

**TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

Subchapter 1. General Provisions

87:1-1-1. Purpose

(a) — The purpose of this Chapter is to establish policies, procedures and standards that apply to the State Employees Benefits Council (Council).

(b) — The State Employees Benefits Council is created to implement provisions of the Oklahoma State Employees Benefits Act. The Council is responsible for the general administration and for the proper design, selection and operation of the benefits offered under the Flexible Benefits Plan.

87:1-1-2. Authority

— The authority for the rules in this Title is the Oklahoma State Employees Benefits Act, 74 O.S. Supp 1992, Section 1361 et seq. The rules in this Chapter are promulgated by the Council to establish the Council's organization and its administration policies and procedures.

87:1-1-3. Amending of rules [EXPIRED]

87:1-1-3.1. Definitions

— The following words or terms, when used in this Chapter, shall have the following meanings unless context clearly indicates otherwise:

— "**Act**" means the Oklahoma State Employees Benefits Act, 74 O.S. Supp 1992, Section 1361 et seq.

— "**Board**" means the Oklahoma State and Education Employees Group Insurance Board.

— "**Council**" means the Oklahoma State Employees Benefits Council.

— "**Director**" means the Executive Director of the Council.

— "**Flexible Benefits Plan**" means the Flexible Benefits Plan authorized pursuant to the State Employees Flexible Benefits Act as modified by the provisions under the State Employees Benefits Act.

— "**Rules**" mean the Rules of the Council.

87:1-1-4. Computation of time

— To compute any period of time prescribed or allowed by this Chapter, the day of the act or event from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, legal holiday, or other day when the Council's offices are not open for business until 4:30 p.m. In such case the period shall run through the end of the next day the offices are open until at least 4:30 p.m.

87:1-1-5. Legal references [EXPIRED]

87:1-1-6. Severability [EXPIRED]

Subchapter 3. Organization and Administration

87:1-3-1. Organization and meetings

(a) — The Council consists of five (5) members. Section 1364 of Title 74 of the Oklahoma Statutes provides for their appointment and service.

(b) — The officers of the Council are the Chairperson, the Vice Chairperson and the Secretary. The Council shall elect officers each year at its July regular meeting. An officer shall serve until replaced.

(c) — The Chairperson shall preside over meetings and perform other duties as required by the Council. In the Chairperson's absence, the Vice Chairperson shall assume the Chairperson's duties. In the absence of the Chairperson and the Vice Chairperson, the Secretary shall assume the Chairperson's duties.

(d) — Upon written notice by the Chairperson or by agreement of three members, a special meeting may be called. Notice of special meetings shall be delivered to all members not less than seven days prior to the date of the meeting. Lack of this notice may be waived by each member.

(e) — A quorum of the Council is three members. A quorum must be present for the Council to conduct any business. Any action or decision of the Council requires an affirmative vote by at least three members of the Council.

(f) — All meetings of the Council shall be conducted in accordance with the Open Meetings Act, Sections 301 through 314 of Title 25 of the Oklahoma Statutes.

(g) — The Executive Director shall preserve all records of the Council.

~~87:1-3-2. Subcommittees and committees~~

~~— The Chairperson may appoint subcommittees and committees to gather information for the Council and perform other tasks useful to the Council.~~

~~87:1-3-3. Cancellation of meetings~~

~~— The Chairperson shall have the power to cancel or reschedule any regular or special meeting of the Council due to anticipated lack of quorum, inclement weather or other emergency. The cancellation notice shall be posted as soon as reasonably possible and in the same manner as the agenda.~~

~~87:1-3-4. Minutes of the Council~~

~~— The Council shall cause a summary to be made of all proceedings. The summary shall be a record of members present and absent, all matters considered, all actions taken, and the vote of each member on every motion. The summary shall be a public record as prescribed in this chapter.~~

~~87:1-3-5. Executive Director~~

~~— The Executive Director is the chief administrative officer and appointing authority of the State Employees Benefits Council. The Council appoints the Executive Director. The Executive Director determines the internal organization of the State Employees Benefits Council and employs staff to assist in carrying out the duties of the Executive Director and the Council.~~

