

CHAPTER 1. ADMINISTRATION

SUBCHAPTER 1. GENERAL INFORMATION

75:1-1-1. Purpose [REVOKED]

(a) These rules are promulgated pursuant to the requirements of the Administrative Procedures Act, 75 O.S. § 250, et seq. The purpose of these rules is to effectively implement and enforce the provisions of Title 74 § 18p-1 et seq. of the Oklahoma Statutes. These rules supplement existing state and federal laws, and being duly promulgated, have the force and effect of law.

(b) These rules govern formal proceedings of the Office of the Attorney General. Informal proceedings may be held as announced by the Office of the Attorney General or as agreed with any person.

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.

75:1-1-2. Applicability [REVOKED]

~~—This, and all subsequent chapters are applicable, unless otherwise specifically noted in a chapter, subchapter, part or section of Oklahoma Administrative Code Title 75, to the Office of the Attorney General, and all facilities under contract with the Office of the Attorney General and/or subject to certification by the Office of the Attorney General (74 O.S. § 18p-6).~~

75:1-1-3. Compliance with laws and rules [REVOKED]

~~(a) Any statute of the United States, or of the State of Oklahoma now existing, or duly enacted in the future, shall supersede any conflicting provision of the rules of this and all subsequent chapters to the extent of such conflict, but shall not affect the remaining provisions therein.~~

~~(b) All persons and organizations affected by the rules of this and all subsequent chapters and related laws shall be knowledgeable of the conduct pertinent in operating in accordance with all such rules and laws.~~

75:1-1-4. Organization [REVOKED]

~~(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, 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.~~

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

75:1-7-6. 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 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 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 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 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 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 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 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, 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, VASU staff shall prepare a recommendation on the certification status or application for the Attorney General.
- (2) Prior to the VASU staff's presentation of its recommendation of an applicant's certification to the Attorney General, the 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 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 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 this section shall apply. A recommendation for Certification for one (1) year will be made to the Attorney General.

(j) Actions on certification applications. 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) Individual proceeding on revocation. If the Attorney General approves a recommendation to revoke certification, an individual proceeding shall be initiated pursuant to the Administrative Procedures Act.

