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

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 2. Procedures of the State Department of Health [AMENDED]
310:2-3-8 [NEW]

AUTHORITY:

Oklahoma State Commissioner of Health, Title 63 O.S. Section 1-104; Oklahoma Executive Department's Executive Order 2020-13

COMMENT PERIOD:

None

PUBLIC HEARING:

None

ADOPTION:

May 6, 2020

EFFECTIVE:

Immediately upon Governor's approval.

EXPIRATION:

Effective through the duration of the Governor's emergency declaration for the COVID-19 outbreak, as declared by executive order of the Governor, or through September 14, 2021, whichever occurs first, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The proposed new rules in 310:2-3-8 are pursuant to Executive Order 2020-13, signed by Governor Stitt and filed with the Secretary of State on April 8, 2020. The proposed rules are necessary to respond to the emergency by assuring the continuation of critical services regulated by the Oklahoma State Department of Health. During the emergency individuals and organizations providing critical services may experience difficulty and delays in satisfying licensing requirements and maintaining adequate staffing because of closures, suspensions of business operations or re-scheduling of required examinations.

GIST/ANALYSIS:

Executive Order 2020-13 allows for the promulgation of emergency rules by State agencies to address the emergency. These emergency rules will maintain and increase staffing shortages and the continuation of business operations for those providing critical services during the emergency.

The proposed new rules allow the Department to extend renewal deadlines for any occupational or professional license, certificate, permit, or registration issued by the Department. The rules allow the Department to extend renewal deadlines for any organization, establishment, facility, shop, or premises license, certificate, permit or registration. Under the rules, the Department may waive, defer or suspend inspection requirements. The Department may extend completion deadlines for applications for licensure. Fingerprinting requirements may be deferred. Conditional licenses may be granted to emergency medical personnel.

CONTACT PERSON:

Audrey C. Talley, Agency Rules Liaison, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-9444 ext. 56535 e-mail: AudreyT@health.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 3. GENERAL OPERATIONS AND PROCEDURES

310:2-3-8. Pandemic emergency rules

(a) **Purpose**. The rules in this Section have been adopted for the purpose of maintaining and increasing the number of individuals, organizations, facilities and premises that provide beneficial and critical services in the State of Oklahoma and are subject to the regulatory authority of the Department.

(b) **Emergency** means the threat of COVID-19 to the people of Oklahoma and the public's peace, health, and safety, as declared in Executive Order 2020-07, and its amendments (Executive Order) and as defined in 63 O.S. § 6104.

(c) **Suspension of requirements for licensure renewal.**

(1) The Department shall extend renewal deadlines for any occupational or professional license, certificate, permit, or registration issued by the Department to any individual, business, or organization that has expired or will expire during the emergency declared in the Executive Order. Such licenses, certificates, permits and registrations shall remain valid until fourteen (14) days following the withdrawal or termination of the Executive Order.

(2) The Department may extend renewal deadlines for any organization, establishment, facility, shop, or premises license, certificate, permit, or registration issued by the Department to any individual, business or organization that has expired or will expire during the emergency declared in the Executive Order. Such licenses, certificates, permits or registrations shall remain valid until the withdrawal or termination of the Executive Order.

(3) The Department may waive any late, delinquent, penalty, or expiration fees associated with any license, certificate, permit or registration referred to in Sections (1) and (2) above until the withdrawal or termination of the Executive Order.

(4) The Department may suspend in-person skills testing, certification, re-certification and continuing education requirements until the withdrawal or termination of the Executive Order.

(d) **Pending applications.** The Department may extend completion deadlines for any initial or pending license, certificate, permit, or registration during the emergency.

(e) **License renewal activities.** The Commissioner may waive, suspend or defer inspection requirements for current, extended or initial applications for any organization, establishment, facility, shop, premises license, certificate, permit, or registration issued by the Department. No inspection waivers, suspensions or deferments may be granted following the withdrawal or termination of the Executive Order.

(f) **Continuity of care and continuation of services.**

(1)The Department shall take such action, as necessary, to maintain and increase healthcare professionals licensed by the Department, including home health care providers and emergency medical personnel.

(2) The Department may reduce or waive staffing requirements and supervisory requirements and waive licensure requirements, including education requirements, skills testing and experience. All reductions or waivers of staffing and supervisory requirements shall terminate upon the withdrawal or termination of the Executive Order. All individuals who receive a license under the terms of this paragraph shall be supervised by an individual who has completed all licensure requirements, has obtained a current license from the Department, and is not the subject of any administrative proceeding initiated by the Department.

(3) The Department may grant provisional approval of a license without fingerprinting. Any license issued under this provision shall remain valid until fourteen (14) days following the withdrawal or termination of the Executive Order.

(4) Emergency medical personnel applicants with a NREMT Provisional Certification or that have successfully completed the CareerTech Emergency Medical Responder cognitive exam shall have their psychomotor skills verified by their employer and be specifically approved by their medical control physician prior to being scheduled for duty. Specific quality assurance processes shall be developed by the medical control physician to ensure quality care is provided by this type of license holder. These specific quality assurance processes shall remain in place until:

(A) the license holder successfully completes all aspects of the psychomotor exam; and

(B) obtains a non-emergency certification or license by the Department.

(5) Conditional licenses issued under this paragraph will expire fourteen (14) days following the withdrawal or termination of the Executive Order.