~~87:1-3-6. Location for information and for filing [REVOKED]~~

~~87:1-3-7. Documents and records [REVOKED]~~

~~87:1-3-8. Requests for declaratory ruling~~

~~(a) Any person may petition the Council for a declaratory ruling as to the applicability of any rule of this Chapter or any order of the Council. A request for a declaratory ruling must include the following information:~~

- ~~— (1) Name and address of the person making the request;~~
- ~~— (2) Name and address of the organization the person represents, if applicable;~~
- ~~— (3) A description of the problem or issue which made it necessary to request a declaratory ruling; and~~
- ~~— (4) The numbers and headings of the rule or the order on which the declaratory ruling is sought.~~

~~(b) The Council may provide others with written notice of the request for a declaratory ruling and give them an opportunity to respond in writing within fifteen (15) days.~~

~~(c) The Council shall consider each submitted petition, and the Council shall either deny the petition or issue a declaratory order on the issues contained in the petition within 60 days after receiving the petition. If the Council issues a denial of the petition, the denial shall state the Council's reasons for the denial.~~

~~87:1-3-9. Requests for rulemaking~~

~~(a) Any person may petition the Council for adoption, amendment, or repeal of any rule of the Council. Such petition must be in writing and must include the following information:~~

- ~~— (1) The name and address of the person requesting the adoption, amendment or repeal of the rule;~~
- ~~— (2) Name and address of the organization the person represents, if applicable;~~
- ~~— (3) Any numbers and headings of an existing rule if the request is to amend or repeal an existing rule;~~
- ~~— (4) The proposed language if the request is to amend an existing rule or to adopt a new rule;~~
- ~~— (5) The circumstances which created the need for action; and~~
- ~~— (6) The intended effect of the action.~~

~~(b) If the Council does not begin rulemaking procedures within sixty (60) days after the date the Council receives a request, the request shall be considered denied.~~

~~87:1-3-10. Rulemaking~~

~~— The Council shall follow the rulemaking procedures and provisions of Article I of the Administrative Procedures Act, Sections 250.2 through 257 and 301 through 308.2 of Title 75 of the Oklahoma Statutes.~~

~~87:1-3-11. Administrative fees~~

~~— The Council shall assess and collect reasonable fees from the Board, contracted health maintenance organizations and insurance vendors to offset its costs of administration. The Council may determine~~

administrative fees based upon its administrative costs, benefit type, activity volume, required supervision or other reasonable factors.

87:1-3-12. Location for information and for filing-

(a) — Any person may obtain information from, make submission to, or make a request of the Employees Benefits Council by writing to: Employees Benefits Council, First National Center, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102.

(b) — Written submissions and requests may be submitted in person between the hours of 8:00 a.m. and 4:45 p.m., Monday through Friday.

(c) — The date on which papers are actually received at the Council will be recorded as the date of filing.

87:1-3-13. Documents and records-

(a) — Documents filed with or presented to the Council will be retained in the files of the Council for the length of time required by state laws. Documents will be disposed of in a manner consistent with the Records Management Act, Section 201 through 216 of Title 67 of the Oklahoma statutes, and Sections 564 through 576 of Title 74 of the Oklahoma Statutes, which pertain to archive and records. The records disposition schedule for Council will be available for public inspection.

(b) — The Council shall act at all times in accordance with the provisions of the Oklahoma Open Records Act, 51 O.S. 1991, §§ 24A.1, et seq., as amended.

(c) — The public may obtain information relative to the operation of the Council by submitting a written request in the prescribed form to the Executive Director or his/her designee. All records shall be available for inspection and copying during normal business hours. The Executive Director, or his/her designee, shall be available during normal business hours to receive and, where appropriate, act upon requests for record review and copying.

(d) — All records of Council shall be public unless protected by a mandatory or permissive privilege of confidentiality. In the event a request is made for the release of records subject to a permissive privilege of confidentiality, the Executive Director shall determine whether or not disclosure is made.

