Rule change is necessary to cover the increasing costs of program administration. The proposed increased revenue will have the effect of enabling this program to meet the budget demands for the operation and maintenance of this program. **310:345-7-2.** This Rule provides for the provisions of reinstatement of licensure for Sanitarian or Environmental Specialist. The proposed Rule will allow up to \$25.00 to be charged for the reinstatement of a Sanitarian or Environmental Specialist license. The Rule change is necessary to cover the increasing costs of program administration. The proposed increased revenue will have the effect of enabling this program to meet the budget demands for the operation and maintenance of this program.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**10. CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS [AMENDED]**

**[PERMANENT]** Presented by Nena West / Hank Hartsell

**PROPOSED RULES:** Subchapter 5. Rules of Professional Conduct: 310:400-5-3 [AMENDED]; Subchapter 7. Application for Licensure: 310:400-7-2.1 [AMENDED]; 310:400-7-4 [AMENDED]; 310:400-7-5 [NEW]; Subchapter 11. Supervised Experience Requirements: 310:400-11-2 [AMENDED]; 310:400-11-3 [AMENDED]; 310:400-11-5 [AMENDED]; Subchapter 15. Issuance and Maintenance of License: 310:400-15-4 [AMENDED]; 310:400-15-8 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; 59 O.S. 2001, Section 1925.5(A)

**SUMMARY: 310:400-5-3** The current Rule sets forth standards regarding professional competence and integrity. The proposal clarifies prohibition of therapy concurrently or subsequently in regard to parties involved in forensic matters. The change is necessary to ensure neutrality by the therapist. The effect of the Rule will protect all parties involved in forensic matters. **310:400-7-2.1** The current Rule sets forth requirements for re-applying for a revoked license. The proposal establishes a time limit to re-apply following revocation of licensure, requires applicants to submit additional documentation demonstrating rehabilitation, imposes possible limitations on practice, and requires review by the LMFT Advisory Board. This change is necessary to ensure that a disciplined therapist is fit to practice following administrative action. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LMFTs. The current Rule also provides for the procedure and terms of re-application for a denied application. The proposal clarifies a denied application and requires the submission of additional documentation demonstrating rehabilitation and imposes possible limitations on practice. This change is necessary to ensure that a disciplined applicant is fit to practice following the denial of application for licensure. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from

licensure candidates and LMFTs. **310:400-7-4** The current Rule establishes academic and experience requirements for licensure. The proposal specifically names the six regional accrediting associations that meet the academic requirement. The change is necessary to clarify which accrediting associations meet the requirement. The effect of the Rule will allow applicants to be more informed regarding the acceptable requirement. **310:400-7-5** The new proposed Rule defines forms used by the applicants, licensees and third parties to obtain licensee information. This addition is necessary to facilitate a process to obtain information from the applicant and to allow the Department to establish requirements for requesting and receiving such information. The effect of the Rule change will allow consistency in processing requests for information. **310:400-11-2** The current Rule establishes acceptable supervised experience. The proposal allows for consideration to approve out-of-state, on-site supervisors. This change is necessary to allow more flexibility regarding the acceptability of supervised experience for licensure candidates. The effect of the Rule will allow more licensure candidates to provide services to the citizens of Oklahoma. **310:400-11-3** The current Rule establishes supervisor qualifications. The proposal requires the completion of the continuing education requirement before the approved supervisor designation can be renewed. This change is necessary to ensure that approved supervisors remain abreast of current trends in therapy supervision. The effect of the Rule will ensure that licensure candidates are receiving the required supervision by qualified licensure supervisors. **310:400-11-5** The current rule establishes the responsibility of supervisors and supervisees. The proposal requires a time limit for approved supervisors to maintain supervision records for supervisees. This change is necessary to ensure appropriate record keeping of supervision activities. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates. **310:400-15-4** The current Rule sets forth requirements for continuing education. The proposal allows for presenters of continuing education programs to qualify who have experience teaching in a regionally accredited university setting. The change is necessary to allow more qualified individuals to be approved as presenters of continuing education. The proposal also establishes distance learning courses as an acceptable context to accrue continuing education. The change is necessary to consider all means of distance learning as acceptable continuing education. The effect of the Rule will allow licensees more opportunities to complete the continuing education requirement for licensure renewal. The proposal also defines the continuing education roster and the continuing education roster for LMFT Approved Supervisors. These changes are necessary to allow the Department to establish requirements for receiving renewal information on official Department forms. The effect of the Rule will ensure accurate, consistent information necessary to renew an LMFT license and approved supervisor status. **310:400-15-8** The current rule establishes provisions for licensure by endorsement. The proposal disallows experience to be considered in lieu of passing the national licensing examination in marital and family therapy. This change is necessary to ensure that endorsement applicants meet the same examination requirements as in-state applicants. The effect of the Rule will protect the citizens of Oklahoma by ensuring endorsement applicants have met the same licensing standard as in-state applicants.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**11. CHAPTER 403. LICENSED BEHAVIORAL PRACTITIONERS [AMENDED]**

