

CHAPTER 1. ADMINISTRATION

SUBCHAPTER 1. GENERAL INFORMATION

75:1-1-1.1. Definitions

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

"Certification" means a status which is granted to a program by the Oklahoma Attorney General, and indicates approval to provide a particular service. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Certification report" means a written notice of the deficiencies developed by the Office of the Attorney General.

"Certified facility" means any facility which has received a certification status by the Oklahoma Attorney General.

"Conditional Certification" means a status which is granted to a program by the Oklahoma Attorney General, and indicates approval to provide a particular service or services for a specified period of time, typically four (4) months) in order to give a renewal applicant an opportunity to achieve 100% compliance with applicable rules.

"Contractor" or **"contractors"** means any program under contract with the Office of the Attorney General for the provision of goods, products or services.

"Entities" or **"entity"** means sole proprietorships, partnerships, corporations, limited partnerships, limited liability partnerships, and limited liability companies.

"Facilities" or **"facility"** means entities as described in 74 O.S. § 18p-6 and Chapters 15, 25 and 30 in Title 75 of the Oklahoma Administrative Code, domestic violence shelters and programs, sexual assault programs, including programs serving adult victims of sex trafficking, and batterers intervention programs.

"Individual proceeding" means the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature.

"Levels of performance" means a unit of service by types of service.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1) (a) and maintained in the Office of Administrative Rules.

"Probationary certification" means a certification status granted for a period less than three (3) years.

"Program" means a domestic violence shelter, domestic violence program, sexual assault program, adult human sex trafficking program or batterers intervention program pursuant 74 O.S. § 18p-6.

"Reimbursement rates" means the rates at which all contractors are reimbursed (paid) for services they provide under their contract with the Office of the Attorney General, and which are reported to the Office of the Attorney General as required.

"Respondent" means the person(s) or entity(ies) named in a petition for an individual proceeding against whom relief is sought.

"Site Review Protocol" means an Office of the Attorney General internal document used by the Office of the Attorney General Victims Advocacy and Services Unit staff as a work document in the certification site visit(s) that is based primarily upon the rules (standards/criteria) being reviewed. The Site Review Protocol is used in preparing the Certification Report, which is provided to the facility, and in preparing recommendations regarding certification to the Attorney General for his or her consideration and action.

"Temporary Certification" means a status which is granted to a program by the Oklahoma Attorney General, and indicates approval to provide a particular service or services for one (1) year in order to give an initial applicant an opportunity to achieve 100% compliance with applicable rules.

"Units" or **"unit"** means an hour, or part of an hour, or group of hours, or a 24-hour day during which a specific service is rendered.

"Victims Advocacy and Services Unit" or "VASU" means the Unit created within the Office of the Attorney General to provide services for persons who require domestic violence or sexual assault services through a domestic violence program, sexual assault program, including programs serving adult victims of sex trafficking, or batterers intervention program.

75:1-1-4. Organization

(a) The Oklahoma Attorney General is vested with the authority to make rules for the implementation of the Office of the Attorney General's statutorily mandated and permissible functions related to domestic violence programs-, sexual assault programs, ~~including~~ programs serving adult victims of sex trafficking, and/or batterers intervention programs under 74 O.S. §§ 18p-6.

(b) The Oklahoma Attorney General shall maintain such staff as authorized by law and assign said staff to carry out the duties and responsibilities required to fulfill the statutory requirements of 74 O.S. §§ 18p-1 et seq., and the rules and directives of the Oklahoma Attorney General.

75:1-1-5. Objectives

The objectives of the Oklahoma Attorney General are as follows:

- (1) The provision of quality domestic violence, sexual assault, ~~including~~ adult human sex trafficking and batterers intervention services, within the resources available, to those persons, and their families, receiving services from the facilities, certified by and/or under contract with the Office of the Attorney General.
- (2) The services by domestic violence and sexual assault providers, ~~including~~ and adult human sex trafficking shall be rendered in an environment of safety, dignity and with respect to the rights of those persons and their families.
- (3) Adherence to and compliance with applicable state and federal statutes, including but not limited to Title 74 §§ 18p-1 et seq. of the Oklahoma Statutes and the Public Health Services Act (42 U.S.C.) by all facilities operated by, under contract with, and certified by the Oklahoma Attorney General.