(e) — Provisions for copying and search fees are contained in the statute, with these exceptions being noted: no copy fee is charged to other public entities, to applicants, state employees or their representatives, or former employees seeking information from their file or employment records; and no search fee is charged to news media, schools, authors, or "taxpayers seeking to determine whether those entrusted with the affairs of its government are honestly, faithfully, and competently performing their duties as public servants." The fees listed in (1) (4) of this Subsection may stand alone or be charged in combination. For example, a person may be charged a search fee in addition to a fee for photocopying.

— (1) **Fees for photocopying.** The Council has established a fee schedule for photocopying documents having the dimension of 8.5 × 14.0 inches or smaller:

— (A) 25 cents per page;

— (B) One dollar (\$1.00) per copied page for a certified copy.

— (2) **Fees for search.** Requests that are for a commercial purpose or clearly would cause excessive disruption of office function will be charged a search fee equal to the hourly rate of the designated Document Manager for each hour of staff time spent in the search.

— (3) **Fees for other types of reproduction.** Requests for computer runs, microfilming or reproduction other than photocopying, will be charged at cost to the Council of duplicating the information involved. Such requests are to be forwarded to the State Office where the fee will be developed with the appropriate division.

— (4) **Payment of fees.** All fees are paid prior to delivering the copies, and if the request is for search only, the fee is paid before the person is allowed to review the material. All fees are paid by check or money order; cash is not accepted. The fee payment is transmitted to the Employees benefits Council, Attention Accounting Division. In addition, a receipt is to be given upon payment. A copy of the manual material is maintained to explain the fee schedule to interested persons.

[Source: Added at 14 Ok Reg 2101, eff 4-7-97 (emergency); Added at 14 Ok Reg 2196, eff 7-1-97]

87:1-3-14. Benefits Coordinators-

~~(a) — Each participating employer shall designate at least one person as a Benefits Coordinator to serve as a representative between the Council and the participating employer. Each participating employer shall communicate its Benefits Coordinator designation to the Council in writing.~~

~~(b) — A Benefits Coordinator shall be responsible for assisting the Council in handling employee enrollment and changes in the flexible benefits plans offered by the Council. A Benefits Coordinator shall be responsible for ensuring that each participant is notified of and has an opportunity to receive flexible benefit plan enrollment materials from the Council, materials from the vendors identified in Chapter 20 of this title, and other notifications from the Council.~~

~~(c) — A Benefits Coordinator shall keep participant enrollment information confidential.~~

Subchapter 5. Formal and Informal Procedures

87:1-5-1. Purpose

~~— The rules in this Subchapter describe general formal procedures the Council uses to take action and make decisions.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-2. Council may take action

~~— The Council may take any action which is consistent with the rules in this Title to carry out the duties of the Council and accomplish the objectives of any program within its authority.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-3. [RESERVED]

[Source: Reserved at 10 Ok Reg 4429, eff 8-10-93 (emergency); Reserved at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-4. [RESERVED]

[Source: Reserved at 10 Ok Reg 4429, eff 8-10-93 (emergency); Reserved at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-5. General complaints

~~(a) — Anyone may complain to the Council about any matter under its authority. A complaint shall be in writing and shall include the following information:~~

- ~~— (1) — The name, address and telephone number of the person making the complaint;~~
- ~~— (2) — The name, address and telephone number of the organization the person represents, if applicable;~~
- ~~— (3) — The name, address, telephone number and title of any representative of the person filing the complaint;~~
- ~~— (4) — A brief, clear description of each charge, problem or issue that is the basis for the complaint including names, dates, places and actions;~~
- ~~— (5) — The numbers and headings of the laws and rules that may apply;~~
- ~~— (6) — The remedy, if any, the person making the complaint seeks;~~
- ~~— (7) — The signature of the person making the complaint; and~~
- ~~— (8) — The date.~~

