

**COMMENT DUE DATE: February 17, 2022**

**Date: January 18, 2022**

<b>Stacy Boncic, Office of Inspector General</b>	<b>405.397.5630</b>
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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 2. ADMINISTRATIVE COMPONENTS**

Subchapter 7. Office of Inspector General  
Part 1. ~~Commissioned Agents~~ Responsibilities and Functions  
340:2-7-9 [REVOKED]  
Part 2. Use of Force  
340:2-7-17 [REVOKED]  
Part 3. ~~Audit Report Content~~ Audits Of Grant Recipients And Subrecipients  
340:2-7-28 [AMENDED]  
340:2-7-29 through 340:2-7-30 [REVOKED]  
Subchapter 23. Administrative Reviews  
340:2-23-13 [AMENDED]  
340:2-23-14 through 340:2-23-18 [REVOKED]  
340:2-23-19 [AMENDED]  
340:2-23-20 [REVOKED]  
340:2-23-21 through 340:2-23-22 [AMENDED]  
Subchapter 46. Office of Background Investigations.  
Part 1. General Provisions  
340:2-46-1 [AMENDED]  
Part 2. Child Care Services  
340:2-46-2 [REVOKED]  
**(Reference WF 22-2A)**

**SUMMARY:**

The proposed amendments to Chapter 2, Subchapter 7 amend the rules to (1) remove information about commissioned agents because it is a duplication of 56 O.S. Section 162.4; (2) remove information about use of force by commissioned agents (3) add information about audit report distribution; and (4) add information about the resolution of audit findings to 340:2-7-28.

The proposed amendments to Chapter 2 Subchapter 23 amend the rules to (1) add information about the Office of Inspector General (OIG) Administrative Review Unit (ARU) and (2) remove outdated information no longer a function of the ARU.

The proposed amendments to Chapter 2 of Subchapter 46 amend the rules to (1) implement rule changes recommended during the OIG rule review process by combining Sections and (2) making non-substantive changes to improve the clarity of the rules.

**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); 56 O.S. § 162.4; 70 O.S. § 3311; Chapter 2 Subchapter 7: Part 235.100 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 235.110); 7 C.F.R. § 273.16; and 42 C.F.R. § 455.12-23; 28 C.F.R. § 901; and the National Child Protection Act of 1993, Public Law (P.L.) 103-209, as amended by the Volunteers for Children Act, P.L. 105-251.

## Rule Impact Statement

**To:** Programs administrator  
Legal Services

**From:** Tony Bryan, Inspector General  
Office of Inspector General

**Date:** December 9, 2021

**Re: TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 2. ADMINISTRATIVE COMPONENTS**  
Subchapter 7. Office of Inspector General  
Part 1. Responsibilities and Functions  
340:2-7-9 [REVOKED]  
Part 2. Use of Force  
340:2-7-17 [REVOKED]  
Part 3. Audits Of Grant Recipients And Subrecipients  
340:2-7-28 [AMENDED]  
340:2-7-29 through 340:27-30 [REVOKED]  
Subchapter 23. Administrative Reviews  
340:2-23-13 [AMENDED]  
340:2-23-14 [REVOKED]  
340:2-23-15 [REVOKED]  
340:2-23-16 [REVOKED]  
340:2-23-17 [REVOKED]  
340:2-23-18 [REVOKED]  
340:2-23-19 [AMENDED]  
340:2-23-20 [REVOKED]  
340:2-23-21 [AMENDED]  
340:2-23-22 [AMENDED]  
Subchapter 46. Office of Background Investigations.  
Part 1. General Provisions  
340:2-46-1 [AMENDED]  
Part 2. Child Care Services  
340:2-46-2 [REVOKED]  
**(Reference WF 22-2A)**

**Contact:** Stacy Boncic, Program Manager II, 405-397-5630

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

#### **Purpose.**

The proposed amendments to Chapter 2 Subchapter 7: (1) removes information about commissioned agents because it is a duplication of 56 O.S. Section 162.4; (2) removes information about use of force by commissioned agents (3) adds

information about audit report distribution; and (4) adds information about the resolution of audit findings to 340:2-7-28.

The proposed amendments to Chapter 2 Subchapter 23: (1) adds information about the Office of Inspector General (OIG) Administrative Review Unit (ARU) and removes outdated information no longer a function of the ARU.

The proposed amendment to Chapter 2 of Subchapter 46: (1) implement rule changes recommended during the OIG rule review process by combining Sections and (2) making non-substantive changes to improve the clarity of the rules.

**Strategic Plan Impact.** The proposed rules achieve Oklahoma Human Services (OKDHS) goals by continuously improving systems and processes and improving communication with OKDHS clients and staff.

