

## CHAPTER 30. STANDARDS AND CRITERIA FOR ADULT VICTIMS OF HUMAN SEX-TRAFFICKING PROGRAMS

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 75:30-1-1.1. Application of Chapter 30 to Minors

~~Under state and federal law, the use of minors for commercial sexual activity is a severe form of trafficking, even if there is no force, fraud or coercion. Minors are intended to be served under a different program. However, minors may still need immediate medical care, housing, food, clothing and other services to assure safety until they can be transferred. These standards serve as guidance in understanding, providing and advocating for the needs of victims of human sex trafficking. The rules regarding factors relating to the process to determine status as a certified program including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.~~

~~(a) Under state and federal law, the use of a minor in commercial sexual activity constitutes a severe form of trafficking, regardless of the presence or absence of force, fraud, or coercion.~~

~~(b) Certified adult sex trafficking victim service providers may provide emergency temporary services to minor victims of sex trafficking, in collaboration with the minor's guardian and, where an open case exists or the minor is in custody of the Child Protective Services Division of the Oklahoma Department of Human Services.~~

~~(c) Emergency temporary services include but are not limited to medical care, housing, food, clothing, advocacy, and case management. Such services may include, as appropriate:~~

~~(1) Support and education for guardians, foster parents, congregate care providers, and direct service providers to increase their capacity to recognize and respond to the trauma of sex trafficking using a trauma-informed approach;~~

~~(2) Consultation and guidance for licensed providers and multidisciplinary teams to ensure treatment goals and case planning objectives are trauma-informed and responsive to the impact of trafficking, not geared toward delinquent behavior; or~~

~~(3) Case management and advocacy services that address trafficking-related risk factors, support safety and recovery, and promote coordination across agencies in the best interest of the minor.~~

~~(d) Providers shall comply with all mandatory reporting and protective custody requirements under state law.~~

~~(e) Certified providers may provide residential services to minor mothers as permitted by title 74, section 18p-4 of the Oklahoma Statutes.~~

~~(f) These provisions shall be read in conjunction with all applicable requirements for certification, including but not limited to applications, fees, program standards, and administrative sanctions in accordance with chapter 1 of this title.~~

#### 75:30-1-2. Definitions

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

**"Admission"** means to accept a client for services or treatment.

**"Advocacy"** means the assistance provided which supports, supplements, intervenes and/or links the client and their dependents with the appropriate service components to encourage self-determination, autonomy, physical and emotional safety, and to offer information that will support independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education; it may include medical, dental, financial, employment, legal and housing assistance.

**"Advocate"** means a person, who offers clients appropriate services.

**"Assessment"** means an appropriate course of assistance based on a face-to-face formal screening.

**"Behavioral Healthhealth Professionalprofessional"** means either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or

family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault, human sex trafficking or stalking and their dependents.

**"Business day"** shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 P.M. of the next business day.

**"Case consultation"** means review of a client's case by the primary service provider and other program personnel, consultants or both.

**"Case management"** means a professional practice in which the service recipient is a partner, to the greatest extent possible, in assessing needs, defining desired outcomes, obtaining services, treatments, and supports, and in preventing and managing crisis. Case management is a central service that includes: explanation of social services, service system advocacy, basic case coordination, assessments, and service plan development. It may also include transportation, translation, emotional support and counseling depending upon the training and resources of the case manager.

**"Case manager"** means someone with experience serving victims of crime, human sex trafficking victims, refugees, immigrants, crime victims or other related populations. Ideally, they will have received specific training to serve trafficking victims. The Case Manager will ensure that victims receive the services they need and facilitate access to community services.

**"Certification"** means a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially say that a person is a victim of a severe form of human sex trafficking. Advocates assisting victims of human sex trafficking can assist in the certification process by informing victims of their rights generally, and working with law enforcement and attorneys to ensure that they understand and advocate for the victim's individual needs once certified.

**"Certified adult victims of human sex trafficking program"** means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to offer program facilities and/or services pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

**"Child" or "Children"** means any unmarried individual from birth to eighteen years of age.

**"Children's Activitiesactivities"** means direct child contact that is temporary in nature and is not intended to address the effects of human sex trafficking, sexual assault/abuse and trauma on children i.e. special events such as Christmas parties, Easter egg hunts, that is supervised by program personnel or volunteers.

**"Children's Serviceservices"** means direct child contact that is intended to address the effects of human sex trafficking, sexual assault/abuse and trauma on children including but not limited to intake, needs assessment, groups, advocacy and any other service related to human sex trafficking, sexual assault/abuse and trauma.

**"Client"** means an adult individual who has applied for, is receiving or has received assistance or services of a certified sexual assault program for adult victims of human sex trafficking.

**"Client record"** includes, but is not limited to, all communication, records and information on an individual client.

**"Coercion"** means compelling, forcing, or intimidating a person to act by:

- (A) Threats of harm or physical restraining against any person
- (B) Any act, scheme, plan, or pattern intended to cause a person to believe that performing or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,
- (C) The abuse or threatened abuse of the law or legal process,
- (D) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, including but no limited to a driver license or birth certificate, of another person.
- (E) Facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes
- (F) Blackmail,
- (G) Demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act

of prostitution

(H) Determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party

(I) Determining, dictating, or setting the places at which another person will be available for solicitation of, or to engage in prostitution with a third party

(J) Determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party.

**"Commercial sex"** means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.

**"Community"** means the people, groups, agencies or other facilities within the locality served by the program.

**"Contract"** means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

**"Court advocate"** means a qualified, trained staff or volunteer whose duties are to offer assistance to victims and any dependents in legal matters relevant to their situation. A Court Advocate provides court advocacy through support, information, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human sex trafficking. Court Advocates shall not act as licensed attorneys and are not permitted to give legal advice, unless such person is a licensed attorney in the state of Oklahoma.

**"Counseling"** means face-to-face or virtual therapeutic session with one-on-one interaction between a licensed behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult/child victims/survivors of human sex trafficking as a result of sexual violence understand that victims of trafficking may exhibit depression, post-traumatic stress disorder, memory problems, fear, suspicion, rape trauma syndrome and physical distress as a result of the psychological stress, such as headaches, stomach aches, chest pain and numbing of parts of the body. Interviews requiring them to recount their experiences can trigger these behaviors. Initially, many victims may be more comfortable with less formal, supportive counseling or "conversations" (not counseling) geared toward immediate problem solving, adjusting to life at the center and coping with loneliness and isolation from their communities.

**"Crisis intervention"** means short-term, immediate assistance and advocacy given by phone, virtually, or in person to adult victims of human sex trafficking. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

**"Critical incident"** means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

**"Cultural diversity"** means the spectrum of differences that exists among groups of people with definable and unique cultural backgrounds.

**"Danger assessment"** or **"Threat assessment"** means, for the purposes of human trafficking, a tool to determine the level and immediacy of threat posed to a victim or at risk person who may be currently or threat in the future of being labor or sex trafficked. There is currently no single tool prescribed in Oklahoma for assessing danger or threat in regards to human trafficking specifically. Certified service providers in Oklahoma have leeway to determine the best tool to use specifically with the victim at the time of the assessment. The OAG or other governing body may, in the future, prescribe an assessment protocol specifically for human trafficking.

**"Debt bondage"** means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

**"Direct services"** means services delivered by a qualified staff member or volunteer, in direct contact with a client including telephone or other electronic contact.

**"Director"** means the person hired by the governing authority to direct all the activities of the organization.

**"Documentation"** means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, services, and photographs.

**"Education"** means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity to human sex trafficking problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

**"Emergency services" or "crisis services"** means a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention.

**"Emergency transportation"** means transportation for a victim of human sex trafficking to a secured identified location at which emergency services or crisis services can be offered.

**"Executive director" or "Chief Executive Officer" or "CEO"** means the person in charge of a facility as defined in this section.

**"Facility"** means the physical location(s) of a certified program governed by this chapter of Title 75.

**"Family"** means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

**"Governing authority"** means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire certified adult victims of human sex trafficking program, or program facilities, in and of all geographical locations and administrative divisions.

**"Group counseling"** means a face-to-face or virtual therapeutic session with a group of adult/child victims/survivors to promote emotional or behavioral change. Those individuals providing professional therapy to victims/survivors of human sex trafficking must be prepared to provide education and information about:

- (A) Physical and emotional safety;
- (B) How perpetrators maintain control and dominance over their victims;
- (C) The need to hold perpetrators accountable for their actions; and
- (D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior, and the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion or national origin.

**"Guardian"** means an individual who has been given the legal authority for managing the affairs of another individual.

**"Indirect services"** means services delivered by a staff member or volunteer, that does not involve direct services with a client or client's child.

**"Initial contact"** means a person's first contact with the program or facility requesting information or service by telephone or in person.

**"Intake"** means an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of adult victims and any dependents of human sex trafficking to determine appropriate services and referrals. This includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the adult and the children, orient the victim/survivor to the program, program rules, and, if applicable, the facilities. Cultural needs should also be identified at this time.

**"Language ~~Interpretation~~interpretation"** means activities that involve a client who is deaf or hearing impaired or has limited English proficiency requiring an interpreter for a staff member or volunteers to offer services.