[PERMANENT] Presented by Nena West / Hank Hartsell

**PROPOSED RULES:** Subchapter 5. Forms: 310:403-5-2 [AMENDED]; Subchapter 11. Application Procedures: 310:403-11-8 [AMENDED]; 310:403-11-11 [AMENDED]; Subchapter 15. Supervised Experience Requirement: 310:403-15-4[AMENDED]; 310:403-15-5 [AMENDED]; Subchapter 21. Continuing Education Requirements: 310:403-21-2 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; 59 O.S. 2001, Section 1934(A)

**SUMMARY:** **310:403-5-2** The current Rule describes forms used during the application and

licensure process. The proposal defines forms used by the licensees and third parties to obtain licensee information. This change is necessary to facilitate a process to obtain information from the applicant and to allow the Department to establish requirements for requesting and receiving such information. The effect of the Rule change will allow consistency in processing requests for information. **310:403-11-8** The current Rule sets forth requirements for re-applying for a revoked license. The proposal establishes a time limit to re-apply following revocation of licensure, requires applicants to submit additional documentation demonstrating rehabilitation, imposes possible limitations on practice, and requires review by the LBP Advisory Board. This change is necessary to ensure that a disciplined practitioner is fit to practice following administration action. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LBPs. **310:403-11-11** The current Rule provides for the procedure and terms of re-application for a denied application. The proposal clarifies a denied application and requires the submission additional documentation demonstrating rehabilitation and imposes possible limitations on practice. This change is necessary to ensure that a disciplined applicant is fit to practice following the denial of application for licensure. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LBPs. **310:403-15-4** The current rule establishes the responsibility of supervisors and supervisees. The proposal requires a time limit for approved supervisors to maintain supervision records for supervisees. This change is necessary to ensure appropriate record keeping of supervision activities. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates. **310:403-15-5** The current Rule provides for the acceptability of supervised experience. The proposal allows for supervised experience to be accrued in a private setting when an agency employs a qualified on-site supervisor, allows Licensed Alcohol and Drug Counselors to be qualified on-site supervisors, and allows for consideration to approve out-of-state, on-site supervisors. This change is necessary to allow more flexibility regarding the acceptability of supervised experience for licensure candidates. The effect of the Rule will allow more practitioner candidates to provide services to the citizens of Oklahoma. **310:403-21-2** The current Rule provides for the procedure and terms of the submission of the continuing education roster. The proposal defines the continuing education roster. This change is necessary to allow the Department to establish requirements for receiving renewal information on official Department forms. The effect of the Rule will ensure accurate, consistent information necessary to renew an LBP license.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

## **12. CHAPTER 405. LICENSED PROFESSIONAL COUNSELORS [AMENDED]**

[PERMANENT] Presented by Nena West / Hank Hartsell

**PROPOSED RULES:** Subchapter 3. Rules of Professional Conduct: 310:405-3-3 [AMENDED]; Subchapter 7. Application Procedures: 310:405-7-2 [AMENDED]; 310:405-7-5 [AMENDED]; 310:405-7-8 [AMENDED]; 310:405-7-9 [AMENDED]; Subchapter 11. Supervised Experience Requirement: 310:405-11-2 [AMENDED]; 310:405-11-3 [AMENDED]; 310:405-11-4 [AMENDED]; Subchapter 17. Continuing Education Requirements: 310:405-17-2 [AMENDED]; 310:405-17-3 [AMENDED]; 310:405-17-4.1 [AMENDED]; 310:405-17-6.1 [AMENDED]; Subchapter 27. Licensure by Endorsement: 310:405-27-3 [AMENDED]; Subchapter 29. Consumer Information: 310:405-29-4 [NEW].