**Substantive changes.**

Subchapter 7. Office of the Inspector General (Part 1 – Responsibilities and Functions)

Part 1. Commissioned Agents

Oklahoma Administrative Code (OAC) 340:2-7-9 is revoked because it is a duplication of Oklahoma Statute 56 Section 162.4.

Part 2. Use of Force

OAC 340:2-7-17 is revoked because it is a duplication of OKDHS internal regulations.

Part 3. Audit Report Content

OAC 340:2-7-28 is amended to include information about audit report distribution and resolution of audit findings.

OAC 340:2-7-29 is revoked because the information was moved into 340:2-7-28. Audit report (report) content.

Part 3. Resolution of Audit Finding

OAC 340:2-7-30 is revoked because the information was moved into 340:2-7-28. Audit report (report) content.

Subchapter 23. Administrative Reviews

OAC 340:2-23-13 is amended to include general and legal basis information about the ARU.

OAC 340:2-23-14 is revoked because the acronyms are spelled out within the section they are used.

OAC 340:2-23-15 is revoked and new language to reflect the legal basis for ARU is in 340:2-23-14.

OAC 340:2-23-16 is revoked because this work is performed by another agency.

OAC 340:2-23-17 is revoked because it is outdated information and does not reflect the work of the ARU.

OAC 340:2-23-18 is revoked because it is outdated information.

OAC 340:2-23-19 is amended to update the quality control process used by ARU social service inspectors.

OAC 340:2-23-20 is revoked because it is outdated information.

OAC 340:2-23-21 is amended to update that reports are filed with federal and state agencies as requested.

OAC 340:2-23-22 is amended to update the process after a difference in a case review is found during a federal review of ARU cases regarding OKDHS contracted child care programs.

Subchapter 46. Office of Background Investigations (OBI)

Part 1. General Provisions.

OAC 340:2-46-1 is amended to establish the purpose and authority of OBI.

Part 2. Child Care Services.

OAC 340:2-46-2 is revoked because the information was moved to 340:2-46-1 and is reflective of the service and work OBI performs for the public.

**Reasons.**

Chapter 2 Subchapter 7: The proposed amendments and revocations updates rules to reflect uniformity in policy and application and removes duplicate rules.

Chapter 2 Subchapter 23: The proposed amendments and revocations update rules to reflect uniformity in policy and application and removes outdated rules.

Chapter 2 Subchapter 46: The proposed amendment and revocation updates rules to reflect uniformity and application in policy.

**Repercussions.** If proposed revisions are not made, OIG rules will be more difficult for staff, clients and the public to understand nor would the current rules reflect the work of the units within OIG. Furthermore, implementation of the proposed amendments and revocations allows further protection of the health and safety of children in licensed child care programs, recipients of child care subsidy, TANF, and SNAP benefits and OKDHS staff by increasing the clarity and continuity of the OIG rules.

Chapter 2 Subchapter 7: The proposed amendments and revocations removes duplicate information and amends the audit report content to reflect current practices.

Chapter 2 Subchapter 23: The proposed amendments and redactions amends the purpose of administrative reviews to further inform what programs are reviewed and why and redacts outdated practices of the administrative review unit.

Chapter 2 Subchapter 46: The proposed amendment and redaction provides uniformity in policy application thus improving outcomes for children, parents, child care providers, and staff.

**Legal authority.** Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 56 O.S. § 162.4; 70 O.S. § 3311; Chapter 2 Subchapter 7: Part 235.100 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 235.110); 7 C.F.R. § 273.16; and 42 C.F.R. § 455.12-23; 28 C.F.R. § 901; and the National Child Protection Act of 1993, Public Law (P.L.) 103-209, as amended by the Volunteers for Children Act, P.L. 105-251.

**Permanent approval.** 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:**

Chapter 2 Subchapter 7: The classes of persons most likely to be affected by the proposed amendments and revocations are persons and families receiving

federal and state benefits, and OKDHS staff. The affected classes bear no costs associated with the implementation of the rules.

Chapter 2 Subchapters 23 and 46: The classes of persons most likely to be affected by the proposed amendments and revocations are CCS write out staff, licensed family child care homes, child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, programs for sick children, residential programs, child-placing agencies, and families and children utilizing child care, and OKDHS staff. The affected classes bear no costs associated with the implementation of the rules.

- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons most likely to benefit by the proposed amendments and revocations are CCS staff, licensed family child care homes, child care centers, day-camps, drop-in programs, out-of-school time programs, part-day programs, programs for sick children, residential programs, child-placing agencies, and families and children utilizing child care, recipients of TANF, recipients of SNAP benefits, and OKDHS staff.
- 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 revised rules 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 anticipated 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 rules 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:** These proposed rules are intended to minimize compliance costs and intrusive regulations, while fully complying with state and federal mandates. There are no less intrusive or less costly methods of achieving full compliance.