**"Licensure"** means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

**"Medical care"** means those diagnostic and treatment services which can only be provided or supervised by a licensed physician.

**"Medication"** means any drug that is legally in the possession of the client, his/her children, or a person seeking admittance to the program facilities or his/her children; this definition includes prescription medications and medications available for legal purchase without a prescription.

**"Mental health services"** means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

**"Neglect"** means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

**"OAG"** means the Office of the Oklahoma Attorney General.

**"Objectives"** means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

~~**"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.~~

**"Operation"** means that clients are receiving services offered by the program.

**"Personnel record"** means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

**"Persons with special needs"** means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

**"Policies"** means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

**"Primary ~~Victim~~victim"** means a client who has experienced human sex trafficking or the consequences of the crimes first hand.

**"Procedures"** means the standard methods by which policies are implemented.

**"Program"** means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

**"Program evaluation"** means the documented assessment activities, performed internally or externally, of a program or a service and its governing authority, staff, volunteers, activities and planning process to determine whether program goals are met, staff, volunteers, and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.

**"Program goals"** means broad general statements of purpose or intent.

**"Qualified staff"** means someone who has met the criteria for provision of direct services as defined set forth in 75:30-11-12.

~~**"Release" or "Waiver"** means consent to the release of confidential or privileged information that is informed, written and reasonably time-limited. The terms may be used interchangeably to mean the same thing. 'Release' implies that confidential information is released (despite confidentiality or privilege protection), and 'Waiver' implies waiving the right (to maintain privilege). If release of information is compelled by statutory or court mandate, the program shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information.~~

**"Referral"** means information disseminated and/or coordinated access to agency and community services to meet victim's/survivor's and their dependents identified needs.

**"Safety Planning"** means the process of working with the victim/survivor to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's situation and should include the safety needs of dependents. In some cases, human sex trafficking victims may face danger from organized crime, and the levels of danger depend on a host of factors including how much a victim's testimony can harm the perpetrators and how violent and extensive a human sex trafficking organization may be. Additional risks may include isolation due to inability to speak English and distrust of law enforcement and the criminal justice system and unfamiliarity with ways to seek help and safety.

**"Screening"** means the process of determining, preliminarily, the nature and extent of an individual's problem in order to establish the service needs. At a minimum, a screening shall include a brief personal history related to victimization, a review of the individual's strengths and resources, risk factors and referral needs.

**"Secondary Victim"** means a person with a relationship with the primary victim.

**"Self Determination"** means the right to make one's own choices.

**"Service agreement"** means a written agreement between two or more service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

**"Service note"** means the documentation of the time, date, location and description of services offered or provided, and signature, including electronic signature of staff or volunteer offering or providing the services.

**"Service plan"** means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

**"Sexual Assault"** means a range of behaviors, including but not limited to rape, attempted rape, sexual battery, human sex trafficking, sexual abuse of children, sodomy and sexual harassment.

**"Sexual assault services"** means personal advocacy and support services provided to adult victims of human sex trafficking in settings such as law enforcement, medical settings or program offices.

**"Sex trafficking"** also known as **"Human Trafficking for Commercial Sex"** means recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act, or benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of human sex trafficking for commercial sex.

**"Residential Program services"** means a certified residential living arrangement in a secure setting with support and advocacy services provided by qualified staff, for adult victims of sexual assault as a result of human sex trafficking and their dependents.

**"Staff"** means personnel who function with a defined role within the program whether full-time, part-time or contracted.

**"Substance Abuse Services"** means the assessment and treatment of diagnosable substance abuse and dependence disorders, as defined by current DSM criteria, by qualified alcohol and drug treatment professionals.

**"Support"** or **"Supportive Services"** means the provision of direct services to victims and their dependents for the purposes of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of human sex trafficking.

**"Transitional living services"** means temporary, independent living programs with support services provided by the staff or volunteers of the sponsoring human sex trafficking program. These services are extensions of human sex trafficking shelter services to victims of human sex trafficking and their dependents. These services permit victims to develop their financial capacity and other means to live independently.

**"Trauma-informed services"** means a service approach that recognizes the impact of trauma and acknowledges the role of trauma in the lives of victims/survivors and their dependents.

**"Universal precautions for transmission of infectious diseases"** means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

**"Update"** means a dated and signed review of a report, plan or program with or without revision.

**"VASU"** means the Victim Advocacy and Services Unit of the Office of the Attorney General.

**"Voluntary Services"** means a program shall not mandate participation in supportive services as a condition of program facility residency or emergency services. ~~(Family Violence Prevention and Services Act (42 U.S.C. 10408)~~

**"Volunteer"** means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

**"Waiver"** means the agreed-to relinquishing or abandonment of a right to maintain a privilege provided under federal or Oklahoma law.

### 75:30-1-3. Meaning of verbs in rules [REVOKED]

~~—The attention of the facility is drawn to the distinction between the use of the words "shall," "should," and "may" in this chapter:~~

- ~~(1) **"Shall"** is the term used to indicate a mandatory statement, the only acceptable method under the present standards;~~
- ~~(2) **"Should"** is the term used to reflect the most preferable procedure, yet allowing for the use of effective alternatives; and~~
- ~~(3) **"May"** is the term used to reflect an acceptable method that is recognized but not necessarily preferred.~~

### 75:30-1-4. Annual review of standards and criteria [REVOKED]

~~—This chapter shall be reviewed annually by the Office of the Attorney General.~~

## SUBCHAPTER 3. PROGRAMS FOR ADULT VICTIMS/ SURVIVORS OF HUMAN SEX TRAFFICKING

### 75:30-3-1. Service programs core services

- (a) Programs serving victims of ~~sexual violence as a result of~~ human sex trafficking and their dependents or family members should consider special service needs when developing a plan to offer services.
- (b) All certified programs shall provide safe, accessible, and trauma-informed services for victims of human sex trafficking and their dependents or non-offending family members.
- (c) The program shall develop a philosophy of trauma-informed service provision based upon voluntary services and individual self-determination. The written statement of the philosophy of services shall be approved by the governing authority and made available to the community, staff, volunteers and clients.
- (d) The program shall have policies and protocols for accepting victims of human sex trafficking and develop procedures to maintain facilities, staffing, and operational methods, including a policy on the recruitment of board members, staff and volunteers who are representative of the diversity in the local community and the diversity of their clients.
- (e) All certified programs shall ensure program facilities or temporary emergency housing is provided and be able to respond to special needs which may include:
  - (1) Length of stay shall be based on the needs of the client;
  - (2) ~~Safety planning should be designed to meet individual, unique needs. Safety planning can be complex due to danger created by an extensive human sex trafficking organization. Perpetrators often threaten the trafficked person's family in the country of origin as well, and such threats impact decisions made by a human sex trafficking victims.~~ Safety planning should be tailored to each individual's needs, circumstances, culture, and level of risk. The complexity of human trafficking - including psychological manipulation, financial control, threats to family, cultural dynamics, and community ties - creates unique safety challenges. Safety planning must account for the reality that traffickers may include intimate partners, family members, acquaintances, or organized networks;
  - (3) Human sex trafficking victims may never have assimilated into the local community or U.S. culture. Such lack of assimilation, in addition to language barriers and lack of family or community

support may make it difficult to meet program facility requirements such as communal meals, support groups and roommates of different ethnic, cultural or religious backgrounds-;

(4) Human sex trafficking victims may have language interpretation needs. The program shall provide access to an interpreter. It may be necessary for the program to provide translations of written consent forms and other documents-;

(5) Human sex trafficking victims may need intensive case management and advocacy for extended periods of time-;

(6) In trafficking situation, victims of human sex trafficking are often compelled to provide their services without any compensation. Programs should be cognizant of this dynamic, especially as it relates to the assignment of chores-;

(7) Programs should ensure victims are educated about the value of participating in the legal prosecution of offenders and that an appropriate release or waiver may be necessary. It is the human sex trafficking victim's choice to cooperate with law enforcement; Upon the request of the survivor, programs shall provide advocacy and support related to interactions with law enforcement, criminal, civil, or juvenile legal systems. Program staff shall ensure that any release or waiver of information is obtained as appropriate. Programs shall respect the survivor's decision on whether or not to engage with legal processes, and advocacy shall be provided in alignment with that choice; Programs may have to educate law enforcement about certain policies, confidentiality and privilege laws, victim issues, including safety concerns, and whether or not law enforcement may enter the shelter. Programs shall also inform law enforcement that victims cannot be restricted from leaving the program facility. An organization's cooperation with law enforcement for the purpose of identification and prosecution of known traffickers is permissible as long as the victim's identification does not have to be revealed without their consent if the trafficker is retaliating against the victim or is otherwise putting the program, program staff, the victim, or other program participants in danger. Programs shall provide alternate, secure locations for interviews.

