

COMMENT DUE DATE: February 17, 2022

Date: January 18, 2022

Holli Kyker, Policy Specialist, Legal Services – Policy 405-982-2217
Brandi Smith, Legal Secretary III, Legal Services – Policy 405-982-2703

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed amendment is **permanent**.

SUBJECT: CHAPTER 1. FUNCTION AND STRUCTURE OF THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES

Subchapter 1. General Provisions

340:1-1-1 [AMENDED]

340:1-1-2 [REVOKED]

340:1-1-4 [REVOKED]

340:1-1-17 [REVOKED]

340:1-1-19 [REVOKED]

(Reference WF 22-1A)

SUMMARY:

The proposed amendments to Chapter 1, Subchapter 1 amend the rules to (1) remove unnecessary, incorrect, or obsolete information; and (2) and update terminology.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 75 O.S. §§ 250 through 323.

Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Ron Baze, General Counsel
Legal Services

Date: December 9, 2021

Re: **CHAPTER 1. FUNCTION AND STRUCTURE OF THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES**
Subchapter 1. General Provisions
340:1-1-1 [REVISED]
340:1-1-2 [REVOKED]
340:1-1-4 [REVOKED]
340:1-1-17 [REVOKED]
340:1-1-19 [REVOKED]
(Reference WF 22-1A)

Contact: Holli Kyker, Policy Specialist, 405-982-2217

A. Brief description of the purpose of the proposed rule:

Purpose.

Chapter 1, Subchapter 1 is revised as part of the Governor's Executive Order 2020-03 to reorganize and make non-substantive changes to improve rule clarity.

Strategic Plan Impact. The proposed amendments achieve Oklahoma Department of Human Services (OKDHS) goals by continuously improving systems and processes.

Substantive changes.

Subchapter 1. General Provisions

Oklahoma Administrative Code (OAC) 340:1-1-1 is revised to include portions of OAC 340:1-1-2 and 340:1-1-4.

OAC 340:1-1-2 and 340:1-1-4 are revoked and information is moved to OAC 340:1-1-1.

OAC 340:1-1-17 is revoked. OAC 340:1-1-17(a) is no longer necessary subsequent to the sunseting and non-renewal of the statutory authority for the Citizens' Advisory Panels and 340:1-1-17(b) is moved to OAC 340:1-1-1.

OAC 340:1-1-19 is revoked as inclusion in rules is redundant since the Open Meeting Act is in Statute.

Reasons. The proposed amendments are made to: (1) remove unnecessary, incorrect, or obsolete information; and (2) and update terminology.

Repercussions. If the proposed amendments are not implemented, the rules will not be current with Statute and OKDHS practices.

Legal authority. Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and 75 O.S. §§ 250 through 323.

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are the citizens of Oklahoma and the recipients of OKDHS services. The affected classes of persons will bear no costs associated with implementation of the rules.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who will benefit are Oklahoma citizens as well as OKDHS recipients.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected entities. There are no fee changes associated with the revised rules.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** There is no probable cost to OKDHS.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed amendments.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** Implementation of the proposed amendments are intended to help the public and OKDHS staff more clearly understand the Director of Human Services role in the Agency.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** Implementation of the proposed amendments keeps the rules compliant with state Statutes.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared July 1, 2021; modified December 15, 2021.

SUBCHAPTER 1. GENERAL PROVISIONS

340:1-1-1. Purpose, legal basis, and Director of Human Services (Director)

Revised ~~7-1-13~~ 9-15-22

(a) **Purpose.** This Chapter Subchapter describes the Oklahoma Department of Human Services (OKDHS) organizational structure and function and includes the legal basis and other rules governing OKDHS operations.

(b) **Legal basis.** The Director's position and duties are authorized by and described in Section 162 of Title 56 of the Oklahoma Statutes. OKDHS responsibilities, and the Director's authority to ensure those responsibilities are carried out, is found in the Oklahoma Statutes.