- 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:** There are no less costly, non-regulatory, or less intrusive methods for achieving the purpose of the proposed amendments and revocations.
- 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 and revocations allows further protection of the health and safety of children in licensed child care programs, recipients of child care subsidy, TANF, and SNAP benefits and OKDHS staff by increasing the clarity and continuity of the OIG rules.
- K. **The date the rule impact statement was prepared and, if modified, the date modified:** Prepared April 9, 2021; modified December 9, 2021.

## SUBCHAPTER 7. OFFICE OF INSPECTOR GENERAL

### PART 1. RESPONSIBILITIES AND FUNCTIONS

#### **340:2-7-9. Commissioned agents [REVOKED]**

Revised 7-1-11

~~Section 162.4 of Title 56 of the Oklahoma Statutes (56 O.S. § 162.4) authorizes the Oklahoma Department of Human Services (OKDHS) Director to commission employees within the Office of Inspector General (OIG) as peace officers, hereafter referred to as agents, with the authority to investigate crimes committed against OKDHS or crimes committed in the course of any program administered by OKDHS.~~

~~(1) Agents are authorized to serve and execute process, bench warrants, search warrants, and other court orders in any judicial or administrative proceeding that OKDHS is a party or participant. Agents are authorized to conduct searches without a warrant in situations authorized by state and federal constitutional provisions. Only agents charged with the responsibility of investigating fraud are authorized to possess and use firearms while performing their official duties and in mutual aid situations, and must do so in compliance with applicable state and federal laws.~~

~~(2) The OKDHS Director may delegate, in writing, to the inspector general, the responsibility to authorize the carrying of firearms by agents. Authority for any agent to carry firearms may be withdrawn, temporarily or permanently, at any time by the inspector general or the OKDHS Director.~~

~~(3) All agents authorized to carry firearms must be certified by the Council on Law Enforcement, Education and Training (CLEET) as peace officers under 70 O.S. § 3311.~~

### PART 2. USE OF FORCE [REVOKED]

#### **340:2-7-17. Use of force [REVOKED]**

Revised 7-1-11

~~(a) **Policy.** It is Office of Inspector General (OIG) policy that an agent only uses the minimum level of force necessary to bring an incident under control while protecting the lives of the agent or others. Only the amount of force essential for the agent to attain the objective is used.~~

~~(b) **Definitions.** The following words and terms, when used in this Part, shall have the following meanings, unless the text clearly indicates otherwise:~~

~~(1) **"Force"** means any physical action, from agent presence to serious physical injury or death, that compels an action or overcomes resistance.~~

~~(2) **"Use of force"** means any application of force beyond that required to properly take an unresisting subject into custody and maintain control of that subject. ■-1~~

~~(3) **"Deadly force"** means any force capable of causing death or serious physical injury.~~

~~(4) **"Less lethal force"** means all force other than deadly force. Less lethal force may still result in serious physical injury, but is not intended to cause death.~~



~~(5) "Serious physical injury" means injury creating substantial risk of death or causing serious disfigurement, serious impairment of health, or serious loss or impairment of function of a bodily organ.~~

~~(6) "Reasonable belief" means that given facts and circumstances, including reasonable inferences drawn from them, that are known to the agent at the time force is used, would cause a reasonable agent to conclude the point at issue is probably true. This factor is assessed according to what the agent knew or reasonably believed at the time of the incident and not what appears best with the benefit of hindsight.~~

~~(c) Use of force continuum. The use of force continuum consists of all degrees of force available for an agent to perform his or her duties. Although the use of force continuum is broken down into levels, all use of force options are available at all times depending on the circumstances. An agent adjusts the level of force used according to the level of resistance encountered. The levels of the use of force continuum are:~~

- ~~(1) agent presence;~~
- ~~(2) verbal commands;~~
- ~~(3) hands-on techniques;~~
- ~~(4) chemical weapons;~~
- ~~(5) empty hand striking techniques;~~
- ~~(6) impact weapons; and~~
- ~~(7) deadly force.~~

~~(d) Use of deadly force. Deadly force may be used when the agent has a reasonable belief that another person poses a threat of death or serious physical injury to either the agent or others. Firearms are considered deadly force weapons. Carotid restraints or choke holds may only be used as deadly force. The use of equipment such as a baton or automobile may be deadly force depending on the technique of use.~~

~~(e) Use of less lethal force. Less lethal force may be used to:~~

- ~~(1) arrest, search, or detain a person;~~
- ~~(2) recapture a person;~~
- ~~(3) maintain custody of a person;~~
- ~~(4) defend oneself or others from a person; and~~
- ~~(5) prevent a person from committing suicide or self-inflicting other serious physical injury.~~