**AUTHORITY:** Oklahoma State Board of Health; 59 O.S. 2001, Section 1905(A)

**SUMMARY:** **310:405-3-3** The current Rule describes acts of discrimination in a counseling setting. The proposal expands the definition to align with the American Counseling Association's (ACA) definition. The effect of the Rule will provide consistency with the more widely recognized definition of discrimination. The new proposed Rule in this subchapter defines private or independent practice. The addition is necessary to provide clarification regarding requirements to

engage in private or independent practice of professional counseling. The effect of the Rule will ensure that only Licensed Professional Counselors can engage in private or independent practice as referenced by the LPC Act and Regulations. **310:405-7-2** The current Rule describes forms used during the application and licensure process. The proposal defines forms used by the applicants, licensees and third parties to obtain licensee information. This change is necessary to facilitate a process to obtain information from the applicant and to allow the Department to establish requirements for requesting and receiving such information. The effect of the Rule change will allow consistency in processing requests for information. **310:405-7-5** The current Rule sets forth requirements for re-applying for a revoked license. The proposal establishes a time limit to re-apply following revocation of licensure, requires applicants to submit additional documentation demonstrating rehabilitation, imposes possible limitations on practice, and requires review by the LPC Advisory Board. This change is necessary to ensure that a disciplined counselor is fit to practice following administrative action. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LPCs. **310:405-7-8** The current Rule provides for the procedure and terms of re-application for a denied application. The proposal clarifies a denied application and requires the submission of additional documentation demonstrating rehabilitation and imposes possible limitations on practice. This change is necessary to ensure that a disciplined applicant is fit to practice following the denial of application for licensure. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LPCs. **310:405-7-9** The current Rule describes the process for requesting an administrative hearing following the denial of licensure. The proposal clarifies the correct reference from the LPC Act. The effect of the Rule will provide consistency between the Act and the Regulations. **310:405-11-2** The current rule establishes the responsibility of supervisors and supervisees. The proposal requires a time limit for approved supervisors to maintain supervision records for supervisees. This change is necessary to ensure appropriate record keeping of supervision activities. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates. **310:405-11-3** The current Rule provides for the acceptability of supervised experience. The proposal allows for supervised experience to be accrued in a private setting when a facility employs a qualified on-site supervisor, allows Licensed Alcohol and Drug Counselors to be qualified on-site supervisors, and allows for consideration to approve out-of-state, on-site supervisors. This change is necessary to allow more flexibility regarding the acceptability of supervised experience for licensure candidates. The effect of the Rule will allow more licensure candidates to provide services to the citizens of Oklahoma. **310:405-11-4** The current Rule establishes supervisor qualifications. The proposal requires the completion of the continuing education requirement before the approved supervisor designation can be renewed. This change is necessary to ensure that approved supervisors remain abreast of current trends in counseling supervision. The effect of the Rule will ensure that licensure candidates are receiving the required supervision by qualified licensure supervisors. **310:405-17-2** The current Rule establishes the number of hours of continuing education required to renew the license. The proposal specifies the equivalency of academic course work and the clock hour requirement. The change is necessary to provide clarification of the amount of clock hour credit that will be given to college courses. The effect of the Rule will allow licensees to submit the proper amount of college course work to fulfill the continuing education requirement. **310:405-17-3** The current Rule establishes acceptable continuing education requirements. The proposal allows for presenters of continuing education programs to qualify who have experience teaching in a regionally accredited university setting. The proposal also establishes distance learning courses as an acceptable context to accrue continuing education. The change is necessary to allow more qualified individuals to be approved as presenters of continuing education and to consider all means of distance learning as acceptable continuing education. The effect of the Rule will allow licensees more opportunities to complete the continuing education requirement for licensure renewal.