(8) Victims of human sex trafficking may often have complex legal needs and be charged with federal or state crimes. Programs should develop relationships with qualified criminal defense and civil attorneys, including the federal and state public defender offices that can assist them-; or

(9) ~~Establishing networks with additional service providers: Because of the unique needs of human sex trafficking victims, programs may have to identify and establish relationships with service providers such as those who do refugee settlement, with whom they have no previous relationship, and assess the providers as potential referral sources~~ Because of the complex and varied needs of human sex trafficking victims, programs should establish relationships with a broad range of community partners. These may include healthcare providers, housing and shelter programs, mental health and substance use treatment, legal and immigration services, economic empowerment initiatives, education and employment development, cultural and faith-based organizations, and other community resources. Programs should assess these partners as potential referral sources to ensure they can appropriately meet the needs of victims, and may also need to provide education to community partners on human trafficking and the trauma it causes to strengthen their ability to respond effectively.

(f) All certified programs shall provide services free from all forms of unlawful discrimination based on race, sex, color, age, national origin, genetic information, religion, disability (i.e., physical, mental illness and substance abuse), ~~and/or~~ economic or educational status, including a policy that services to will not be denied or diminished on the basis of immigration status.

(g) Compliance with ~~75:30-3-1~~ this section shall be determined by a review of the program's policies and procedures, service agreements, on-site observation, client and staff interviews, ~~and/or~~ other supporting documentation.

#### **75:30-3-1.1. Crisis intervention services**

(a) All certified human sex trafficking programs shall offer crisis intervention services including, but not limited to:

(1) Twenty-four (24) hour crisis telephone services either operated solely by the program or in ~~collaboration~~ collaboration with other certified programs, and shall be staffed by trained staff or



volunteers, and provide 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services that do not offer immediate access to a crisis advocate shall not be sufficient to meet this requirement;

(2) Provide access to services or providers who can conduct screenings for immediate needs including safety; medical including screening for tuberculosis, sexually transmitted diseases, HIV, Hepatitis B and Hepatitis C, vaccinations/immunizations, medical treatment for physical injuries, and dental care; mental health; substance abuse; and status including eligibility for other services and HHS or ORR certification;

(3) Emergency housing such as hotel or motel available for victim and any dependent(s);

(4) Arrangement for safe program facilities, food, clothing, and incidentals needed by victim and any dependent(s) as soon as practical;

(5) Provide protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a perpetrator, including: taking measures to protect human sex trafficking victims and their family members from intimidation and threats of reprisals and ensuring that the names and identifying information of human sex trafficking victims and their family members are not disclosed to the public;

(6) The program shall provide transportation or access to transportation for necessary or emergency services. This shall not require service providers to be placed in a situation that could result in injury;

(7) Assignment or referral to Case Manager or program equivalent, e.g., advocate, lead advocate, etc.;

(8) Provision of advocacy and referral to assist the victims in obtaining needed services or resources;

(9) Follow-up services shall be offered to all victims if victim safety is not compromised;

(10) Crisis intervention or support services, case management or referral for case management, advocacy, and victim recovery services. These programs shall minimally either directly provide or make provision for the following services:

(11) Life and job skills training;

(12) Establishment of contact with families of victims if appropriate and desired by the client;

(13) Advocacy services, both in person and by telephone or other electronic means, either in the locations of other community services and systems, or in the program's offices to assist with obtaining certification and public benefits;

(14) A resource document of local, area, or state resources to facilitate referrals for clients for longer term counseling and housing and legal services, particularly time-sensitive legal assistance from an attorney;

(15) The agency shall maintain an updated list of identified behavioral health professionals in the community who treat clients with trauma related to human sex trafficking as well as victims who need additional mental health or substance abuse services; and

(16) Provide referral to legal assistance, information about their rights and translation services as necessary.

(b) Compliance with 75:30-3-1.1 shall be determined by a review of the program's policies and procedures, service agreements, on-site observation, client and staff interviews and/or other supporting documentation.

#### **75:30-3-1.2. Court advocacy services**

(a) All certified programs shall provide assistance to victims and their dependents in legal matters relevant to their situation. Court advocacy services include provision of information, support, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of human sex trafficking. Court advocacy services must be provided by qualified, trained staff members or volunteers.

(b) Advocacy services must both be in person or by telephone, either in the location of other community locations and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients.

(c) Compliance with ~~75:30-3-2.1~~ this section shall be determined by a review of policies and procedures, client files and personnel files.

**75:30-3-2. Program facilities**

(a) All program facilities shall comply with section 75:30-3-1. Each program facility shall provide long-term program facility services and staffing twenty-four (24) hours per day, seven (7) days per week and offer the following services:

- (1) Program facilities shall provide room, food, bathing and laundry facilities, necessary clothing and toiletries for victims and their children free of charge. Programs shall not ask clients to use their nutrition assistance benefits to supplement food for the facility;
- (2) Program facilities shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services;
- (3) Programs shall offer screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact;
- (4) Programs must ensure to the best of its ability the physical and emotional safety, security, and confidentiality of clients and the location of the shelter;
- (5) The program shall establish and maintain involuntary exit criteria;
- (6) The program's policy shall have written procedures regarding the supervision of children; and
- (7) The program shall offer services to clients with dependent boys over the age of twelve.

(b) Compliance with ~~75:30-3-2~~this section shall be determined by a review of policies and procedures, service agreements, on-site observation, and/or other supporting documentation.

**75:30-3-4. Transitional living program**

(a) All transitional living programs shall comply with 75:30-3-1, 75:30-3-1.1 and the following:

- (1) The program shall maintain homes, apartments, or other residential living environments suitable for survivors of human sex trafficking and their dependents, if applicable, and which provide the reasonable safety and privacy needed by this population. The program shall offer access to necessary furniture and equipment;
- (2) The program shall include heating and refrigerated cooling systems to maintain a reasonable comfort level;
- (3) Supportive services for residents are available through the twenty-four (24) hour program hotline by trained staff or volunteers;
- (4) The program shall assign staff or a volunteer as the advocate or liaison for the clients residing in the transitional living program(s). This person, or a crisis line staff person or volunteer, shall be available for emergencies at all times;
- (5) The program shall have a written agreement with each resident that outlines specific responsibilities of both the program and the resident to include expectations, responsibilities, and limitations. The agreement shall be signed by both parties.
- (6) The program shall offer weekly support groups for transitional living residents and their children; and
- (7) The program shall offer at least one 30 minute face-to-face service contact per week with each transitional living residents and their children.

(b) Compliance with ~~75:30-3-4~~this section shall be determined by a review of program policies and procedures, client records, on-site observation, written agreements and/or other supporting documentation.

**75:30-3-5. Children's services**

(a) Client records for both residential and non-residential children shall contain, at a minimum, the following information:

- (1) Intake and screening information:
  - (A) Client's name;
  - (B) Date of initial contact/intake;
  - (C) Age;
  - (D) Pertinent medical information;
  - (E) Mother's name;
  - (F) Father's name; and
  - (G) Name of adult client's abuser.

- (2) Custody
  - (A) Has the court entered a custody order; If yes, what does the order provide?;
  - (B) With whom does the child physically reside?;
  - (C) Does the child have contact with the adult client's abuser?; and
  - (D) Is visitation court ordered with the abuser?
- (3) Safety, including but not limited to:
  - (A) History of child abuse or neglect;
  - (B) Exposure or witnessing violence;
  - (C) Child's response to witnessing violence; and
  - (D) History of involvement in the child welfare system; including the presence of current child welfare involvement.
- (4) Service notes, which shall minimally include: the date, location, start time, duration and description of services provided delineated by time spent and service code, if applicable, or documentation of referral to other services or case management.
- (b) Within five (5) business days of entry into residential services (excluding advocacy or children's activities or crisis intervention), all certified programs shall offer to assess the risk and needs, including culturally specific needs, of the children accompanying primary victims and offer children's services to address the impact of violence and trauma in their lives and to facilitate healing. A risk and needs screening and assessment on each child, when accepted, shall minimally include information on his or her:
  - (1) Brief trauma screening to assess the impact of trauma;
  - (2) Developmental history to include speech and language, hearing and visual;
  - (3) Medical or physical health history;
  - (4) Social history to include interactions with peers;
  - (5) History of use of tobacco, alcohol or other drugs;
  - (6) Parent/guardian custodial status; and
  - (7) Community referral needs.
- (c) Services provided to each child shall be culturally sensitive while addressing identified risks and needs, and shall minimally include:
  - (1) Safety planning that is appropriate with respect to the child or adolescent's age, development, and education;
  - (2) A specific safe, protected play area for children;
  - (3) Advocacy with community systems;
  - (4) Referral to community resources for needed services;
  - (5) Linkage and advocacy with the local school system to provide for educational needs;
  - (6) Parenting support for clients, if applicable; and
  - (7) Children's groups using age appropriate topics and based on established best practices.
- (d) Pursuant to Title 10A O.S. § 1-2-101, any person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.
- (e) Compliance with ~~this 75:30-3-5~~ this section shall be determined by a review of client records, program policies and procedures, on-site observation, written agreements, and/or other program supporting documentation.

## SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

### 75:30-5-1. Purpose

~~The purpose of this~~ This subchapter is to ~~sets~~ set forth the standards and criteria governing client records and confidentiality of client information, including client records, for victims of human sex trafficking.

### 75:30-5-2. Client records

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. No identifying information such as initials, age, year of birth or gender shall be part of the client ID.