## **INSTRUCTIONS TO STAFF 340:2-7-17 [REVOKED]**

**Issued 7-1-11**

~~1. Merely applying handcuffs, for example, is the use of a restraining device, not a use of force. If an agent has to wrestle with a subject in order to apply handcuffs then force has been used.~~

## **PART 3. AUDITS OF GRANT RECIPIENTS AND SUBRECIPIENTS**

### **340:2-7-28. Audit report (report) content**

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

The audit report ~~must include~~ includes all reports required by the standards listed in OAG Oklahoma Administrative Code 340:2-7-27(a) and any contractually specified

requirements. The grant recipient or subrecipient submits the completed audit report to the Office of Inspector General within 30-calendar days of the report's issuance. The report may be emailed or sent by paper copy to the Internal Audit Administrator. When the grant recipient or subrecipient submits the report by paper copy, two copies of the report are sent to Internal Audit Administrator, Oklahoma Department of Human Services, Office of Inspector General, P.O. Box 25352, Oklahoma City, Oklahoma 73125. When noncompliance with grant agreement terms and conditions or with state and federal laws and regulations is reported, a plan for corrective action accompanies the audit report. The plan ensures corrective measures are completed within six months.

### **340:2-7-29. Audit report distribution [REVOKED]**

~~Revised 7-1-13~~

~~The grant recipient or subrecipient must submit the completed audit report to the Office of Inspector General within 30-calendar days of the report's issuance. The report may be emailed to the Internal Audit Administrator or sent by paper copy. When the grant recipient or subrecipient submits the report by paper copy, two copies of the report are sent to Internal Audit Administrator, Oklahoma Department of Human Services, Office of Inspector General, P.O. Box 25352, Oklahoma City, Oklahoma 73125.~~

### **340:2-7-30. Resolution of audit findings [REVOKED]**

~~Revised 7-1-13~~

~~—When noncompliance with terms and conditions of grant agreements or state and federal laws and regulations is reported, a plan for corrective action must accompany the audit report. The plan must ensure corrective measures are completed within six months.~~

## **SUBCHAPTER 23. ADMINISTRATIVE REVIEWS**

### **340:2-23-13. Purpose and legal basis**

~~Issued 4-1-98~~Revised 9-15-22

(a) The purpose of this Subchapter is to describe the functions, procedures, and practices of the Office of Inspector General (OIG) Administrative Review Unit (ARU).

(b) **Legal basis.** Oklahoma Human Services (OKDHS) federal and state legal authority for providing a systematic quality control (QC) process and administrative operation to assure state accountability is found in Title 56 of the Oklahoma Statutes for the Child Care program and the federal Child Care Development Fund defines program requirements.

(c) **QC reviews for other OKDHS administered programs.** The OIG ARU is mandated to help assure OKDHS accountability for Child Care program funds. ARU reviews a prescribed number of providers and cases annually to help assure statewide conformity to OKDHS rules.

(d) **Datamatch reporting system.** Through a federal and state partnership administered by the United States Department of Health and Human Services and the Administration for Children and Families, OIG ARU reviews data matches semi-annually to improve program integrity and to detect or deter improper payments in administering

public assistance programs. State enrollment data for Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, child care, and health care coverage programs is matched with data from other participating states and from a selected group of federal databases.

(e) **Error reduction program participation.** ARU coordinates with OKDHS Adults and Family Services division for error reduction.

(f) **Survey and project participation.** ARU staff conducts surveys and study projects when requested.

### **340:2-23-14. Definitions [REVOKED]**

Revised 5-25-21

~~— The following abbreviations, acronyms, and terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:~~

~~"**ABCDMS**" means the category of case being sampled. Case records are numbered with one of these letters followed by six digits. The categories are:~~

~~(A) A for Aid to the Aged;~~

~~(B) B for Aid to the Blind;~~

~~(C) C for TANF;~~

~~(D) D for Aid to the Disabled;~~

~~(E) M for Medical Assistance; and~~

~~(F) S for Food Stamps.~~

~~"**DSD**" means Data Services Division.~~

~~"**FSSD**" means Family Support Services Division.~~

~~"**FCS**" means Food and Consumer Services.~~

~~"**HCFA**" means Health Care Finance Authority.~~

~~"**Negative QC case**" means a selected denial or closure action, examined for correctness as of the date the action was taken.~~

~~"**NIQCS**" means National Integrated Quality Control System.~~

~~"**OFO**" means Office of Field Operations.~~

~~— "**OHCA**" means Oklahoma Health Care Authority.~~

~~— "**OIG**" means Office of Inspector General.~~

~~— "**Positive QC case**" means an active case that received program benefits as of the month sampled.~~