**310:405-17-4.1** The current Rule establishes continuing education accrual from home study courses. The proposal changes home study courses to distance learning courses as an acceptable context to acquire continuing education. The proposal also establishes presenter qualifications. The change is necessary so that all means of distance learning will be considered as acceptable continuing education and to ensure qualified presenters. The effect of the Rule will allow licensees more opportunities to complete the continuing education requirement for licensure renewal. **310:405-17-6.1** The current Rule provides for the procedure and terms of the submission of the continuing education roster. The proposal defines the continuing education roster. This change is necessary to allow the Department to establish requirements for receiving renewal information on official Department forms. The effect of the Rule will ensure accurate, consistent information necessary to renew an LPC license. **310:405-27-3** The current Rule provides for requirements for licensure by endorsement. The proposal clarifies the requirements with an additional citation from the LPC Act, which includes the completion of 60 (sixty) graduate hours of counseling-related course work and 3000 hours of post-graduate supervision. The change is necessary to ensure that endorsement applicants have met equivalent training and education requirements as in-state applicants. The effect of the Rule will protect the citizens of Oklahoma by ensuring endorsement applicants have met the same licensing standard as in-state applicants. **310:405-29-4** The new proposed Rule in this Subchapter describes informed consent. The addition is necessary to establish a standard regarding informed consent in the counseling setting. The effect of the Rule will provide direction and clarification regarding informed consent for the counselor and the client.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**13. CHAPTER 451. FIRE EXTINGUISHER INDUSTRY [NEW]**

**[PERMANENT]** Presented by Matt Schue / Hank Hartsell

**PROPOSED RULES:** Subchapter 1. General Provisions [NEW]: 310:451-1-1 through 310:451-1-3.1 [NEW]; Subchapter 3. License Requirements [NEW]: 310:451-3-1 through 310:451-3-5 [NEW]; Subchapter 5. Special Provisions [NEW]: 310:451-5-1 through 310:451-5-3 [NEW]; Subchapter 7. Enforcement [NEW]: 310:451-7-1 through 310:451-7-2 [NEW].

**AUTHORITY:** Oklahoma State Board of Health; Fire Extinguisher Industry Act, 59 O.S. Sections 1820.1 et seq.

**SUMMARY:** The proposed new rule establishes language that is necessary to implement a new section of law codified in the Oklahoma Statutes as Section 1820.1 of Title 59, known as the “Fire Extinguisher Licensing Act”. The purpose of the Act is to regulate the sale, installation, and servicing of portable fire extinguishers, including both engineered and pre-engineered systems. The proposed rule creates categories of licensure, definitions, qualifications, and requirements for companies, managers, technicians, salespersons, and trainees along with the respective licensing fees, within each category. Additional rule language establishes the criteria to qualify for initial licensing and the minimum qualifications for licensing thereafter.

**CHAPTER LAST AMENDED:** NEW

**14. CHAPTER 638. DRUG AND ALCOHOL TESTING RULES [AMENDED]**

**[PERMANENT]** Presented by Tom Welin / Hank Hartsell

**PROPOSED RULES:** Subchapter 1. General Provisions: 310:638-1-2 [AMENDED]; 310:638-1-3 [AMENDED]; 310:638-1-4 [AMENDED]; 310:638-1-5 [AMENDED]; 310:638-1-6.2 [NEW]; 310:638-1-7.2 [NEW]; 310:638-1-8.2 [NEW]; 310:638-1-10 [AMENDED]; Subchapter 3. Administration: 310:638-3-4 [REVOKED]; 310:638-3-7 [AMENDED]; Subchapter 5. Drug Screen Testing Facilities: 310:638-5-2 [AMENDED]; 310:638-5-3 [AMENDED]; 310:638-5-4 [AMENDED]; 310:638-5-9 [AMENDED]; 310:638-5-10 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; Standards for Workplace Drug and Alcohol

Testing Act, 40 O.S. Sections 551 et seq.