(b) A certified program shall have written policies and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policies and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(c) Compliance with ~~75:30-5-2~~this section shall be determined by on-site observation, client records and any other supporting program documentation.

### **75:30-5-3. Record content - general**

(a) Client records for both residential and non-residential clients shall contain, at a minimum, the following information:

- (1) Intake and screening information:
  - (A) Client's name;
  - (B) Date of initial contact/intake;
  - (C) Pertinent medical information, including substance abuse;
  - (D) Emergency contact information, if applicable;
  - (E) History/nature of abuse including an evidence-based dangerousness assessment, if applicable and safety planning, screening for medical, mental health and substance abuse, status including eligibility for other services and HHS or ORR certification; and
  - (F) Perpetrator(s) information, if known.
- (2) Service notes, which shall minimally include:
  - (A) The date, location, start time, duration and description of services provided delineated by time spent and service code, if applicable, or documentation of referral to other services or case management; and
  - (B) The signature of staff or volunteer providing the services or referral.
- (3) Service plan focusing on victim safety and well-being which shall minimally include:
  - (A) Goals and objectives of the client, which shall be developed and agreed upon between the client and staff or volunteer, and
  - (B) Service plans and their updates shall be signed and dated by the client and staff.
- (4) Exit information, which shall minimally include:
  - (A) Documentation that the client participated in planning for his or her exit from the program;
  - (B) The reasons for the client's exit or departure; and
  - (C) Client and staff or volunteer dated signatures or an explanation if staff were unable to obtain the client's signature.

(b) Each client record entry shall be legible, dated, and signed by the staff member or volunteer making the entry.

(c) Compliance with ~~75:30-5-3~~this section shall be determined by a review of program policies and procedures; review of the client records for content; and/or other supporting program documentation.

### **75:30-5-3.1. Record content - service specific**

(a) Client records for specific services shall conform to the following:

- (1) **Shelter Program Facility Services:**
  - (A) On a client's entry to the program facility, staff or volunteers shall record the client's name, emergency contact person(s), if applicable, known allergies, and any referrals for medical or emergency services. This information may be a part of the full intake interview if the full intake is done on entering the program facility. Assessing client's safety planning shall also be done at the time of the full intake;
  - (B) Program clients shall have the full intake interview and screening completed within fourteen (14) days of entry into the program facilities;
  - (C) Service plans shall be offered within thirty (30) business days of client's entry to the program facilities and at the client's discretion;
  - (D) The service plan shall be reviewed and updated at least every two (2) weeks;

- (E) The client's service plan shall include components which address the needs of each child accompanying the client;
- (F) The service plan shall include safety issues for the client and children; and
- (G) A daily note.

**(2) Crisis Intervention Services:**

(A) All face-to-face and virtual contacts with clients are documented and contacts with persons not receiving additional services shall be offered and documented. Documentation shall minimally include the following:

- (i) Staff/Volunteer Name and signature;
- (ii) Date, time, length, and location of intervention;
- (iii) Safety Planning based on risk;
- (iv) Client's name, age, race, county of residence, and contact number if given;
- (v) Protective order information, if applicable;
- (vi) Personnel involved such as police, hospital, etc;
- (vii) Summary of contact including visible injuries, treatment and services requested; and
- (viii) Follow up services shall be offered to all victims, if victim safety is not compromised; and
- (ix) Outcome.

(B) All telephone contacts shall be documented. Documentation shall minimally include the following:

- (i) Staff/Volunteer name;
- (ii) Date, time and length of call;
- (iii) Safety planning based on risk;
- (iv) Caller's name and contact number, if given; However, no caller shall be required to give a name, phone number or any other identifying information as a condition to receive information about human sex trafficking services;
- (v) Summary of the call including services needed; and
- (vi) Outcome.

(C) Contact information is kept by the program.

(D) Clients to be transported to program facilities shall be screened before the shelter referral is made. If the client is in immediate danger, no safe housing is available, or appropriate screenings are conducted by other parties which the certified program has approved to do screenings, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the program facility.

**(3) Counseling, Support and Advocacy Services:**

- (A) An assessment of the client's needs, including culturally specific needs shall be completed by the third (3rd) counseling or advocacy session;
- (B) A service plan shall be completed by the fifth (5th) advocacy or counseling session; and
- (C) A service plan review and update shall be completed at a minimum of once every six (6) months.

**(4) Transitional Living Services:** A service plan including safety issues for the client and dependents shall be developed within five (5) business days of the client moving in.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(c) Compliance with this ~~75:30-5-3.1~~ section shall be determined by a review of client records, policies and procedures, call logs, and/or other supporting documentation.

**75:30-5-4. Client confidentiality**

(a) Protecting the confidentiality of human sex trafficking victims is critical to protecting their safety and establishing trust. Case or client records, files or notes, of a certified program for adult victims of human sex

trafficking shall be confidential and shall only be released under certain prescribed conditions pursuant to Oklahoma law (74 O.S. § 18p-3).

(b) The program shall have written policies and procedures to ensure confidentiality of client information and identity of the program's location and govern the disclosure of information including verbal disclosure contained in client records. When a client record is established, the program shall discuss the confidentiality requirements and limitations with each client and maintain documentation in the client record that they have reviewed the circumstances under which confidential information may be revealed. Assisting human sex trafficking victims requires the release of confidential information more often, and to more organizations, than when assisting non-trafficked victims. This is particularly true if the victim is seeking certification from HHS or ORR. Staff or volunteers should always obtain the informed, written consent of the victim when relaying confidential information to any person, including law enforcement, federal prosecutors, state attorneys, victim advocates and social services agencies. The written consent forms must be translated into the victim's native language, state the name of the person or organization receiving the information, and contain an expiration date.

(c) The human sex trafficking program must comply with both the state and federal laws that govern confidentiality and any exceptions to those laws.

(1) **State Law:** Case or client records, files or notes, of a human sex trafficking program shall be confidential and shall only be released under certain prescribed conditions (74 O.S. § 18p-3):

(A) The case records, case files, case notes, client records, or similar records of a human sex trafficking program certified by the Attorney General or of any employee or trained volunteer of a program regarding an individual who is residing or has resided in such program or who has otherwise utilized or is utilizing the services of any human sex trafficking program or counselor shall be confidential and shall not be disclosed;

(B) For purposes of this subsection, the term "client records" shall include, but not be limited to, all communications, records, and information regarding clients of human sex trafficking programs; and

(C) The case records, case files, or case notes of programs specified in paragraph 1 of this subsection shall be confidential and shall not be disclosed except with the written consent of the individual, or in the case of the individual's death or disability, of the individual's personal representative or other person authorized to sue on the individual's behalf or by court order for good cause shown by the judge in camera.

(2) **Federal Law:**

(A) The Violence Against Women Act universal grant conditions regarding confidentiality, Section 3 of VAWA, 34 USC §12291(b)(2) provides, in part: In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees shall not: disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantee and subgrantee programs, regardless of whether the information has been encoded, encrypted, hashed or otherwise protected; or disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent. If release of information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information. In no circumstances may an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to

provide a consent to release identifying information as a condition of eligibility for the services provided.

(B) The Family Violence Prevention and Services Act universal grant conditions on confidentiality, 42 USC 10401 et seq. provides, in part: Personally identifying information. The term personally identifying information has the meaning given the term in the Violence Against Women Act. In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families. Subgrantees shall not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee and subgrantee programs; or reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent shall be given by the person, except in the case of an unemancipated minor, the minor and the minor's parent or guardian; or in the case of an individual with a guardian, the individual's guardian; and may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor. If release of information is compelled by statutory or court mandate grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(C) Victims of Crime Act regulations on confidentiality applying to grantees, 28 CFR §94.115 provides in part: Sub-recipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or individual client information, without the informed, written, reasonably time limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian. If release of information is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Housing Assistance Emergency Solutions Grants, at 42 U.S.C. § 11375 (c)(5), require recipients to develop and implement procedures to ensure confidentiality of records pertaining to any individual provided family violence prevention or treatment services under this part and that the address or location of the family violence program facilities project assisted under this part will not be made public without written authorization of the person or persons responsible for the operation of such program facilities; and

(E) Stewart B. McKinney Homeless Assistance Act, at 42 U.S.C. § 1130163, mandates that any victim service provider that is a recipient or subgrantee shall not disclose for purposes of the Homeless Management Information System (HMIS) any personally identifying information about any client. Subgrantees may be required to disclose for purposes of HMIS non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. The Violence Against Women Act also contains a provision that specifies a domestic violence program provider shall not disclose any personally identifying information about any client to the Homeless Management Information System (HMIS).

(d) Compliance with ~~75:30-5-4~~this section shall be determined by a review of the program's policies and procedures; and on-site observation of the handling and review of client records.

#### **75:30-5-4.1. Waiver of Confidential Information**

(a) For a waiver of confidentiality to be valid, it must:

- (1) Be voluntary;
- (2) Relate only to the participant or the participant's dependents;
- (3) Clearly describe the scope and any limitations of the information to be released;
- (4) Include an expiration date;
- (5) Inform the participant that consent can be withdrawn at any time, orally or in writing;
- (6) Programs may only share the specific information the client allows in the release. The client gets to choose when, how and what personal information will be shared, or not shared, and with whom;
- (7) Even when a court mandate requires the program to disclose or release information about the client, the program may only share the minimum information necessary to meet the statutory or court mandate; and
- (8) The program/agency shall notify the victim of any disclosure and to continue taking steps to protect the victim's safety and privacy.