~~— "**QC**" means Quality Control.~~

~~— "**QC Review Date**" means the point in time for which a sampled case is reviewed. For "positive" cases, this is always either the first day of the sample month, or the date within the sample month on which a certifying action was taken for the sample month. For "negative" cases this is always the date the action was taken.~~

~~"**QC Sample Month**" means the month for which a case is selected for review.~~

~~"**TANF**" means Temporary Assistance to Needy Families.~~

~~"**USDA**" means United States Department of Agriculture.~~

~~"**USDHHS**" means United States Department of Health and Human Services.~~

### **340:2-23-15. Legal base [REVOKED]**

~~(a) **Quality control for federal entitlement and other Agency programs.**—The Department's federal and state legal authority for providing a systematic Quality Control process and administrative operation to assure state accountability is vested in:~~

~~(1) Article XXV of Oklahoma State Constitution 1-5 and Section 328 of Title 56 of the Oklahoma Statutes for the Medicaid program.~~

~~(2) Section 241.244 of Title 56 of the Oklahoma Statutes for the Food Stamp program.~~

~~(3) Article XXV of Oklahoma State Constitution, Sections 161 and 319 of Title 56 of the Oklahoma Statutes, and opinions of the State Attorney General 9-11-57 and 10-18-60 for the Temporary Assistance to Needy Families (TANF) program.~~

~~(4) Title 56 of the Oklahoma Statutes for the Day Care program.~~

~~(b) **Federal QC policies.**—Policies issued by USDA and USDHHS define the requirements of the programs identified in (1) and (2) of subsection (a).~~

### **340:2-23-16. Administrative Review Unit [REVOKED]**

~~(a) **Quality control reviews for federal entitlement programs.**—Administered by the Office of Inspector General, ARU's major mandate is to assure the Department's accountability for funds expended in the Medicaid and Food Stamp programs. This responsibility is accomplished by a federally prescribed QC analysis of a prescribed number of cases annually. The purpose of the process is to validate conformity to the Department's policies and decisions made regarding eligibility and amount of benefits paid. ARU transmits the official QC review findings for all sampled cases through NIQCS, an automated data base from which the federal agencies receive reports. Also, FSSD's quality assurance staff receive the QC findings to use in the Department's quality assurance process.~~

~~(b) **Quality control reviews for other Department administered programs.**—ARU is also mandated to help assure the Department's accountability for funds expended in the TANF and Day Care programs. This is accomplished by a state prescribed QC analysis of a prescribed number of cases annually. The purpose of the process is to help assure statewide conformity to the Department's policies regarding program eligibility for TANF and TANF Work requirements. For the TANF program both agency processes and client outcomes are measured and reported to help assure the Department's compliance with federal TANF block grant funding requirements. FSSD quality assurance staff receive the QC findings to use in the Department's quality assurance process.~~

~~(c) **Error reduction program participation.**—ARU coordinates with OFO and FSSD in an error reduction initiative. Upon request, ARU provides reviewer and supervisor expertise by participating in error reduction activities.~~

~~(d) **Survey and project participation.**—ARU reviewers conduct surveys or study projects when requested by OIG, program, or administrative divisions if time and staffing permit.~~

~~(e) **Program needs assessments.**—ARU conducts an ongoing program needs assessment, a component of the Department's strategic planning process. Clients are selected for participation in conjunction with the random QC samples, and a questionnaire is completed for each client selected.~~

### **340:2-23-17. Scope of quality control case reviews [REVOKED]**

~~(a) **Goal of a quality control review goal.** ARU completes its review responsibility through a system of quality control and conducts field investigations on each program. Randomly selected sample cases are studied and analyzed to determine whether errors have occurred through client or Department failure to comply with program policy. All reviews are conducted for a point in time. ARU reviewers analyze sampled cases to determine whether:~~

~~(1) Medicaid recipients are eligible, and if any spend-down computations, claims processing, and third party liability considerations are accurate. The correctness of termination or denied actions on Medicaid cases is assessed by ARU reviewers.~~

~~(2) Food Stamp sampled cases are issued correct benefits as of a point in time. The correctness of termination or denied actions on Food Stamp cases is also assessed by ARU reviewers.~~

~~(3) persons receiving TANF are eligible for assistance and, if so, whether the work requirements and outcomes of that program have been met. Also, a determination is made as to whether terminated or denied cases were handled in accordance with Department policy.~~

~~(4) persons receiving Day Care assistance are eligible and if so, whether the prescribed Department policy and procedure of the Department was correctly applied.~~