75:1-1-6. Public records

(a) **Official records.** Official records of the Office of the Attorney General include, but are not limited to, information, rules, forms, the record in individual proceedings, records submitted to the Office of the Attorney General, and other public records in accordance with the Oklahoma Open Records Act ("ORA"), 51 O.S. § 24A.1, *et seq.*

(b) **Copies.** Copies of official records of the Office of the Attorney General, not privileged or protected from ~~publication~~ production by law, shall be available to the public.

(c) **Submitting a Open Records Act Request.** Requests for copying, inspection, or printing [mechanical reproduction] of records must be submitted in writing to the Office of the Attorney General. Requests may be submitted by email to openrecordsrequest@oag.ok.gov or mailed to the office at 313 NE 21st St., Oklahoma City, OK 73105.

(d) **Inspection of records.** Due to the sensitive nature of files and records held by the Office of the Attorney General, the office strongly prefers to provide copies or printouts of records requested in lieu of inspection.

(e) **Fees.** The Office of the Attorney General maintains a fee schedule filed with the County Clerk of Oklahoma County, Oklahoma as required by section 24A.5 of the ORA. The fee schedule is available on the office's website. Subject to any Open Records Act limitations, commercial requests or those that would cause excessive disruption of office function, such as documents that are archived, either internally or with the Oklahoma Archives and Records Commission, a search fee will be charged based upon the hourly rate of the individual(s) searching for, and locating, the requested records in accordance with the fee schedule. The office reserves its right to elect to not charge fees or waive any fees when it believes that the public interest outweighs an excessive disruption to the office's functions.

(f) **Confidential records of domestic violence program, sexual assault program, and programs serving adult victims of sex trafficking.** Such records are confidential and not subject to release by federal and state law, federal regulations, and state administrative rules including, but not limited to, title 74, sections 18p-3 and 18p-8 of the Oklahoma Statutes, 42 U.S.C. § 10406, and 42 C.F.R. § 1370.4.

(g) **Office of the Attorney General Personnel Records.** Subject to the sole discretion of the Office of the Attorney General, certain employee personnel records are confidential and not subject to the ORA, including employee evaluations, payroll deductions, applications submitted by persons not hired by the Office of the Attorney General. Internal personnel investigations including examination and selection material, employees' home addresses, telephone numbers, and social security numbers, medical and employee assistance records, and other personnel records where disclosure would constitute a clear invasion of privacy are also kept confidential. Personnel information that is subject to release includes the application of a person who becomes an employee of the Office of the Attorney General, gross receipt of public funds, dates of employment, title or position and any final disciplinary action resulting in loss of pay, suspension, demotion or termination.

(h) **Privileged and confidential records.** Any other document protected, as privileged confidential, by any Oklahoma or federal law, or Oklahoma or federal administrative rule, or by order of a court of competent jurisdiction, may be exempt from production or kept confidential under the ORA.

75:1-1-7. Requests for agency public information [REVOKED]

Any person making a request pursuant to 75:1-1-6 shall comply with the following:

- (1) Although the law does not require requests under the Open Records Act to be in writing, it is preferred that requests be in writing and mailed to the Office of the Attorney General, Victims Services Unit or made in person during regular office hours between 8:00 a.m. and 5:00 p.m.
- (2) The request should describe the record(s) requested, indicate the name of the party making the request, and have the party's mailing address and telephone number.
- (3) The requesting party shall pay a fee for copies. Said fee shall be twenty-five cents (25¢) per page, twelve dollars (\$12.00) per 3½-inch diskette, and \$1.00 per page for certified documents. Copies provided via FAX machine cost \$1.00 per page, regardless of the destination of the Faxed copy. For commercial requests or those that would cause excessive disruption of office function, such as documents that are archived, either internally or with the Oklahoma

Archives and Records Commission, a search fee will be charged based upon the hourly rate of the individual(s) searching for, and locating, the requested records:

(4) Client records of a domestic violence program or sexual assault program, including programs serving adult victims of sex trafficking, are confidential and not subject to release by statutes and federal regulations including, but not limited to, 74 O.S. §§ 18p-3 and 18p-8, and 42 CFR, Part 2.