(b) A valid written release form for disclosure of client information shall have, at a minimum, the following elements:

- (1) The specific name or general designation of the program or person permitted to make the disclosure;
- (2) The name and title of the individual, agency or organization to which disclosure is to be made;
- (3) The name of the client whose records are to be released;
- (4) The purpose of the disclosure;
- (5) A description of the information to be disclosed;
- (6) The dated signature of the client or authorized representative or both when required;
- (7) A statement of the right of the client to revoke the release in writing and a description of how the client may do so; and
- (8) An expiration date, specified event or condition which, if not revoked before, shall ensure the release will last no longer than reasonably necessary to serve the purpose for which it is given. The reasonableness of this time period will depend on the specific situation.

(c) "In the event of my death" clause: Some programs have chosen to talk with clients about the lethality of human sex trafficking and ask if they would like the program to share information with police, prosecutors, the Oklahoma Fatality Review Board, or others the client may indicate in the event that the client dies (due or not due to ST). Because clients may have to sign multiple releases, programs shall have the "in the event of my death" exception on a different form.

(d) The program shall have written policies and procedures to ensure confidentiality of client information and identity and shelter location and govern the disclosure of information including verbal disclosure contained in client records. When a client record is established, the program shall discuss the confidentiality requirements with each client and maintain documentation in the client record that they have reviewed the circumstances under which confidential information may be revealed.

(e) Compliance with ~~75:30-5-4~~this section shall be determined by a review of the program's policies and procedures; and on-site observation of the handling and review of client records.

#### **75:30-5-5. Physical safety and integrity of client records**

(a) Client records shall be maintained in a locked and secure manner. The program shall have written policies and procedures to safeguard the record and information contained in the record against loss, theft, defacement, tampering, or unauthorized access or use.

(b) Compliance with ~~75:30-5-5~~this section shall be determined by a review of the program policies and procedures; on-site review of locking mechanisms and procedures to assure security; and on-site observation of the handling of client records.

#### **75:30-5-6. Client record, handling, retention, and disposal**



- (a) A program shall have written policies and procedures addressing the storage, retention period, and method of disposal of client records. This policy and procedures shall be compatible with protecting clients' rights against unauthorized confidential information disclosures.
- (b) Client records shall not be maintained and/or stored at a location other than the certified locations without the prior written authorization of the ~~Office of Attorney General~~ OAG.
- (c) Client records shall be easily retrieved by staff as needed for providing and documenting services.
- (d) Compliance with ~~75:30-5-6~~ this section shall be determined by a review of the program's policies and procedures, and a review of office and files.

#### **75:30-5-7. Residential Program Policy on Medications**

- (a) The program shall seek to afford program residents with the greatest possible privacy and autonomy in regard to their medication, while also providing a safe shelter environment as follows:
  - (1) Staff and volunteers will not dispense medication;
  - (2) The program will provide every resident with an individual locking box, locker, or locking cabinet ("locked space") for storage of medications and valuables or lock the clients' medication in a safe but accessible location;
  - (3) The program will not limit or monitor the survivor's access to her medication;
  - (4) If a client indicates that she needs access to refrigerated storage space, the program will provide refrigerated storage space in the manner that provides the greatest possible privacy and autonomy; and
  - (5) The program shall have a policy for the disposal of unused or abandoned medication or other substances.
- (b) Safety Agreement: During a resident's stay at shelter, the client shall be asked to make sure that any medications the client has are safely secured.
  - (1) The program will ask every resident to sign an agreement that the client will store any medications in the client's individual locking box, locker, or locking cabinet provided, or if it is one requiring refrigeration, as otherwise provided. The agreement will provide that residents who have medications that must be taken in the event of a medical emergency may carry them on their person (e.g., in a fanny pack).
- (c) Compliance with ~~75:30-5-7~~ this section shall be determined by a review of the program's policies and procedures, and on-site observation.

### **SUBCHAPTER 7. PHYSICAL ENVIRONMENTS**

#### **75:30-7-1. Physical plant, primary role**

- (a) The primary role of programs is to provide safety; and ~~they must also~~ protect the confidentiality and privacy of victims of sexual violence as a result of human sex trafficking and their dependent family members. The physical plants of programs shall not be utilized in any manner which fails to guarantee the confidentiality, safety, and protection of the victims, their dependents, ~~and~~ staff, and volunteers.
- (b) Facilities that serve both victims of human sex trafficking as well as domestic violence victims in the same facility shall have written procedures to ensure that its services do not jeopardize the safety and psychological well-being of either victim.
- (c) Compliance with ~~75:30-7-1~~ this section shall be determined by a review of program policies and procedures and a tour of the facility.

#### **75:30-7-2. Fire and safety codes and inspections**

- (a) The physical environments of program facilities, housing options and all office space shall meet safety, zoning, and building code regulations required by local, state, and federal authorities, and shall obtain and maintain an annual fire and safety inspection from local or state authorities.
- (b) Compliance with ~~75:30-7-2~~ this section shall be determined by a review of the annual fire and safety inspection report.

**75:30-7-3. Firefighting and first aid equipment**

- (a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.
- (b) Compliance with ~~75:30-7-3~~this section shall be determined by on-site observation and by interviewing staff.

**75:30-7-4. Disaster procedures**

- (a) There shall be written procedures describing the emergency plans in case of a disaster, whether internal or external, or in case of threat to the safety of any client, staff or volunteer. Evacuation routes, inside sheltering sites and fire extinguisher locations shall be posted.
- (b) Fire, tornado, bomb threat and intruder drills shall be conducted annually. The date, time, and type of the drill shall be documented.
- (c) Compliance with ~~75:30-7-4~~this section shall be determined by on-site observation, a review of written procedures, staff or volunteer interviews, and documentation of drills.

**75:30-7-5. Persons with special needs**

- (a) Pursuant to the Americans with Disabilities Act of 1990, as amended, the program shall ensure that persons with disabilities are not excluded from services. Programs are required to integrate a person with a disability into agency services, unless providing separate services is the only way to offer equal opportunities for services. Referrals must be offered when necessary, and the program shall have written procedures for referrals of disabled persons who cannot be served on-site. Service and companion animals should be allowed in facilities unless the animal poses a direct threat to the health/safety of others. Auxiliary aids/services should be offered as necessary to ensure effective communication unless doing so would cause an undue burden (i.e., significant difficulty or expense) or fundamental alteration in services. Alterations to existing buildings must be accessible to the maximum extent feasible. All newly constructed facilities must be accessible to persons with disabilities unless it is structurally impractical. ~~(Americans with Disabilities Act of 1990) Resource: Americans with Disabilities Handbook, published by (U.S.) Equal Employment Opportunities Commission, and the (U.S.) Department of Justice.~~
- (b) Compliance with ~~75:30-7-5~~this section shall be determined by a review of program policies and procedures.

**75:30-7-6. Program environment**

- (a) The program environment shall meet the following conditions:
  - (1) The facility shall be accessible by an all-weather road;
  - (2) The facility shall have adequate space in which to carry out the program's goals and objectives, including outdoor areas and equipment when appropriate;
  - (3) The facility shall have heating and air conditioning equipment adequate to maintain the temperature in areas utilized by clients at between 65°F and 85°F;
  - (4) The facility shall have adequate ventilation and air circulation provided in the facility to assure an environment that will be comfortable for the clients;
  - (5) The facility shall have water from an approved tested potable source;
  - (6) The facility shall have, at minimum, a commode and, lavatory facility. The privacy of individuals shall be assured while using these facilities;
  - (7) All doors, including those for each closet, bedroom, bathroom, and office, shall be easily opened from both sides;
  - (8) Smoking shall not be allowed in any indoor portion of any facility;
  - (9) Facility sanitation shall be maintained to prevent offensive odors and insect infestation;
  - (10) All facilities shall have emergency backup lighting;
  - (11) Telephones shall be provided for the convenience of the staff or volunteers, and the necessary accommodation of the clients. Pay telephones only are not acceptable;
  - (12) There shall be written policies and procedures addressing the use of any outdoor recreational space, including required supervision and the safety of children;
  - (13) Toxic materials and dangerous substances, such as toxic cleaners, insecticides, and matches shall be stored in a non-client area, locked space where they are not accessible to children;

- (14) Combustible materials shall be stored in locked non-flammable containers; and
  - (15) The Poison Control Center's toll-free telephone number shall be posted and visible to staff, volunteers and clients at all times.
- (b) Compliance with ~~75:30-7-6~~this section shall be determined by a review of program policies and procedures, staff, volunteer and client interviews, and on-site observation.