~~(b) **General parameters of a quality control review.** The USDHHS and USDAACF Federal QC policies mandate acceptable parameters for the QC processes and specify procedures for conducting household interviews, such as who can be interviewed, location of the interview, form of reviewer inquiries, method of verification, and appropriateness of collateral contacts. For the Food Stamp and Medicaid programs, ARU reviewers conduct QC reviews in accordance with these federally prescribed policies. For the TANF and Day Care programs, these policies and procedures are state modified to address the program data and monitoring needs of the Department.~~

### **340:2-23-18. Sampling [REVOKED]**

~~(a) **Sampling designs and plans.** A plan for the random cases selected for the monthly sample is generated by the Planning and Research Unit in the Office of Finance in compliance with federal guidelines, and selection is made by computer and reported to ARU by DSD. Methodologies are outlined in detail and submitted to USDHHS and USDA for approval. Sampling plans for each program present the arrangement of sampling frames, probabilities of selection, sample designs, and provisions for selection of the sample. Sampling designs and selections are provided for review and verification by federal agency staff when requested.~~

~~(b) **Defined sampling frames.** A sampling frame is specifically defined for each separate program.~~

~~(1) The Medicaid active case universe includes all ABCD categorically eligible cases, and all M category cases active as of the sample month. Retroactively certified months are excluded from the sampling frame. The monthly Medicaid negative action case universe consists of all denial and closure actions occurring in, or effective for, a given month.~~

~~(2) The Food Stamp active case universe, including A, B, C, D, and S category cases, includes all households receiving food stamps during the month via either direct coupon issuance, ATP issuance, or EBT issuance. Each participating household is represented exactly once per sampling frame. The sampling frame for negative case actions is represented by a monthly computerized listing of such actions which were either handled as the preceding month's business, considering the effective date of the action, or were taken in the sample month effective the sample month. The negative action frame is arranged by date of action.~~

~~(3) The TANF active case regular roll sampling frame includes each case in which a benefit amount was issued for, or issued in and for, the month sampled, and is represented once. Retroactive benefits are disregarded. Cases representing reissued or canceled benefits are subject to sampling as they originally appear on the TANF register according to the date of benefit issuance. The TANF negative action case universe consists of all case closures effective the sample month, based on failure to meet TANF work requirements.~~

~~(4) The Day Care sampling frame includes all active day care cases as of the first day of the sample month, excluding TANF, Adult, and Child Welfare involved day care cases. The Day Care negative action case universe consists of all denial actions taken in a given month plus all case closures effective that month.~~

~~(c) **Sampling procedures.** Systematic sampling, with random starts, is applied to all frames which are scrambled prior to random selection. Both USDHHS and USDA recognize systematic sampling as unbiased because of the arbitrary file arrangements and because no known cyclical effects exist. For all frames, each month's samples begin with random starts taken in advance of the report period from computer-generated random numbers and restricted by the estimated size of the monthly universe. DSD is notified by memo from the Planning and Research Unit at the start of each report period of random starts and intervals. Sampling designs provide for sufficient overpull, or margin, to satisfy USDHHS and USDA requirements for effective sample sizes necessary to meet the specified statistical precision and confidence levels. ARU may drop a sample case in accordance with federal policies. Reasons may include, but are not limited to, improper selection, inability to locate, or unwillingness to cooperate.~~

~~(d) **Other uses for the random samples.** The sample selections used for QC purposes are also used for the program needs assessment surveys of clients conducted by ARU and provided to the Planning and Research Unit for tabulation and reporting to FSSD and OFO.~~

### **340:2-23-19. Quality control (QC) review process**

Revised 9-15-22

~~(a) **Case Selection.** The QC process begins when a case is selected from the random sample for review and ends when that case finding and data are entered into the IQCS, is transmitted, subjected to federal sub-sampling, and federally accepted. ■ 1~~

~~(b) **Client contacts.** Client contacts are described in this subsection.~~

~~(1) **Initial contact.** Except in the Medicaid program, clients are notified in writing they have been selected for a QC review. At the initial face to face visit, the ARU~~

reviewer seeks to validate the information provided to the Department at the time of application or recertification.

~~(2) **Obtaining information from clients.** Any missing or conflicting information between the record and the interview is researched by the ARU reviewer and required to be resolved. The client may be asked to provide written documentation to clarify areas of concern.~~

~~(c) **Collateral contacts.** ARU reviewers seek collateral references to substantiate client or case record information.~~

~~(1) **Role of collateral contacts in the QC review process.** The client may be asked to sign a release of information so phone, face-to-face, or written contact can be made with affiliated persons or businesses. Collateral contacts for QC reviews include, but are not limited to: landlords, utility companies, employers, neighbors, banks, schools, post offices, local businesses, and medical vendors. These sources of collateral contacts are asked to validate information regarding the client and may be asked to assist in locating the household if an ARU reviewer is unable to do so.~~