~~(b) — If the complaint concerns a matter that has already been resolved by the Council, the Council will notify the complainant of the resolution by including a copy of any document that demonstrates resolution of the matter. If the matter is outside the authority of the Council, the Council will notify the complainant in writing that the complaint is outside the scope of the Council's authority.~~

~~(c) — The Council may provide others with written notice of the complaint and give them an opportunity to respond in writing within fifteen (15) days. The response must contain all of the following information:~~

- ~~— (1) — The name, address, and telephone number of the person responding;~~
- ~~— (2) — The name, address, and telephone number of the organization the person represents, if applicable;~~

- ~~_____ (3) The name, address, telephone number and title of any representative of the person responding;~~
 - ~~_____ (4) A specific admission, denial or explanation of each charge;~~
 - ~~_____ (5) A brief, clear description of the facts including names, dates, places and actions;~~
 - ~~_____ (6) A brief, clear explanation of the reasons for the action (or inaction) that is the basis for the complaint if the person admits to any charge;~~
 - ~~_____ (7) The numbers and headings of the laws and rules that may apply;~~
 - ~~_____ (8) The signature of the person responding; and~~
 - ~~_____ (9) The date.~~
- ~~(d) The Council or the Executive Director may refer complaints to informal procedures, such as telephone calls, letters, meeting, mediation, investigations or other appropriate procedures.~~
- ~~(e) Unless the Council or Executive Director determines individual proceedings are necessary, none shall be conducted.~~
- ~~(f) Unless the Council requires more time, the Council shall make a decision about a complaint within ninety (90) days after its receipt. If more than ninety (90) days is required to resolve a complaint, the Executive Director shall notify the person filing the complaint and persons filing any responses to the complaint.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-6. [RESERVED]

[Source: Reserved at 10 Ok Reg 4429, eff 8-10-93 (emergency); Reserved at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-7. [RESERVED]

[Source: Reserved at 10 Ok Reg 4429, eff 8-10-93 (emergency); Reserved at 11 Ok Reg 3111, eff 7-15-94]

87:1-5-8. [RESERVED]

[Source: Reserved at 10 Ok Reg 4429, eff 8-10-93 (emergency); Reserved at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-9. Forms~~

~~_____ The Council shall create forms as necessary to implement the provisions of this subchapter. The Council shall accept written requests for hearings that are in substantial compliance with the forms.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94; Amended at 20 Ok Reg 806, eff 5-12-03]

87:1-5-10. Claims Procedure

- ~~(a) The Board has written rules in Title 360 of the Oklahoma Administrative Code which define the Board's benefits and grievance procedure;~~
- ~~(1) OAC 360:10-1, Employees Health, Life, and Dental Plans;~~
- ~~(2) OAC 360:15-1, The Disability Program; and~~
- ~~(3) OAC 360:1-5, Hearings Procedures.~~
- ~~(b) Participants covered by the plans of the Board shall use the Board's grievance procedure.~~
- ~~(c) The Council may contract with one or more health maintenance organizations, insurance companies, or other agencies to provide benefits to a participant. If a benefit plan provides for a specific grievance process, the procedure for that benefit plan shall be used.~~
- ~~(d) The Council shall make the final determination as to whether provider plans are being administered consistently with the provisions of the Council's Basic Plan or as otherwise contracted. Upon its determination that any benefit provider is not satisfying the requirements of the Basic Plan or the terms of its contract, the Council may order corrective action as needed.~~
- ~~(e) The Council shall only have authority to determine the rights of any participant or beneficiary in a Health Care Reimbursement Account Option or a Dependent Care Reimbursement Account Option.~~
- ~~(f) If any claim for benefits under a Health Care Reimbursement Account Option or a Dependent Care Reimbursement Account Option is wholly or partially denied, the claimant shall be given notice in~~

~~writing no later than forty five (45) days after the claim is filed. The notice shall include the following information:~~