(5) Certain Office of the Attorney General employee personnel records are confidential and not subject to the Oklahoma Open Records Act, including employee evaluations, payroll deductions, applications submitted by persons not hired by the Office of the Attorney General; internal personnel investigations including examination and selection material, employees' home addresses, telephone numbers, and social security numbers, medical and employee assistance records, and other personnel records where disclosure would constitute a clear invasion of privacy. Personnel records information that are subject to release are the application of a person who becomes an employee of the Office of the Attorney General, gross receipt of public funds, dates of employment, title or position and any final disciplinary action resulting in loss of pay, suspension, demotion or termination.

(6) Any other document protected, as confidential, by any Oklahoma or federal law, or Oklahoma or federal administrative rule, or by order of a court of competent jurisdiction, is not subject to the Oklahoma Open Records Act.

75:1-1-9. Procedures to secure a declaratory ruling as to the applicability of any rule or order of the Office of the Attorney General

(a) Any person subject to the rules contained in ~~rules of the Office of the Attorney General (Oklahoma Administrative Code Title 75)~~ this title may petition for a declaratory ruling as to the applicability of a specific rule and its effect on petitioner. In petitioning the Office of the Attorney General for a declaratory ruling, the following procedures must be followed:

(1) The petition must be in writing and submitted by email to rules@oag.ok.gov to the ~~Chief, Victims Services Unit,~~ Office of the Attorney General with attention to the Office of General Counsel;

(2) The petition shall state with specificity the rule in question;

(3) The petition shall state clearly and with specificity the basis for the action and the action or relief sought;

(4) The petition shall pose the specific question(s) to be answered by the Office of the Attorney General; and

(5) The petitioner or petitioner's authorized representative shall print his or her name, address and telephone number on the petition and sign it.

(b) The petition will be stamped upon receipt by the Office of the Attorney General to show the date of submission. The petition shall be referred to the ~~Chief of the Victims Services Unit~~ Office of General Counsel to make a recommendation to the Attorney General, who shall issue a ruling within 30 days from the date of submission.

(c) The petitioner shall be notified of the declaratory ruling in writing by the U.S. Mail, certified mail, return receipt requested.

(d) The ruling shall become final unless, within 15 days of receipt, the petitioner files with the ~~Chief of the Victims Services Unit~~ Office of General Counsel a written request for a hearing before the Attorney General. If the petitioner requests such a hearing, the matter shall be set to be heard by the Attorney General.

(e) At the hearing of the matter by the Attorney General, the petitioner and ~~Chief of the Victims Services Unit~~ the Office of General Counsel shall be permitted to present oral argument to the Attorney General, the length of which shall be limited by the Attorney General. At the conclusion of the presentation of the matter, the Attorney General shall render a decision on the petition and a written decision shall follow within 15 days.

(f) A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings in the Oklahoma Administrative Procedures Act (75 O.S. § 307).

75:1-1-10. Procedures to petition the Office of the Attorney General to promulgate, amend or repeal a rule

Any person affected either by a rule adopted and promulgated by the Attorney General, or the lack of a rule and regulation may petition the Attorney General to promulgate, adopt, amend or repeal a rule pursuant to 75 O.S. § 305 and in accordance with this section.

(1) The petition must be in writing and submitted to the ~~Chief of the Victims Services Unit~~ Office of General Counsel, Office of the Attorney General:

(A) The proposed amendment, promulgation, or repeal of a specific rule.