**SUMMARY:** The amendments to OAC 310:638 modify the workplace drug and alcohol testing standards and procedures to include saliva as an appropriate body component sample for workplace drug testing throughout the standards; establishes new standards for saliva drug screening and confirmation testing including a requirement for participation in an approved proficiency testing program; sets requirements for saliva specimen collection and transportation. These revisions also revoke obsolete provisions for an interim licensure status. This rule implements the Standards for Workplace Drug and Alcohol Testing Act as amended effective November 1, 2006. This permanent action will supersede the emergency adoption that became effective on April 2, 2007 and set to expire on July 14, 2008.

**CHAPTER LAST AMENDED:** March 8, 2007 by Emergency Adoption

**15. CHAPTER 641. EMERGENCY MEDICAL SERVICES [AMENDED]**

**[PERMANENT]** Presented by Shawn Rogers / Hank Hartsell

**PROPOSED RULES:** Subchapter 3. Ambulance Services: Part 1. General Provisions: 310:641-3-2 [AMENDED]; Part 3. Ambulance Services: 310:641-3-10 [AMENDED]; Part 5. Ground Transport Vehicles: 310:641-3-20 [AMENDED]; 310:641-3-23 [AMENDED]; Part 7. Air Ambulances: 310:641-3-30 [AMENDED]; 310:641-3-32 [AMENDED]; Part 27. Transfer Protocols: 310-641-3-130 [AMENDED]; Subchapter 5. Personnel Licenses and Certification: Part 3. Emergency Medical Personnel Licenses: 310:641-5-11 [AMENDED]; 310:641-5-14 [AMENDED]; Subchapter 7. Training Programs: Part 5. Instructor Qualifications: 310:641-7-20 [AMENDED]; Part 7. In-Service Instruction Program: 310:641-7-30 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; 63 O.S. Section 1-104; 63 O.S. Section 1-2501 et seq.; and Title 63 O.S. Section 1-860.1 et seq.

**SUMMARY:** The proposed changes update licensure requirements to include a HIPAA compliant system for receiving emergency calls, clarify the requirements for mutual aid agreements between ambulance services, update vehicle standards to conform with new Federal standards, update and consolidate requirements for pediatric equipment consistent with national Emergency Medical Services for Children recommendations, add a requirement that on-board equipment be “clean, in good working condition, and appropriately secured”, require clear transfer of care including verbal and written reporting to the receiving facility, clarify requirements for participation in regional trauma planning meetings, update re-licensure requirements to conform with the National Registry of EMTs, and require attendance policies for Department-approved refresher training.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**16. CHAPTER 662. HOME CARE AGENCIES [AMENDED]**

**[PERMANENT]** Presented by Tom Welin / Hank Hartsell

**PROPOSED RULES:** Subchapter 1. General Provisions: 310:662-1-2 [AMENDED]; Subchapter 2. Licenses: 310:662-2-1 [AMENDED]; Subchapter 3. Administration: 310:662-3-3 [AMENDED]; Subchapter 8. Sitter or Companion Services [NEW]: 310:662-8-1 through 310:662-8-9 [NEW].

**AUTHORITY:** Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-1960 et seq.

**SUMMARY:** The amendments to OAC 310:662 Subchapters 1, 2, and 3, decrease the amount of time an initial application can remain incomplete before it is summarily dismissed from ninety (90) to thirty (30) days. The proposed rule clarifies who may serve as the guardian of a home health client to prohibit an employee of the client's home care agency from serving in that role unless otherwise qualified, e.g., such as through a court appointment. The proposed amendments maintain the requirement for a continuous review of clinical records to ensure the adequacy of the plan of care and appropriateness of

continuation of care while removing the specific requirement for review of client clinical records at a minimum interval of each sixty-two (62) days of service. These changes were initiated by requests submitted, reviewed, and recommended through the Home Health Advisory Board and are intended to streamline the licensure process and to remove and/or clarify obsolete regulatory language. The new language proposed in Subchapter 8 establish standards, procedures, and fees for licensure of agencies providing companion and sitter services as required by House Bill 1580 passed during the First Session of the 51st Legislature that amends the Home Care Act (the Act) by adding Section 1-1972 of title 63 that became effective November 1, 2007.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**17. CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING [AMENDED]**