~~(2) **Authority to pursue collateral contacts.** If a household refuses to provide collateral contacts or sign a release of information for collateral contacts, the ARU reviewer has the authority, in accordance with Medicaid, and Food Stamp federal policies and TANF and Day Child Care state policies, to contact any collaterals necessary to verify the correctness of statements made on the application forms for assistance. Application forms denote the Department representative's authority to contact collateral sources necessary to verify the correctness of client statements made at application.~~

~~(d)(b) **Quality control QC review findings.** The ARU reviewer records all verification obtained on the sampled person or household in the QC file. After thorough analysis of the information collected during the QC process, The ARU reviewer makes a preliminary finding on the case as to about the eligibility accuracy of the eligibility determination and payment, and other information after thorough analysis of the information collected during the QC process.~~

## **INSTRUCTIONS TO STAFF**

~~1. (a) **Case assignment.** The Administrative Review Unit (ARU) assigns the case to a reviewer Social Services Inspector an ARU social services inspector based on program specialty and geography. Cases are assigned geographically to ARU reviewers in a manner to minimize costs to the Department.~~

~~(b) **Obtaining county case records.** The QC process requires extensive case record analysis. ARU requests the county case records, which include working, companion, and history when a case is selected in a monthly sample. The county locates the records and mails them to ARU, or places them in a holding drawer for the ARU reviewer to pick up upon arrival in the county to begin the QC review. The ARU reviewer conducts an extensive case analysis and schedules the case as prescribed by the federal requirements. Information from the record is entered by the ARU reviewer on federally approved QC forms. If a county staff person needs information from the official record while~~

~~a QC review is in progress, ARU locates the record and provides the requested information.~~

~~(c) Case record security. ARU reviewers keep county case records locked in automobiles or outstationed sites at all times they are not in an office setting. ARU reviewers safeguard the QC file materials as well as county case records. ARU keeps case records the minimum time necessary to complete the QC review process. A system is used by ARU administrative support staff to account for the number of volumes received from the county and to assure the entire set of records is returned at the conclusion of the process.~~

~~(d) Departmental case consultation and reviews.~~

~~(1) Consultation and ARU supervisory reviews. Supervisory consultation occurs on most cases prior to when the ARU reviewer Social Services Inspector social services inspector making makes a preliminary finding. An ARU reviewer. Once complete, the social services inspector submits the QC quality control (QC) file, with supporting documentation, and the county case records, to the ARU supervisory staff for an official second party review. All cases receive a second party review although the intensity may vary on a case-by-case basis.~~

~~(2) An ARU programs supervisor consults with the ARU administrator on cases where information indicates an error is likely, and on cases with situations requiring policy or rule interpretation. Further consultation may occur with FSSD policy program staff or Federal federal QC policy staff regarding complex cases.~~

~~(2)(3) Review by FSSD and OFO. For the Food Stamp and Medicaid programs, ARU provides FSSD quality assurance staff with the QC file and accompanying county records on all cases found to contain an error. FSSD may keep the case up to ten days to seek additional information and to consult with pertinent parties. The local agency office involved is also provided a copy of the error information and has the opportunity to disagree and/or provide additional information, within five days, to FSSD. For the TANF and Day Child Care programs, ARU provides a copy of any discrepant case information to both the local agency office and FSSD Adult and Family Services to be used for use in the quality assurance process.~~

~~(e) Final decision-making.~~

~~(1) Findings reached by consensus. For the Food Stamp and Medicaid programs, based on the results of consultation and negotiation, a decision is made as to a finding on each case. If all Department parties reach consensus, ARU codes and enters the official findings in the NIQCS. For a specified time, the finding can be changed in the NIQCS if additional information on the case becomes available. But, once a case finding is subjected to subsampling by the federal agencies, the finding entered into the NIQCS is locked in, and no further changes are permitted.~~

~~(2) Findings decided by panel. For the Food Stamp and Medicaid Programs, if FSSD, OFO, and ARU cannot reach consensus, a three-person panel, named by the Director, makes the final decision as to the proper~~



~~case finding. Following the final ruling, the results are entered in the NIQCS.~~

### **340:2-23-20. ARU participation in Department error reduction activities [REVOKED]**

~~ARU participates with FSSD and OFO in error reduction initiatives. Since ARU reviewers have QC expertise, a different vantage point is available to county staff and administration to aid in efforts to improve accuracy in the entitlement programs. ■-1~~

### **INSTRUCTIONS TO STAFF [REVOKED]**

~~1. (a) Request for participation. ARU receives requests for participation in error reduction activities from both FSSD and OFO staff. When a request is received, ARU assigns an ARU reviewer or supervisor to participate in the activity. Consideration is given to the cost of travel and staff time when assignments are made. ARU strives to minimize costs to the Department while offering this service.~~