(B) The reason for the petition to repeal, promulgate, or amend a rule.

(C) The effect that the repeal, amendment or promulgation of the rule would have on the petitioner.

(2) The petitioner must print his or her name, address and telephone number on the petition and it must be signed by the petitioner.

(3) The ~~Chief of the Victims Services Unit~~ Office of the General Counsel shall timely respond to such petition, either by recommending to the Attorney General that rulemaking proceedings be initiated or that the petition be denied.

(4) The petitioner will be notified by regular mail if rulemaking proceedings are initiated.

(5) A petition for rulemaking will be deemed denied if the Office of the Attorney General has not initiated rulemaking proceedings within thirty (30) calendar days after the petition is submitted.

SUBCHAPTER 3. CONTRACTS FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES

PART 1. ELIGIBILITY TO CONTRACT

75:1-3-1. Purpose

The purpose of this Part is to delineate the criteria for eligibility for programs to contract with the Office of the Attorney General for the provision of domestic violence, sexual assault, ~~or~~ and adult human sex trafficking services to the public as permitted or required under Title 74 O.S. § 18p-1 *et seq.*

75:1-3-2. Applicability

This part is applicable to all entities presently under contract with the Office of the Attorney General to provide domestic violence, sexual assault, ~~or~~ and adult human sex trafficking services; and to all programs which may either be, or desire to be, considered for such contracts.

PART 3. CONTRACTS AND CONTRACTING PROCESSES

75:1-3-14. Purpose

The purpose of this Part is to describe the contracts and contracting processes of the Office of the Attorney General for the provision of domestic violence, sexual assault, ~~or~~ and adult human sex trafficking services to the public.

75:1-3-15. Applicability

This Part is applicable to all entities presently under contract to provide domestic violence, ~~and~~ sexual assault, and adult human sex trafficking services, and to all entities which may either be, or desire to be, considered for such contracts.

75:1-3-19. Contract renewal

- (a) Contracts for domestic violence, sexual assault, ~~or~~ and adult human sex trafficking services are considered during the third (3rd) and fourth (4th) quarter of the state fiscal year, for contracting in the following fiscal year.
- (b) Consideration for renewal shall include a review of performance of the current contract including, but not limited to, measurable outcome indicators, target populations served, levels of performance of specific services, having deficiencies of no more than 30% of the standards reviewed, the existence of any client rights violations, and cost effectiveness of the delivery of services.
- (c) If the Attorney General determines the contractual relationship shall be renewed, it shall be in a new contract for the upcoming fiscal year and may or may not contain the same terms, conditions, form and format as the previous contract.

75:1-3-20. Contractor reimbursement rates

Reimbursements to contractors for domestic violence, sexual assault, or adult human sex trafficking services shall be considered and set in the manner described as follows:

- (1) Contractors shall annually, or as otherwise prescribed, submit to the Chief of the Victims Advocacy and Services Unit a uniform cost report in the form and format determined by the Office of the Attorney General, and within time-frames established by the Office of the Attorney General.
- ~~(2)~~ (2) Appropriated funds will be distributed according to a formula recommended by the VASU Advisory Council and approved by the Attorney General.
- ~~(2)(3)~~ (3) The VASU Chief of the ~~Victims Services Unit~~ shall review and analyze these cost reports, requesting where deemed necessary the submission of supporting clarifying information within fifteen (15) days of said request.
- ~~(3)(4)~~ (4) The VASU Chief of the ~~Victims Services Unit~~ may recommend to the Attorney General fixed uniform rates for services, taking into consideration variables such as average costs, appropriate inflationary factors, capitation methods, performance outcome measures, staff credentials and available funding.
- ~~(4)(5)~~ (5) Prior to approval by the Attorney General of the proposed rates or changes to existing rates, ~~the Victims Services Unit~~ VASU shall provide written notice of an open hearing on the proposed fixed rates to each applicable contractor of record.
- ~~(5)(6)~~ (6) Consideration of the proposed fixed rate by the Attorney General shall not occur until the Director of the Office of Management and Enterprise Services has been provided with, pursuant to 74 O.S. § 85.7:
 - (A) Thirty (30) days written notice of the meeting in which the Attorney General will consider the uniform rates of reimbursement;
 - (B) A copy of the meeting agenda item(s) concerning the proposed rate(s); and
 - (C) All supporting documentation and materials regarding the reimbursement rates being proposed.