**[PERMANENT]** Presented by James Joslin / Hank Hartsell

**PROPOSED RULES:** Subchapter 1. General Provisions: 310:663-1-2 [AMENDED]; 310:663-1-4 [NEW]; Subchapter 3. Services and Care: 310:663-3-5 [AMENDED]; 310:663-3-8 [NEW]; Subchapter 7. Physical Plant Design: 310:663-7-2 [AMENDED]; Subchapter 9. Staffing Requirements: 310:663-9-6 [AMENDED]; Subchapter 13. Resident Contract: 310:663-13-1 [AMENDED]; Subchapter 15. Resident Rights and Responsibilities: 310:663-15-1 [AMENDED]; 310:663-15-2 [AMENDED]; 310:663-15-3 [NEW]; Subchapter 19. Administration, Records and Policies: 310:663-19-1 [AMENDED]; 310:663-19-2 [AMENDED]; 310:663-19-3 [NEW]; Subchapter 25. Inspections and Investigations: 310:663-25-3 [AMENDED]; 310:663-25-4 [AMENDED]; Subchapter 29. Terminating and Continuing Services: 310:663-29-2 [AMENDED]; Appendix B. Reference List for Standards of Practice [NEW].

**AUTHORITY:** Oklahoma State Board of Health; 63 O.S. 2001, Section 1-104; and Title 63 O.S. Section 1-890.1 et seq.

**SUMMARY:** The proposed amendments are re-submitted in their entirety as reviewed and adopted at the Oklahoma State Board of Health, March 8, 2007, meeting. No additional amendments are offered. The re-submission is due to an error in distribution in which an earlier draft, not adopted by the State Board of Health, was distributed to the legislature, governor's office and Secretary of State for final adoption and publication in the Oklahoma Register, Volume 24, Number 19, OAR Docket #07-1090.

The sections of rule subject to amendment, as currently written, address definitions of certain terminology used in the rule; inappropriate placement in assisted living centers and involuntary discharge; the resident's right to privacy and independence to include access to their room thermostat and personal furnishings; staffing requirements when only one person is on duty; the resident's contract provisions and communications regarding the resident's contract; who may not serve as guardian of a resident; criteria and procedures for reporting certain incidents to the Department; procedures to ensure safe administration of medications; standards of practice in nursing care; procedures for issuing notice of violation and submission of a plan of correction; and procedures to be followed for voluntary closure of the facility. Definitions are updated to define terminology in the proposed rule. A section is added to direct facilities to other provisions of applicable statute in Title 63. This meets guidance within the Administrative Rules on Rule Making to not restate statutory language where possible, while directing facility attention to important statutory language. Additional criteria are provided to give facilities greater guidance on appropriate admissions to an Assisted Living facility as well as criteria for invoking an involuntary transfer or discharge. Contents of a notice of involuntary discharge are specified which include the resident's right to a hearing and the process by which a resident may request a hearing. A new section is added to address an omission in the rule clarifying that facilities must be in compliance with Chapters 256 and 257 for Food Service Establishments in their food storage, preparation and service. Staffing requirements are amended to increase resident supervision. New rules specify a minimum of two staff members for facilities housing more than six residents and in locked units where facilities are providing services to residents with Alzheimer's disease or related dementias. The rule