**75:30-7-7. Program environment, residential services programs**

- (a) All certified residential programs shall comply with section 75:30-7-6 and the following:
- (1) The facility shall have access to outdoor recreational space and playground equipment located, installed, and maintained as to ensure the safety of the clients and their children. The grounds and access thereto shall be maintained in a manner that shall ensure the area is free of any hazard to health or safety;
  - (2) Kitchens used for meal preparation in the residential facility shall be provided with the necessary equipment for the preparation, storage, serving, and clean-up of all meals. All equipment shall be maintained in working order;
  - (3) Provisions shall be made to assist or make food available for meal preparation that accommodates special diets;
  - (4) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) to twelve (12) resident, including infants and children. The privacy of individuals or families shall be assured while using these facilities;
  - (5) Residents' rooms shall be so arranged that the client has direct access to a hallway or common area without having to pass through other resident's rooms or areas;
  - (6) There shall be written policies and procedures for laundry and linens, addressing frequency of changing linens, and laundry arrangements within the facility;
  - (7) Laundry equipment shall be provided within the residential facility, and shall be kept clean, well-maintained, and properly ventilated;
  - (8) Reasonable space shall be provided for storage of clients' personal belongings;
  - (9) Written policies and procedures shall address secure storage of client valuables;
  - (10) Written policies and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication;
  - (11) The facility shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors. However, documentation that the locking system meets state and local fire code inspection shall be accepted. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible;
  - (12) All outdoor openings such as windows shall be covered for privacy;
  - (13) Provision shall be made for cleaning the facility minimally once per week. A written work schedule or other form of notification shall be posted, which clearly delineates each individual's responsibility for various tasks;
  - (14) Safe and adequate internal play space for children, including outlet protectors and gated stairwells; and
  - (15) Baby beds and high chairs that ensure children's safety and comfort shall be available for infants and small children.
- (b) Compliance with ~~75:30-7-7~~this section shall be determined by a review of program policies and procedures; program facility rules, staff, volunteer and client interviews where appropriate, and on-site observation.

**75:30-7-9. Program environment, transitional living services program**

- (a) All transitional living services programs shall comply with section 75:30-7-6 (a)-(1)-(10) and the following:
- (1) Operable smoke detectors;
  - (2) 24-hour access to a telephone for emergencies;
  - (3) Secured by double locks or locking devices such as chains, bolts, etc. which meets state and local fire code inspection;

- (4) outdoor Outdoor openings such as windows shall be covered for privacy; and
- (5) the The facility shall have, at minimum, a commode, lavatory and bathing facility at a ratio of one (1) for every eight (8) persons, including infants and children. The privacy of individuals or families shall be assured while using these facilities.
- (b) Compliance with ~~75:30-7-9~~this section shall be determined by a review of program policies and procedures, provider and client interviews where appropriate, and on-site observation.

## **SUBCHAPTER 8. TECHNOLOGY**

### **75:30-8-1. Technology and system plan**

- (a) The agency shall have a written plan regarding the use of technology to support and advance effective and efficient service and business practices. The plan shall include, but not be limited to:
  - (1) Hardware and software.
  - (2) Security.
  - (3) Confidentiality.
  - (4) Backup policies.
  - (5) Assistive technology.
  - (6) Disaster recovery preparedness.
  - (7) Virus protection.
- (b) Compliance with ~~75:30-8-1~~this section shall be determined by a review of the facility policies, performance improvement plans and technology system plan.

## **SUBCHAPTER 9. PROGRAM MANAGEMENT AND PERFORMANCE IMPROVEMENT**

### **75:30-9-1. Admission criteria**

- (a) The agency shall have specific written criteria for each program service component identifying persons for whom the services are intended, and persons who are excluded from receiving services.
- (b) The program shall have a written policy requiring referral of any individual who does not meet services criteria.
- (c) Compliance with ~~75:30-9-1~~this section shall be determined by a review of written program policies and procedures.

### **75:30-9-2. Program management, policies and procedures**

- (a) The agency shall maintain written policies and procedures that describe each program service component, the rules clients are expected to follow for each component, and staff or volunteer duties. Policies shall include but are not limited to:
  - (1) Length of stay limitations, if any;
  - (2) Participation in housekeeping, food preparation or other activities, if applicable; and
  - (3) Physical punishment of children shall not be allowed.
- (b) Clients shall be given a copy of program rules and the provision of such shall be documented in the client record.
- (c) The program shall have a written policy of the intent to comply with the Americans with Disabilities Act of 1990.
- (d) Compliance with ~~75:30-9-2~~this section shall be determined by a review of the program's written policies and procedures; rules; client interviews and record documentation.

### **75:30-9-3. Program mission and goals**

- (a) The program shall have a written mission statement, and annually state in writing the program's goals.
- (b) The annual program goals shall be approved by the agency's governing body each year, and shall be disseminated to staff and volunteers.

(c) Compliance with ~~75:30-9-3~~this section shall be determined by a review of the mission statement, program's annual goals, governing body minutes, staff meeting minutes and any other relevant documentation provided by the program.

#### **75:30-9-4. Annual program evaluation**

(a) On or before December 31 each year, the agency shall submit an annual evaluation of the program's services, facilities and policies and procedures, covering the period between July 1 - June 30. This evaluation shall be carried out according to a written plan established in policies and procedures to include the plan of evaluation, data to be reviewed, and the persons to conduct the evaluation, e.g., governing body members, staff, volunteers or other persons. The evaluation shall include an assessment to identify special populations of victims of human sex trafficking who are underserved or who have special needs including culturally or specific needs.

(b) Upon completion, this evaluation shall be submitted and reviewed by the governing body, and made available to personnel and volunteers.

(c) Compliance with ~~75:30-9-4~~this section shall be determined by a review of the program evaluation, policies and procedures, staff meeting minutes and/or any other supporting documentation.

#### **75:30-9-5. Critical incidents**

(a) The program shall have policies and procedures requiring documentation and reporting of critical incidents.

(b) Each critical incident shall be recorded and monitored as follows:

- (1) Agency name, name and signature of the person(s) reporting the critical incident;
- (2) Client ID(s), staff member(s), volunteers and/or property, involved in the critical incident;
- (3) The date, time and physical location of the critical incident, if known, and the name of the staff or volunteer the incident was reported to;
- (4) A description of the incident;
- (5) Severity of each injury, if applicable. Severity shall be indicated as follows:
  - (A) No off-site medical care required or first aid care administered on-site;
  - (B) Medical care by a physician or nurse or follow-up attention required; or
  - (C) Hospitalization or immediate off-site medical attention was required; and
- (6) Resolution or action taken, date action taken and signature of the agency director or authorized designee;

(c) Critical incidents that shall be reported to the Office of the Attorney General are reported as follows:

- (1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax, or mail, including electronic mail, to the ~~Office of the Attorney General Victims Services Unit~~VASU within forty-eight (48) hours, or if the incident occurs on a weekend or holiday, the next business day of the incident being documented; and
- (2) Critical incidents involving disaster at a facility, death or client abuse shall be reported to the Safeline at 1-800-522-7233 immediately via telephone. The notification shall be followed with a written report from the reporting agency within twenty-four (24) hours of the incident and delivered via fax or mail, including electronic mail to the ~~Office of the Attorney General Victims Services Unit~~VASU.

(d) Compliance with ~~75:30-9-5~~this section shall be determined by a review of policies and procedures, critical incident reports at the program and those submitted to the ~~Office of the Attorney General Victims Services Unit~~VASU.

## **SUBCHAPTER 11. PERSONNEL AND VOLUNTEERS**

### **PART 1. PERSONNEL**

#### **75:30-11-1. Personnel policies and procedures**

(a) The program shall have written policies and procedures governing the conditions of agency employment to include appropriate screening and background inquiries to ensure client safety and confidentiality. Prior to employment all certified programs are required to obtain an Oklahoma State Bureau of Investigation (OSBI) criminal history name search of employees to also include a search of the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act. At least annually thereafter, all certified programs are required to conduct a name search of employees against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act.

(c) Written policies and procedures shall ensure personnel are informed of any changes to these afore stated materials.

(d) Compliance with ~~75:30-11-1~~this section shall be determined by a review of the program's personnel policies and procedures, interviews with staff and volunteers, review of staff meeting minutes and/or other supporting documentation.

#### **75:30-11-2. Non-discrimination**

(a) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with personnel in accordance with applicable state and federal laws.

(b) Compliance with ~~75:30-11-2~~this section shall be determined by a review of the program's written policy and procedure, and staff interviews.

#### **75:30-11-3. Selection of personnel**

(a) The methods for selecting personnel shall be described in policies and procedures and shall include, but not be limited to:

- (1) The processes for recruitment, selection and appointment; and
- (2) Written criteria demonstrably related to the position being filled.

(b) Compliance with ~~75:30-11-3~~this section shall be determined by:

- (1) Review of the policies and procedures;
- (2) Review of job descriptions for personnel; and
- (3) Review of any other supporting documentation.

#### **75:30-11-4. Job descriptions, personnel**

(a) The agency shall have written job descriptions for personnel defining the duties of, and minimum qualifications for, each position.

(b) Compliance with ~~75:30-11-4~~this section shall be determined by:

- (1) Review of the program's policies and procedures; and
- (2) Review of the program's job descriptions.