- ~~(1) The specific reason for the denial;~~
 - ~~(2) Specific reference to the provisions used as the basis for the denial;~~
 - ~~(3) A description of any additional materials or information necessary for the claimant to perfect the claim and an explanation why such material or information is necessary;~~
 - ~~(4) An explanation that a full and fair review of the decision denying the claim may be requested in writing within ninety (90) days and with whom such request shall be filed; and~~
 - ~~(5) If such request is filed, the claimant or authorized representative may review pertinent documents and submit issues and comments in writing anytime during the ninety (90) days after notice of denial but before filing the request for hearing.~~
- ~~(g) The request for a review of a denial of a claim for benefits under a Health Care Reimbursement Account Option or a Dependent Care Reimbursement Account Option shall be mailed or delivered to the Executive Director at the address given in subchapter 3 of this chapter.~~
- ~~(h) The Council may contract with a claims administrator to process participant claims against health care spending accounts and dependent care spending accounts. The Council and its claims administrator, if any, shall process claims according to subsection (f) of this section.~~
- ~~(i) All hearings for review of the Council or its hearing examiner conducted under this section shall be conducted no later than sixty (60) days after the Council receives a request for a hearing. Upon notice of special circumstances by any party, the Council may postpone the hearing but the hearing must be conducted within 120 days of the request for hearing.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94; Amended at 21 Ok Reg 989, eff 5-13-04]

~~87:1-5-11. Request for hearing on denial of claim [EXPIRED]~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 through 7-14-94 (emergency)]

~~87:1-5-12. Notice of hearing~~

~~Upon the receipt of a Request for Hearing form, the Executive Director shall assign a case number and the Executive Director shall notify the claims administrator by mail. The employee shall be notified of the hearing date by first class mail. A copy of all rules pertinent to the hearing shall be forwarded with the notice along with a statement of claimant's rights and the basis for denial.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-13. Individual proceedings~~

- ~~(a) The Council follows the provisions of Article II of the Administrative Procedures Act, Sections 309 through 323 of Title 75 of the Oklahoma Statutes, and this Chapter. The Council or a person named as the Hearing Examiner shall conduct hearings. This section does not apply to public hearings to receive comments on proposed rules or to the Council's selection of contractors or benefit providers.~~
- ~~(b) The Executive Director shall set the date for the hearing and shall send notice of the hearing to all parties.~~
- ~~(c) All hearings shall be held before the Council or a Hearing Examiner designated by the Executive Director. The Executive Director may set cases for original hearing by the Council upon his determination of special policy considerations for the Council. The Council may agree to hear any part or all of the matter or direct any part or all of the matter to the Hearing Examiner for a hearing.~~
- ~~(d) Rulings on admissibility of evidence shall be made by the Council Chairperson or Hearing Examiner. The remaining quorum of the Council may overrule the Chairperson's decision on their own motion or upon motion of any party to the hearing. Formal rules of evidence shall not be used. The agency may admit and give effect to documents, testimony, and other evidence which tend to prove or disprove facts as commonly accepted.~~
- ~~(e) The Chairperson or Hearing Examiner shall have the authority to administer oaths; and the Executive Director or designated Hearing Examiner for the Council shall have the authority to issue subpoenas for witnesses or subpoenas duces tecum to compel the production of books, records, papers~~

and other objects. These subpoenas may be served by any duly qualified officer of the law, any employee of the Council, or other person in any manner prescribed for the service of a subpoena in a civil action.

(f) All hearings shall be electronically recorded by the presiding officer. Any party may obtain a copy of the recording under OAC 87:1-3-7.

(g) Any party may request a full stenographic record of the proceedings be made by a certified court reporter. The party requesting the court reporter shall be required to post an appropriate cash deposit and shall remain responsible for the full cost of the court reporter. If transcribed, this record shall be a part of the Council's record of the hearing. A copy of the record shall be furnished to any other party having a direct interest in the hearing at the expense of the party requesting the copy.

(h) In all hearings, opportunity to respond and present evidence and argument on all issues involved shall be provided to all requesting parties. The hearing shall be conducted in an orderly manner. The party or parties requesting the hearing shall be heard first; those, if any, who oppose the relief sought by the requesting party shall next be heard. Each party shall have the opportunity to present closing arguments, subject to reasonable time limits set by the Council or the Hearing Examiner.