prohibiting an owner, operator, administrator or employee from appointment as a guardian or limited guardian of a resident is amended to include prohibiting appointment as power of attorney or durable power of attorney. A new section of rule is created to require development, distribution and posting of facility procedures for receiving resident complaints. The rule includes a provision for distributing and posting the Department's complaint procedures. The rules for incident reporting are amended to include additional incidents representing a threat to the health and/or safety of residents; requiring the reporting of those incidents to the Department; timelines for reporting; notification of the Nurse Aide Registry for allegations and/or occurrences of resident abuse, neglect, or misappropriation of resident's property by nurse aide; and, content of the incident report. Medication administration rules are amended to directly cite the rule. Previously, the rule did not cite the language but only provided a reference to rules in other Chapters. A new rule for the maintenance of resident records is created. The rule provides for content, confidentiality, protection, retention time frames, and possession in case of closure or ownership change. Standards of practice are updated and placed in a new Appendix B. The rule for Plans of Correction is expanded to define an acceptable plan of correction, penalties for failure to submit a Plan of Correction, and provisions for extension, rejection and right to appeal. The notice requirements for voluntary closure are amended to define the content of the notice to residents and provide for a final notice to the Department to include effective date of closure, location of residents and provision for resident record storage. The rule changes update the rules based on survey experience, history of complaint allegations and investigations, and public meetings held by the Long Term Care Facility Advisory Board. The effect of these Rules will be to: enhance resident communications in the event of involuntary discharge; increase training of facility food service staff in avoiding foodborne illness; encourage constant supervision of residents with diminished mental capacity; prohibit owners, operators, administrators or employees from serving as a resident's power of attorney; ensure communication to residents and families of a procedure for submitting grievances to the facility and Department; enhance facility communication to the Department when there are incidents that affect the health safety and welfare of residents; provide standards for record keeping, retention and protection; encourage facility adherence to the most current standards of practice; encourage plans of correction that result in long term correction of violations; ensure communication to residents of their rights in a facility closure and communication of the availability of supports to assist the resident in finding alternative placement; and encourage more detailed communication to the department on the reasons for closure and the location of residents if family or the Department need to locate a resident after their relocation.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

**18. CHAPTER 667. HOSPITAL STANDARDS [AMENDED]**

**[PERMANENT]** Presented by Tom Welin / Hank Hartsell

**PROPOSED RULES:** Subchapter 15. Nursing Service: 310:667-15-6 [AMENDED]; Subchapter 19. Medical Records Department: 310:667-19-2 [AMENDED]; 310:667-19-13 [AMENDED]; Subchapter 21. Drug Distribution: 310:667-21-7 [AMENDED]; 310:667-21-8 [AMENDED]; Subchapter 25. Surgical Services: 310:667-25-2 [AMENDED]; Subchapter 39. Critical Access Hospital: 310:667-39-6 [AMENDED]; 310:667-39-9 [AMENDED]; 310:667-39-11 [AMENDED]; Subchapter 40. Emergency Hospital: 310:667-40-6 [AMENDED]; 310:667-40-9 [AMENDED]; 310:667-40-11 [AMENDED].

**AUTHORITY:** Oklahoma State Board of Health; 63 O.S. Sections 1-104, 1-705, and 1-707

**SUMMARY:** The amendments to OAC 310:667 modify language in the licensure rules for completion of patient history and physical examinations prior to admission; the current rule requires physical examinations to be completed no more than seven (7) days prior to admission; the revised rule allows such examinations to be conducted up to thirty days (30) prior to admission as long as certain conditions are met. The proposed modifications adjust the timelines throughout the rules for authentication of verbal orders from "as soon as possible" to "as soon as possible within forty-eight (48)

hours" and add a clarification to the drug storage requirements that certain drugs and biologicals must be maintained in locked storage in a secure area. These amendments also expand and clarifying the individuals qualified to perform, and the requirements for completion of, post-anesthesia follow up; the rule currently requires the practitioner responsible for administering the anesthesia to complete the post-anesthesia evaluation during the post-anesthesia recovery period; the proposed rule allows any practitioner qualified to administer anesthesia to complete the post-anesthesia evaluation. This proposed permanent rule modifies hospital licensure standards to be consistent with U.S. Code of Federal Regulations for hospitals certified by the U.S. Department of Human Services to participate in the federal Medicare program that became effective January 26, 2007. This permanent action will supersede the emergency adoption that became effective on April 2, 2007 and set to expire on July 14, 2008.