#### **75:30-11-5. Personnel records**

(a) The agency shall maintain record(s) for each staff member or volunteer selected and utilized; documentation shall minimally include:

- (1) Job description;
- (2) Employment application or resume;
- (3) Documentation of current qualifications and training as required and defined in the job description;
- (4) Duty or work assignment;
- (5) Record of hours worked or hours of service performed;
- (6) Record of participation in training;
- (7) Staff performance evaluation(s); and
- (8) Emergency notification information.

(b) Compliance with ~~75:30-11-5~~this section shall be determined by a review of personnel records.

#### **75:30-11-6. Supervision of personnel**

- (a) A certified program shall establish in writing lines of supervision for all personnel.
- (b) Compliance with ~~75:30-11-6~~this section shall be determined through a review of the program's policies and procedures, or any other supporting documentation provided, including, but not limited to, personnel manuals, organizational charts, job descriptions, and personnel files.

#### **75:30-11-7. Performance evaluation of personnel**

- (a) The agency shall have policies and procedures mandating the evaluation of personnel employment and service performance. These policies and procedures shall minimally include:
  - (1) Performance evaluations shall be completed at least annually, to include an evaluation of the Executive Director;
  - (2) Define the reason(s) for any evaluation other than annual;
  - (3) Performance evaluations shall be in writing and based on the staff's or volunteer's job description;
  - (4) Each evaluation shall be individually discussed with the staff or volunteer;
  - (5) Personnel shall have a documented opportunity to respond, in writing, to each of their individual performance evaluations; and
  - (6) Both staff or volunteer and supervisor shall sign and date the performance evaluation. However, the evaluation document shall state the staff's or volunteer's signature does not necessarily constitute agreement with the evaluation content.
- (b) Compliance with ~~75:30-11-7~~this section shall be determined by a review of:
  - (1) Program policies and procedures, governing authority meeting minutes where applicable, and
  - (2) Review of personnel files.

### **PART 3. VOLUNTEERS**

#### **75:30-11-8. Volunteer policies and procedures**

- (a) The program shall have written policies and procedures governing volunteer utilization to include appropriate screening and background inquiries to ensure client safety and confidentiality. Prior to direct services volunteering, all certified programs are required to obtain an Oklahoma State Bureau of Investigation (OSBI) criminal history name search of volunteers to also include a search of the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippe Violent Crime Offenders Registration Act. At least annually thereafter, all certified programs are required to conduct a name search of direct services volunteers against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippe Violent Crime Offenders Registration Act.
- (b) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with volunteers in accordance with applicable state and federal laws.
- (c) Compliance with ~~75:30-11-8~~this section shall be determined by a review of the program's written policies and procedures, and volunteer interviews.

#### **75:30-11-9. Supervision of volunteers**

- (a) The program shall establish in writing lines of supervision for all volunteers.
- (b) The program shall ensure each volunteer has the knowledge relevant to the volunteer's job duties and is supervised pursuant to program policies and procedures.
- (c) Compliance with ~~75:30-11-9~~this section shall be determined through a review of the program's policies and procedures, and any other supporting documentation provided, including, but not limited to, volunteer manuals, and organizational charts.

#### **75:30-11-10. Volunteer records**

- (a) The agency shall maintain record(s) for each volunteer selected and utilized; documentation shall minimally include:
  - (1) Duty or work assignment;
  - (2) Record of hours worked or hours of service performed;
  - (3) Record of participation in training; and

- (4) Emergency notification information.
- (b) Compliance with ~~75:30-11-10~~this section shall be determined by a review of personnel records.

## PART 5. TRAINING

### **75:30-11-12. Orientation - general, personnel and volunteers**

- (a) Personnel and volunteers must receive specific training to understand the unique needs of human sex trafficking victims.
- (b) A certified program shall provide a minimum of forty (40) hours of orientation training that incorporates the use of adult learning techniques (i.e., scenarios, role playing) to familiarize new personnel and volunteers providing direct services with the program which includes, but is not limited to:
  - (1) Program goals and services of each service component;
  - (2) Program policy and procedures;
  - (3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
  - (4) Facility safety and disaster plans;
  - (5) First aid kits and fire extinguishers, their location, contents and use;
  - (6) Universal precautions;
  - (7) Learning interviewing skills and techniques for working with victims of human sex trafficking including:
    - (A) Hotline calls from trafficking victims and active and empathetic listening techniques; and
    - (B) Safety planning for human sex trafficking victims;
  - (8) Vicarious trauma and self-care;
  - (9) Client rights;
  - (10) Power and control tactics in human sex trafficking;
  - (11) Dynamics and impact of sexual assault;
  - (12) Dynamics and impact of human sex trafficking;
  - (13) Behavioral health issues related to human sex trafficking including but not limited to:
    - (A) Cultural information about victims coming from the world of human sex trafficking to a "normal" world;
    - (B) Effects of trauma, including high risk behaviors, adaptive survival strategies and coping skills; and
    - (C) Trauma triggers.
  - (14) Documentation of services;
  - (15) Sexual abuse within the family (i.e., incest, sibling abuse, marital and domestic relationship rapes);
  - (16) Sexual assault outside the family (stranger, non-stranger, abuse by professionals, sexual harassment and bullying);
  - (17) Commercial sexual exploitation (i.e., prostitution, trafficking, pornography, escort services, and massage parlors);
  - (18) Underserved client populations (i.e., males, victims of the same gender, bisexual or transgender, non-English speaking, undocumented immigrants, victims with cognitive disabilities, or who are deaf or hard of hearing) or other disability as defined by the Americans with Disabilities Act; and
  - (19) Topics to increase skills to identify Post-traumatic Stress Disorder (PTSD) as it relates to rape trauma, self injury and alcohol and substance use.
  - (20) Training on professional ethics and boundaries necessary for working with trauma survivors.
  - (21) Understanding legal needs of human sex trafficking victims, including dynamics involved in the prosecution of persons who commit human sex trafficking.
  - (22) Labor trafficking.
  - (23) Trauma informed care and special considerations for victims of sex trafficking.
- (c) Staff and volunteers providing indirect services and children's activities are required to complete orientation as prescribed by the Executive Director or CEO which shall include training on confidentiality and



facility safety and disaster plans.

(d) Orientation for personnel must take place within thirty (30) days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within six (6) months or prior to unsupervised, direct client contact and services. The Executive Director or CEO of a facility may waive orientation training if it is documented that the staff or volunteer has completed the requisite program training within the past year.

(e) Compliance with ~~75:30-11-12~~this section shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

#### **75:30-11-12.1. In-service and ongoing training for personnel and volunteers**

(a) A certified program shall have policies and procedures mandating, at the minimum, twenty-four (24) hours of annual training of all staff which shall include:

- (1) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
- (2) Facility safety and disaster plans;
- (3) First aid kits and fire extinguishers, their location, contents and use;
- (4) Universal precautions,
- (5) Client rights;
- (6) Legal and ethical issues;
- (7) Trauma; and
- (8) The remaining hours of annual training shall be related to human sex trafficking and administration as prescribed and approved by the Executive Director.

(b) A certified program shall have policies and procedures mandating a minimum of twenty-four (24) hours annual training of all volunteers providing direct services, related to human sex trafficking as prescribed and approved by the Executive Director.

(c) Staff and volunteers who provide indirect services and do not meet the requirements for staff and volunteers providing direct services as defined in ~~OAC 75:30-1-2~~under subchapter 1, section 2 of this chapter shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.

(d) Documentation of training must include the topic of the training, the name of the trainer(s), the date of the training, the length of the training session, the sponsor of the training, and approval of the training by the Executive Director of the agency.

(e) Compliance with ~~75:30-11-12~~this section shall be determined by a review of policies and procedures; review of training records and other provided documentation of personnel training; and a review of personnel or volunteer records.

#### **75:30-11-15. Personnel training, transitional living services**

(a) Prior to providing any direct services, all transitional living services personnel shall receive the prescribed orientation training in 75:30-11-12.

(b) Compliance with ~~75:30-11-15~~this section shall be determined by:

- (1) Review of program's policies and procedures;
- (2) Review of program's training records and other provided documentation of staff or volunteer training; and
- (3) Review of personnel records.

#### **75:30-11-16. Personnel training, Court Advocates**

(a) Prior to providing services, Court Advocates shall receive the prescribed orientation training, and training in the following:

- (1) Protective orders (i.e., the requirements for obtaining an ex parte emergency protective order and permanent protective order and an understanding of what happens after a protective order is issued);
- (2) Full faith and credit;
- (3) The court process including safety planning during this time; and

- (4) At least three (3) hours of accompanied court time with a trained court advocate that includes observation of an ex parte emergency protective order hearing and a final protective order hearing.
- (b) Compliance with ~~75:30-11-16~~this section shall be determined by:
  - (1) Review of program's policies and procedures;
  - (2) Review of program's training records and other provided documentation of staff or volunteer training; and
  - (3) Review of personnel records.

#### **75:30-11-17. Personnel training, children's services**

- (a) Prior to providing any direct services, children's services personnel shall receive the prescribed orientation training and minimally have one (1) year employment or volunteer experience in a child care or service related field, or an equivalent combination of education, training and experience in child care or development issues.
- (b) Compliance with ~~75:30-11-17~~this section shall be determined by:
  - (1) Review of program's policies and procedures;
  - (2) Review of program's training records and other provided documentation of staff or volunteers training; and
  - (3) Review of personnel or volunteer records.