(c) **Director of Human Services.** The Director serves, at the pleasure of the Governor with Senate confirmation, as Oklahoma Human Services (OKDHS) chief executive and administrative officer. The Director is responsible for the daily direction of the activities necessary for OKDHS to accomplish its mission.

(d) **Organizational chart.** OKDHS is organized as the Director deems appropriate to achieve the OKDHS mission. OKDHS Administrative Services provides organizational charts upon request.

340:1-1-2. Legal basis [REVOKED]

Revised 7-1-13

~~— The position of Director of Human Services (Director) is authorized by Section 162 of Title 56 of the Oklahoma Statutes. The responsibilities of the Oklahoma Department of Human Services, and the Director's authority to see those responsibilities are carried out, is found in the Oklahoma Statutes.~~

340:1-1-4. Director of Human Services [REVOKED]

Revised 7-1-13

~~(a) The Director of Human Services (Director) serves, at the pleasure of the Governor with Senate confirmation, as the Oklahoma Department of Human Services (OKDHS) chief executive and administrative officer. The Director is charged with the responsibility for the daily direction of the activities necessary for OKDHS to attain its mission.~~

~~(b) The Director's duties are described in Section 162 of Title 56 of the Oklahoma Statutes.~~

340:1-1-17. Organizational structure [REVOKED]

Revised 7-1-13

~~(a) **Citizen advisory panels.** Section 162.1b of Title 56 of the Oklahoma Statutes creates four citizen advisory panels (Panels) each with five members for issues regarding children and families, aging, disabilities, and administration. The Panels' purpose is to evaluate OKDHS core program and administrative areas and develop recommendations to improve them. The Panels provide advice, information, findings, and analysis to the Director of Human Services (Director) regarding Oklahoma Department of Human Services (OKDHS) policies, practices, and impact on outcomes.~~

~~At the call of the Director, all Panels meet together at least one time per year in a Joint Citizens Advisory Panel.~~

~~(b) **Organizational chart.** OKDHS is organized as the Director deems appropriate to achieve the OKDHS mission. OKDHS Administrative Services provides organizational charts upon request.~~

340:1-1-19. Open Meeting Act [REVOKED]

~~Revised 7-1-13~~

~~—Oklahoma Department of Human Services (OKDHS) public meetings are conducted in compliance with the Oklahoma Open Meeting Act. [25 O.S. § 301 through 314] The Oklahoma Secretary of State website serves as the open meeting clearinghouse. ■-1~~

INSTRUCTIONS TO STAFF [REVOKED]

~~Revised 7-1-13~~

~~1. (a) **Posting meetings with the Oklahoma Secretary of State (SOS).** Division representatives email meetingnotices@sos.ok.gov to gain access permission for posting division open meeting notices on the Oklahoma SOS website. The email includes:~~

~~(1) representative's name;~~

~~(2) division; and~~

~~(3) public entity for which representative is posting meetings.~~

~~(b) **Regularly scheduled open meetings.** The required information for all regularly scheduled open meetings for the coming year is filed with the Oklahoma SOS by December 15th of each year.~~

~~(c) **Special open meetings.** At least 48 hours prior to the scheduled special open meeting, the Oklahoma Department of Human Services (OKDHS) entity conducting the meeting posts the special meeting information on the Oklahoma SOS website.~~

~~(d) **Cancellation of open meetings.** When an OKDHS entity conducting an opening meeting becomes aware the open meeting is cancelled, cancellation information is immediately filed with the Oklahoma SOS.~~

~~(e) **At least 24 hours prior to all open meetings, excluding Saturdays, Sundays, and legal holidays, the OKDHS entity conducting the meeting displays in a prominent public location of the building where the meeting will be held a meeting notice. The notice includes the meeting:**~~

~~(1) date;~~

~~(2) time;~~

~~(3) location, including the finding address; and~~

~~(4) agenda.~~