~~(6)~~(7). The Attorney General shall, at the meeting referenced in ~~(5)~~(6)(A) and (B) of this section, separately consider each proposed fixed and uniform rate of reimbursement. These rates, if adopted, shall then take effect on a date determined by the Attorney General when the rates are considered for adoption; and remain in effect until subsequent action by the Attorney General.

~~(7)~~(8). All revisions shall be examined, proposed, considered and adopted pursuant to this section.

SUBCHAPTER 7. CERTIFICATION AND DESIGNATION OF DOMESTIC VIOLENCE PROGRAMS, SEXUAL ASSAULT PROGRAMS, INCLUDING PROGRAMS SERVING ADULT VICTIMS OF SEX TRAFFICKING, AND BATTERERS INTERVENTION PROGRAMS

75:1-7-5. Procedures for application for certification

(a) Applications for certification as a domestic violence shelter or program, sexual assault program, including programs serving adult victims of sex trafficking, or batterers intervention program must be made to the Office of the Attorney General in writing on a form and in a manner prescribed by the Attorney General and include the following:

- (1) A fully completed application for certification form signed by authorized officials;
- (2) The necessary written documentation or supporting evidence required on the application for certification form; and
- (3) The required certification fee(s) in the form of a check or money order, payable to the Office of the Attorney General.

(b) The following fees are required of Applicants for domestic violence shelters, domestic violence programs, sexual assault programs, adult human sex trafficking programs, and batterers intervention programs. For every program seeking approval, the applicant shall submit \$150.00 for each initial application and \$150.00 for each renewal application. Fees paid by applicants are not refundable.

(c) The application for certification form, required written documentation and fee(s) must be submitted to the Office of Attorney General, Victims Advocacy and Services Unit.

(d) The application requires specification of all services provided by the applicant, as well as information about the applicant including but not limited to governing authority, administrative, fiscal, all locations or sites where applicant will provide services and types of services to be provided.

(e) If, after being certified, a program desires to change the program name, program location, program delivery location or provide services at a new or different location maintained and operated by the certified program, or change its current office location, the facility must submit an application on a form and in a manner prescribed by ~~the Victims Services Unit of the Office of the Attorney General~~VASU, the required documentation and fee, if any. Approval may be granted by the Attorney General upon submission of the required application and documentation to the ~~Victims Services Unit~~VASU. Before constructing a new facility, the program shall consult with the OAG for review and recommendations regarding victim safety and confidentiality. Approval from the Attorney General must be obtained prior to providing services at the new location. The ~~Victims Services Unit~~VASU may conduct a visit of the facility in accordance with ~~75:1-7-8~~section 8 of this subchapter.

(f) If, after being certified, a program desires to provide services at a public facility maintained for or used by the people or community, the certified program must notify ~~the Victim Services Unit~~VASU in writing of the name and location of the public facility and the type of service(s) offered. Additionally, the certified program must assure that the facility provides the necessary safety, confidentiality, and privacy of individuals being served. Approval may be granted by the Attorney General upon submission of the required documentation to ~~the Victims Services Unit~~VASU. Approval from the Attorney General must be obtained prior to providing services at the new location.

(g) If after being certified, a program desires to offer a new type of service, the facility must submit an application for certification, the required documentation and fee to ~~the Victims Services Unit of the Office of Attorney General~~VASU prior to providing a new service. Failure to become certified prior to providing services shall be grounds for injunctive relief pursuant to 74 O.S. § 18p-7.