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-14. Representation~~

~~— In an individual proceeding, any party has the right to have an attorney who is licensed to practice law by the Oklahoma Supreme Court. The attorney shall be given authority to act for and bind the party he or she represents. If a party names an attorney, the Council or Executive Director shall communicate with the attorney and not with the party. It shall be the responsibility of the party's attorney to communicate with the party.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-15. Prehearing conference~~

~~— A pre hearing conference shall be held two (2) weeks prior to the hearing date. At the pre hearing conference each party shall:~~

- ~~(1) Exchange witness and exhibit lists;~~
- ~~(2) Agree to a date for discovery cut off;~~
- ~~(3) Submit a short written statement of facts; and~~
- ~~(4) Agree as to the issues to be tried at the hearing.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94; Amended at 20 Ok Reg 806, eff 5-12-03]

~~87:1-5-16. Informal disposition~~

~~— Unless precluded by law, informal disposition may be made of any individual proceeding or other hearing, agreed settlement, consent order, or default. Other authorized representatives may request a full and fair review of decisions denying claims and may review documents and submit comments in writing within ninety (90) days after notice of denial.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-17. Certificate of mailing~~

~~— All filings, including orders, notices and briefs, shall include a certificate of mailing showing the names and mailing addresses of adverse parties, their attorneys of record, or other authorized representatives.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-18. Final order~~

(a) The Council or designated Hearing Examiner shall enter an order in all cases heard. The order shall separately state in writing all findings of fact, conclusions of law and an order denying or approving the claim. The order of the Council shall be the final order of the agency. The order of the Hearing Examiner

~~shall be the final order upon the expiration of ten (10) calendar days unless the Executive Director orders the matter for further hearing by the Council. If ordered by the Executive Director, the Hearing Examiner's order shall be reviewed by the Council as a proposed order. Upon review of the evidence, pleadings and record, the Council may approve or modify the proposed order of the Hearing Examiner. If approved, the proposed or modified order shall become the final order of the agency. The Council may hear oral arguments during its review as it determines to be useful or necessary. The Council may limit the time of the oral arguments.~~

~~(b) The final order shall be considered a final decision of the Council. The Executive Director shall mark all final orders and shall provide certification of the disposition of the final orders.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]

~~87:1-5-19. Rehearings~~

~~(a) A final order of the agency shall be subject to rehearing, reopening or reconsideration by the Council. Any application or request for such rehearing, reopening or reconsideration shall be made by any party aggrieved by the final order of the agency within ten (10) days from the date of entry of the order. The aggrieved party shall set forth clearly in writing all grounds for rehearing, reopening or reconsideration. The grounds for such action shall include only:~~

~~(1) Newly discovered or newly available evidence relevant to the issues;~~

~~(2) Need for additional evidence to adequately develop the facts essential to proper decision;~~

~~(3) Probable error committed by the agency in the proceeding or in its decision such as would be ground for reversal on judicial review of the final agency order;~~

~~(4) Need for further consideration of the issues and the evidence in the public interest; or~~

~~(5) A showing that the issues not previously considered ought to be examined in order to properly dispose of the matter.~~

~~(b) The order of the Council granting rehearing, reconsideration or review, or the petition of a party therefore, shall set forth the grounds which justify such action.~~

~~(c) On reconsideration, reopening, or rehearing, the matter may be heard by the Council or it may be referred to a hearing examiner. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94; Amended at 20 Ok Reg 806, eff 5-12-03]

~~87:1-5-20. Judicial review~~

~~Any party to the hearing may have the right to appeal to District Court from final orders entered pursuant to the Administrative Procedures Act, Title 75, Section 318, of the Oklahoma Statutes.~~

[Source: Added at 10 Ok Reg 4429, eff 8-10-93 (emergency); Added at 11 Ok Reg 3111, eff 7-15-94]