**CHAPTER LAST AMENDED:** March 8, 2007 by Emergency Adoption

**19. CHAPTER 675. NURSING AND SPECIALIZED FACILITIES [AMENDED]**

**[PERMANENT]** Presented by James Joslin / Hank Hartsell

**PROPOSED RULES:** Subchapter 1. General Provisions: 310:675-1-2 [AMENDED]; Subchapter 7. Administration: 310:675-7-5.1 [AMENDED]; 310:675-7-12.1 [AMENDED]; 310:675-7-17.1 [AMENDED]; 310:675-7-18.1 [AMENDED]; 310:675-7-21 [NEW]; Subchapter 9. Resident Care Services: 310:675-9-13.1 [AMENDED]; Subchapter 13. Staff Requirements: 310:675-13-7 [AMENDED]; Subchapter 21. Nontechnical Services Workers [NEW]: 310:675-21-1 [NEW]; 310:675-21-2 [NEW]; 310:675-21-3 [NEW]; 310:675-21-4 [NEW]; 310:675-21-5 [NEW]; Appendix B. Reference List for Standards of Practice [REVOKED]; Appendix B. Reference List for Standards of Practice [NEW].

**AUTHORITY:** Oklahoma State Board of Health; Title 63 O.S. 2001, Section 1-104; and Title 63 O.S. Section 1-1901 et seq.

**SUMMARY:** The proposed amendments are re-submitted in their entirety as reviewed and adopted at the Oklahoma State Board of Health, March 8, 2007, meeting. No additional amendments are offered. The re-submission is due to an error in distribution in which an earlier draft, not adopted by the State Board of Health, was distributed to the legislature, governor's office and Secretary of State for final adoption and publication in the Oklahoma Register, Volume 24, Number 19, OAR Docket #07-1096. The proposed amendments and new language update the rules based on changes in statute, survey experience, history of facility incident reports, complaint allegations and investigations, request and experience of the Department's Tuberculosis Division, and public meetings held by the Long Term Care Facility Advisory Board. Definitions are updated to clarify terminology in the proposed rule relating to reports to local law enforcement. The timeline for initial incident reporting is changed to correspond with statutory language of twenty-four (24) hours. Further amendments clarify the types of incidents to be reported and the content to be included in filed incident reports. Infection control rules are amended to reflect the latest guidance on facility tuberculosis risk assessment, and resident and staff tuberculosis skin testing from the Centers for Disease Control. New rules are developed to implement the Long-term Care Security Act pertaining to determination of sex or violent offender status for all facility staff and residents; procedures for determination of status; recommended registry search strategy; change in status after employment or admission; posting of offender status; and, content of notice to department of sex or violent offender's presence in the facility. Food storage, supply and sanitation rules are amended to reflect the newly adopted Chapter 257. Food service staff rules are amended to enhance the training requirements for food service staff while reducing routine food services staff in-service time. Subchapter 21 is added to implement the abuse registry for nontechnical services workers as required in 63 O.S. Sections 1-1950.6 through 1-1950.9. The new subchapter includes procedures of investigations, notice, hearings, orders, and entry of findings into an abuse registry. Standards of practice are updated in Appendix B.

**CHAPTER LAST AMENDED:** March 8, 2007 by Permanent Adoption

E.     PROPOSED EXECUTIVE SESSION

Executive Session pursuant to 25 O.S. Section 307(B)(4) for confidential communications to discuss pending litigation and investigations.

Possible action taken as a result of Executive Session.

F.     COMMISSIONER'S REPORT

Discussion and Possible Action on the Following:

20. a) Follow-up on Discussion of OSDH Boards/Committees  
b) Budget Issues Update  
c) SoonerStart / Early Intervention Update  
d) Tobacco Legislation Update  
e) Legislative Update

G.     CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

21. **Executive Committee**, Mr. Smith, Chair

Discussion and Possible Action on the following:

- a) Selection of Central Office Employee of the Year and County Employee of the Year  
b) Creation of a State Health Improvement Plan

**Finance and Audit Committee** – Dr. Alexopoulos, Chair

Discussion and Possible Action on the following:

- a) Financial Report  
b) Audit Activities/Audits in Progress

**Accountability and Ethics Committee**, Dr. Diacon, Chair

- a) Update

**Public Health Policy Committee** - Dr. Deckert, Chair

Discussion and Possible Action on the following:

- a) Annual State of the State's Health Report

H.     PRESIDENT'S REPORT

- a) Assign members to Nominating Committee

I.     NEW BUSINESS - Not reasonably anticipated 24 hours in advance of meeting

J.     ADJOURNMENT