75:1-7-6. Procedures for completion of certification process

(a) **Certification process.** Completion of the certification process will be done in cooperation between the applicant and certification team established and assigned by ~~the Victims Services Unit of the Office of Attorney General~~VASU, and consists of:

- (1) a review of all application materials;
- (2) a site review of the facility and completion of the applicable site visit protocol;
- (3) a review of all applicable records;
- (4) preparing certification reports for applicants;
- (5) reviewing and approving any needed plans of correction;
- (6) follow-up site reviews; and
- (7) presentation by ~~Victims Services Unit~~VASU staff of the review results and associated recommendations to the Attorney General.

(b) **Initial applications.** All initial applications for certification shall be reviewed for completeness by ~~Victims Services Unit~~ VASU staff. If the application is deemed complete, site review of the facility or program will be scheduled. Based on the initial site review findings, the applicant shall achieve a minimum score of seventy percent (70%) of the applicable standards and rules. If the minimum score is not achieved, a plan of correction will not be requested and a notice of denial of the certification application shall be sent to the applicant by the Attorney General. In such case, re-application may not be submitted until a minimum of three (3) months have passed following the issuance of the notification of denial.

(c) **Length of certification process.** If an applicant for initial certification fails to achieve full certification within one (1) year of being granted temporary certification, the applicant shall not receive certification and a recommendation of revocation of the existing certification will be made to the Attorney General. In such case, re-application for certification shall be made in accordance with the requirements of ~~75:1-7-6 and 75:1-7-11~~ sections 6 and 11 of this subchapter. If the applicant requests withdrawal of the certification status because of the circumstances cited above, the applicant may reapply three (3) months after acknowledgement by the Office of Attorney General that the application has been withdrawn.

(d) **Renewal applications.**

- (1) The ~~Victims Services Unit~~ VASU will, prior to the renewal date, notify facilities the application for renewal of certification is due.
- (2) The program shall submit its application for renewal within sixty (60) days before the expiration of its certification.
- (3) Renewal applications for certification shall be reviewed for completeness by Victims Advocacy and Services Unit staff. If the facility does not achieve the minimum score of seventy percent (70%) compliance with the applicable standards and rules based on the site review findings, a plan of correction will not be requested and revocation of the certification status will be recommended to the Attorney General.
- (4) If, after being granted conditional certification, an applicant for renewal fails to achieve full certification within four (4) months, the applicant shall not receive full certification and a recommendation of revocation of the certification status will be made to the Attorney General.

(e) **Site reviews.**

- (1) Initial, renewal or follow-up site reviews, based on the current certification status of the applicant, will be scheduled by designated representatives of the ~~Victims Services Unit~~ VASU at each location or site of the applicant. The review will be conducted by the assigned certification team or a certification team member.
- (2) The follow-up site review(s) to Conditional Certification will be conducted to review implementation of the plan of correction to ensure cited deficiencies have been corrected or to demonstrate continued correction and compliance with the previously cited deficiencies. Failure to comply with applicable rules and implement the plan of corrections shall result in a recommendation that Certification be denied and Conditional Certification status be revoked.
- (3) The follow-up site visit(s) to Temporary Certification will be conducted on standards not applicable during the initial certification visit, implementation of the plan of correction to ensure cited deficiencies have been corrected or to demonstrate continued correction and compliance with the previously cited deficiencies, and a review of a minimum of five (5) records. Failure to comply with applicable rules and implement the plan of correction shall result in a recommendation that Certification be denied and Temporary Certification status be revoked.
- (4) A Site Review Protocol shall be completed during each site visit. Protocols shall contain the current Standards and Criteria applicable to the facility.
 - (A) A facility must be prepared to provide evidence of compliance with each applicable standard.
 - (B) In the event the reviewer(s) identifies some aspect of facility operation that adversely affects client safety, confidentiality or health, the reviewer(s) shall notify the facility director and appropriate ~~Victims Services Unit~~ VASU staff. An immediate suspension of certification may be made by the Attorney General.