~~(b) Department error reduction activities. ARU will consider requests to participate in any activity that has error reduction as a goal as long as it does not, in any way, jeopardize the integrity of the QC process. An ARU staff member participating in error reduction activities cannot provide policy interpretations or training to local staff. ARU participates with FSSD and OFO in:~~

~~(1) error reduction training and quality control information sessions. ARU reviewers conduct informational sessions for OFO personnel on how the QC process is designed and how it relates to the work performed by OFO staff in the county offices;~~

~~(2) quality assurance committees. ARU reviewers are available to serve as members or present information to any local committee or team whose focus is error reduction and quality assurance; and~~

~~(3) target samples. ARU will develop a target sample for specific counties and programs, when requested to do so, to assist in understanding error trends. ARU is only able to target sample as time and staffing permit.~~

### **340:2-23-21. Reports**

Revised 9-15-22

~~(a) Federal reports. Reports Child care reports are filed with Child Care related the federal agencies involved regarding Food Stamps and Medicaid. ■-1 A Quality Control review findings report and summary is submitted to Adult Family Services Child Care section which then submits a final report to the Child Care Development Fund.~~

~~(1) **Reports on Medicaid Child Care.** A statistical report and a summary of the QC review findings in Medicaid are submitted to USDHHS, HCFA no later than the last day of the seventh month following the close of the sample period. A report and summary of the QC review findings are submitted to AFS Child Care section which then submits a final report to CCDF.~~

~~(2) **Reports on Food Stamps.** ARU submits to USDA statistical tables showing the number of cases reviewed and the errors found within 95 days of the close of each annual sample period.~~

~~(b) **Reporting within the Department.** Copies of the Federal reports identified in (a) (1) and (2) are provided to FSSD. Copies of all Medicaid reports are provided to the Oklahoma Health Care Authority.~~

~~(c) **Other State reports.** The Administrative Review Unit provides reports for non-federally mandated reviews, audits, or program evaluation and monitoring projects assigned by OIG the Office of Inspector General as requested or required. ■-21~~

## **INSTRUCTIONS TO STAFF [REVOKED]**

- ~~1. ARU programs supervisors complete Form AR-QC-8, Quality Control Exception to Amount of Issuance/Payment, on each Food Stamp QC and Medicaid QC case where an error is found, showing the error made and the facts pertaining to the case. The AR-QC-8 is sent with the record to the quality assurance staff of FSSD.~~
- ~~2. ARU programs supervisors complete Form AR-QC-8(T) on each TANF QC case and Form AR-QC-8 (DC) on each Day Care QC case found to contain discrepant financial information. These reports are faxed to the local agency offices at the time of QC case completion.~~

### **340:2-23-22. Federal reviews**

Revised 9-15-22

~~For the Medicaid and Food Stamp Child Care programs, the USDHHS and the USDA Child Care Development Fund are is mandated to subsample the cases reviewed and submitted by ARU Administrative Review Unit cases from the Department's Oklahoma Human Services' random sample. If When a difference is noted by a federal agency, ARU The Agency the agency is notified in writing and has the opportunity to present more information or to contest the finding. Very stringent time frames for response to federal differences cases are imposed by Federal QC policy. By proceeding according to Federal QC policies, the case can ultimately end up being arbitrated at the regional and national levels. The final decision is fixed by the national level arbitration system of each federal agency.~~

## **SUBCHAPTER 46. OFFICE OF BACKGROUND INVESTIGATIONS**

### **PART 1. GENERAL PROVISIONS**

#### **340:2-46-1. Purpose and Authority legal basis**

~~Issued 1-31-18~~Revised 9-15-22

~~The purpose of the Oklahoma Department of Human Services (DHS) (OKDHS) Office of Background Investigations (OBI) is to conduct background checks and searches related to programs and services administered by DHS OKDHS. The OKDHS Office of Background Investigations OBI performs background checks for Child Care Services, per:~~

- (1) Section 901 et seq. of Chapter IX of Title 28 of the Code of Federal Regulations;  
and  
(2) the National Child Protection Act of 1993, Public Law (P.L.) 103-209, as  
amended by the Volunteers for Children Act, P.L. 105-251.

## **PART 2. CHILD CARE SERVICES**

### **340:2-46-2. Authority [REVOKED]**

Issued 1-31-18

~~The Oklahoma Department of Human Services Office of Background Investigations performs background checks for Child Care Services, per:~~

- ~~(1) Section 901 et seq. of Chapter IX of Title 28 of the Code of Federal Regulations;~~  
~~and~~  
~~(2) the National Child Protection Act of 1993 (NCPA), Public Law (P.L.) 103-209, as~~  
~~amended by the Volunteers for Children Act (VCA), P.L. 105-251, (NCPA/VCA).~~