### **SUBCHAPTER 13. GOVERNING AUTHORITY**

#### **75:30-13-1. Governing authority**

- (a) The agency shall have a governing authority. In the instance of Native American programs, the tribal council may be the governing body.
- (b) The governing authority shall establish, and function under, written by-laws. These by-laws shall minimally include:
  - (1) Designation of regular quarterly meetings to be held in accordance with the Open Meeting Act;
  - (2) Recording and retention of written minutes;
  - (3) Eligibility criteria, selection, terms, responsibilities, power and duties of members;
  - (4) Term limitations, removal and filling of vacancies;
  - (5) Attendance policy;
  - (6) Prohibition on staff serving as voting members of the governing authority;
  - (7) Establishment of a quorum;~~and~~
  - (8) Conflict of interest agreement~~;~~ and
  - (9) Requirement that each governing authority member maintain primary residence in Oklahoma.
- (c) Compliance with ~~75:30-13-1~~this section shall be determined by:
  - (1) Documents of incorporation or registration as a business entity or documentation from the appropriate Tribal Council;
  - (2) Review of the written by-laws; and
  - (3) Review of the governing authority's minutes.

#### **75:30-13-2. Duties of the governing authority**

- (a) The duties of the governing authority shall include, but are not limited to:
  - (1) Approving all policies for the operation of the agency, and ensuring procedures for the implementation of policies are in place and enforced;
  - (2) Ensuring the agency operates in compliance with established agency policy, applicable state and federal law and administrative rules;
  - (3) Compliance with the by-laws of the governing authority;
  - (4) Ensuring all financial transactions and events requiring the approval of the governing authority are reviewed and authorized by the governing authority prior to any commitment by agency personnel;
  - (5) The selection, annual evaluation and continuance of retention of the Executive Director;

- (6) Review and approve contractual agreements that exceed financial thresholds as determined by the governing authority;
  - (7) Review the program audit and certification reports from the VSU and approve all plans of correction; and
  - (8) Oversee the financial administration of the program, including review and approval of financial audits.
- (b) Compliance with ~~75:30-13-2~~this section shall be determined by a review of:
- (1) By-laws and minutes of the meetings of the governing authority;
  - (2) Posted, or otherwise distributed written materials regarding decisions, and other notifications of the governing authority;
  - (3) Personnel meeting minutes of the program and its various divisions or geographical locations where applicable; and
  - (4) Written evaluation and any other documentation regarding the retention or selection or hiring of the Executive Director.

**75:30-13-3. Governing authority, meeting minutes**

- (a) Minutes of the governing authority shall be kept in written form; reviewed at the next following meeting; corrected if such is approved; and signed by the presiding or authorized officer or chairperson.
- (b) Meeting minutes shall include, but are not limited to, recording of:
- (1) The date, time and place of the meeting;
  - (2) Names of those members attending;
  - (3) Whether, or not, the meeting was convened; and if not why;
  - (4) Approval of minutes from past meeting;
  - (5) Topics and issues discussed and decisions reached;
  - (6) Recording of motions and of votes on the motion; and
  - (7) Time of adjournment.
- (c) Compliance with ~~75:30-13-3~~this section shall be determined by the review of the meeting minutes of the governing authority.

**75:30-13-4. Governing authority, orientation**

- (a) A certified program shall provide a minimum of two (2) hours orientation training to members of the governing authority which includes, but is not limited to:
- (1) Program goals and services of each service component;
  - (2) Program policies and procedures;
  - (3) Underlying philosophy [OAC 75:30-1-1.1];
  - (4) Confidentiality, to include verbal confidentiality whether inside or outside of the facility and client records;
  - (5) Client rights and grievance procedure;
  - (6) Legal and ethical issues;
  - (7) Sexual violence as a result of human sex trafficking;
  - (8) Open Meeting Act and recording of meeting minutes;
  - (9) Open Records Act;
  - (10) Rules, including standards and criteria to ensure multi-cultural needs of clients are met, used in certifying programs;
  - (11) Role and responsibility of the Executive Director; and
  - (12) Role and responsibility of the governing authority.
- (b) Orientation training shall take place within ninety (90) days of election to the governing authority.
- (c) Members of the governing authority providing volunteer direct or indirect services to clients shall receive the prescribed orientation and training required for program personnel in addition to the orientation set forth in this Section.
- (d) Compliance with ~~75:30-13-4~~this section shall be determined by a review of written policies and procedures, training materials, training records, and minutes of meetings.

## SUBCHAPTER 15. CLIENT RIGHTS, FOR ADULT VICTIMS OF HUMAN SEX TRAFFICKING PROGRAMS

### 75:30-15-1. Applicability

This ~~Part~~ subchapter ~~is applicable to those~~ applies to human sex trafficking programs certified by the OAG pursuant to 74 O.S. § 18p-1 et seq. OAG.

### 75:30-15-2. Client rights

(a) Each client shall be afforded all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

- (1) Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity;
- (2) Each client has the right to a safe, sanitary, and humane living environment;
- (3) Each client has the right to a humane psychological environment protecting the client from harm, abuse, and neglect;
- (4) Each client has the right to an environment which provides reasonable privacy, promotes personal dignity, and provides physical and emotional safety;
- (5) Each client has the right to receive services suited to the client's needs without regard to race, sex, color, age, national origin, genetic information, religion, degree of disability, or legal status;
- (6) Each client, on admission, has the absolute right to communicate with a relative, friend, clergy, or attorney, by telephone or mail, at the expense of the program if the client is indigent;
- (7) Each client shall have and retain the right to confidential communication with an attorney, personal physician, or clergy;
- (8) Each client has the right to uncensored, private communications including, but not limited to, letters and telephone calls. Copies of any personal letter, sent or received, by a client shall not be kept in the client's record without the written consent of the client;
- (9) No client shall be neglected or sexually, physically, verbally, or otherwise abused;
- (10) Each client shall have the right to practice free exercise of religious beliefs, and be afforded the opportunity for religious worship that does not infringe on the health or safety of others. No client shall be coerced into engaging in, or refraining from, any personal religious activity, practice, or belief;
- (11) Each client has the right to be offered prompt, competent, appropriate services and an individualized service plan. The client shall be afforded the opportunity to participate in the creation of the client's service plan. The client may consent or refuse to consent to the proposed services;
- (12) The records of each client shall be treated as confidential. This confidentiality remains intact even after the client's death;
- (13) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by law. A refusal to participate shall not affect the services available to the client;
- (14) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights of clients, or any other subsequently statutorily granted rights;
- (15) No client shall ever be retaliated against, or be subject to, any adverse conditions or services solely or partially because of having asserted her or his rights as stated in this section;
- (16) Upon request, each client has the right to review the client's own records. Upon written request, each client has the right to receive a copy of the client's records or authorize an attorney or other person to do so. The program must provide a copy within a reasonable amount of time. The portion of the client's records regarding mental health or substance abuse treatment, shall be released pursuant to the provisions of 43A O.S. § 1-109 and 42 CFR shall apply;
- (17) Each client has the right to know why services are refused and can expect an explanation concerning the reason why the client was refused particular services;
- (18) Each client has the right to voluntary services which are self-determined; and

- (19) Each client has the right to decide whether or not to participate in supportive services offered by the program.
- (b) Each client shall be given a copy of these rights and the provision of such shall be documented in the client record.
- (c) Programs shall have written policy to ensure each client is afforded, and has explained to him or her, these rights.
- (d) Client rights shall be visibly posted in client areas of the facility.
- (e) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff or volunteers.
- (f) Compliance with ~~75:30-15-2~~this section and applicable federal laws and regulations shall be determined by a review of program policies and procedures, client records, on-site observation, written agreements, and/or other program documentation.

### **75:30-15-3. Client grievance policy and procedures**

- (a) Each program shall have a written client grievance policy providing for, but not limited to, the following:
  - (1) Written notice of the grievance and appeal procedure provided to the client; and, if involved with the client, to family members or significant others;
  - (2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances;
    - (A) Transitional living, and program facility services timeframes for resolution of grievances by program staff or volunteers shall be seven (7) days unless appealed;
    - (B) Non-transitional living and non-program facility services' timeframes for resolution of grievances by program staff or volunteers shall be fourteen (14) days unless appealed;
  - (3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance. In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;
  - (4) Provide for notice to the client that he or she has a right to make a complaint to the ~~OAG Victims Services Unit~~VASU;
  - (5) Clients shall be given a copy of the grievance policy, including the right to make a complaint to the OAG, and the provision of such shall be documented in the client record, including the phone number, mailing address, and email address of the ~~VSU of the OAG~~VASU;
  - (6) Mechanism to monitor the grievance process and improve performance based on outcomes; and
  - (7) Annual review of the grievance policies and procedures, with revisions as needed.
- (b) Compliance with ~~75:30-15-3~~this section shall be determined by a review of program policies and procedures, client records, on-site observation, written agreements, and/or other program documentation.