(f) **Deficiencies.** A deficiency shall be cited for a failure to comply with the weighted value of each rule.

(g) **Report to applicant and plan of correction.**

- (1) During the course of the certification process, and prior to determination of certification status, ~~Victims Services Unit~~ VASU staff shall report the results of the site review to the facility. The facility shall receive written notice of the deficiencies in a Certification Report.
- (2) The facility must submit a written plan of correction for each deficiency for approval within two (2) weeks of the receipt of the Certification Report. Approval of the plan of correction shall be required before the completed application for certification will be presented to the Attorney General. Failure to submit the required plan of correction within two (2) weeks of the receipt of the Certification Report may result in denial of the certification application. In such case, re-application will be accepted after three (3) months from the date of issuance of the notification of denial from the Attorney General. However, if the facility does not achieve the minimum score of seventy percent (70%) compliance with the applicable standards and rules based on the initial site review findings, a plan of correction will not be requested, and the application will be denied.

(h) **Notification of Victims Advocacy and Services Unit recommendation for certification.**

- (1) After completion of the site review and report on the Application for Certification, ~~Victims Services Unit~~ VASU staff shall prepare a recommendation on the certification status or application for the Attorney General.
- (2) Prior to the ~~Victims Services Unit~~ VASU staff's presentation of its recommendation of an applicant's certification to the Attorney General, the ~~Victims Services Unit~~ VASU staff shall notify the applicant of the recommendation.

(3) Achievement of certain scores is a prerequisite for consideration of a specific certification status but may not be the sole determinant. Individual deficiencies that meet the criteria in ~~75:1-7-9~~section 9 of this subchapter may be grounds for suspending or revoking certification or denying applications for certification.

(4) Consideration of certification may be deferred while additional information regarding a facility's compliance status is reviewed.

(5) The minimum compliance scores for recommendation of a certification status to the Attorney General are:

(A) **Certification with Commendation.** Facility is in compliance with 100% of the applicable rules.

(B) **Certification.** Facility achieves compliance with 100% of the applicable rules after on-site correction(s).

(C) **Conditional Certification.** Facility is in compliance with at least 70% but less than 100% of the applicable rules and will be given an opportunity to correct deficiencies.

(D) **Temporary Certification.** Facility is in compliance with at least 70% but less than 100% of the applicable rules and will be given an opportunity to correct deficiencies.

(i) **Actions on Non-Certified Providers.** If at the initial site review it is found the facility is providing services:

(1) The initial review will be conducted, including review of applicable records.

(2) The facility must comply with the requirements of ~~75:1-7-6~~this section to proceed with the certification process.

(3) If the applicant achieves less than 100% compliance, full certification must be achieved within four (4) months.

(4) Upon successful completion of the certification process, Probationary Certification status will be conferred for no more than one (1) year.

(5) Application for continued certification after the Probationary Certification period requires submission of a new application and fee(s) for each of the next two (2) years. The requirements in ~~75:1-7-6~~this section shall apply. A recommendation for Certification for one (1) year will be made to the Attorney General.

(j) **Actions on certification applications.** ~~Victims Services Unit~~VASU staff shall make one of the following recommendations to the Attorney General:

(1) Certification with Commendation;

(2) Certification;

(3) Conditional Certification;

(4) Temporary Certification

(5) Probationary Certification; or

(6) Revocation or Denial.

(k) If the Attorney General approves a recommendation to revoke certification, an individual proceeding shall be initiated pursuant to the Administrative Procedures Act.

75:1-7-8. Site reviews

The Victims Advocacy and Services Unit may conduct a site review or visit or an investigation, which may or may not be announced. Reasons for such review include but are not limited to:

(1) determination of correction of cited deficiencies;

(2) receipt of a complaint;

(3) change in ownership, management or location;

(4) establishment of a new service location;

(5) substantial change in either the service provided or new service(s) initiated;

(6) substantial turnover in staff at the executive or professional level;

(7) change in statutorily required licensure status; and

(8) change in external accreditation status.