

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

Debra Martin, Communications 405-521-3027
Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

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 37. Communications
340:2-37-1 through 340:2-37-5 [AMENDED]
(Reference WF 21-2A)

SUMMARY:

The amendments meet Oklahoma Human Services (OKDHS) executive leadership support strategies to improve communications with staff, the public, and our partners in the community, through strategic engagement and effectively communicating a desire for deeper relationships and collaborative efforts.

The proposed amendments to Chapter 2, Subchapter 37, update current OKDHS Office of Communications practices by removing language that is no longer applicable and adding language to better define the purpose and scope of the Office of Communications.

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).

Rule Impact Statement

To: Programs administrator
Legal Services

From: Keili McEwen
Chief of Strategic Engagement and Director of Communications

Date: December 18, 2020

**Re: TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 2. ADMINISTRATIVE COMPONENTS
Subchapter 37. Communications
340:2-37-1 through 340:2-37-5 [AMENDED]
(Reference WF 21-2A)**

Contact: Debra Martin 405-521-3027

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

Purpose. The proposed revisions to Chapter 2, Subchapter 37, update current Oklahoma Human Services (OKDHS) Office of Communications practices by removing language that is no longer applicable and adding language to better define the purpose and scope of the Office of Communications.

Strategic Plan Impact.

The amendments meet OKDHS executive leadership support strategies to improve communications with staff, the public, and our partners in the community, through strategic engagement and effectively communicating a desire for deeper relationships and collaborative efforts.

Substantive changes.

Oklahoma Administrative Code (OAC) 340:2-37-1 through 340:2-37-5 are amended to comply with current practices.

Reasons.

OAC 340:2-37-1 through 340:2-37-5 are revised for better communications policies and procedures between OKDHS staff, community partners, key stakeholders, the media, and the general public.

Repercussions.

OKDHS staff, community partners, key stakeholders, the media, and the general public would not be informed of current Office of Communications rules and procedures.

Legal authority.

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162).

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 proposed amendments do not have a cost impact on affected persons, OKDHS, or any public or private entity.
- C. A description of the classes of persons who will benefit from the proposed rule:**
The proposed amendments for OAC 340:2-37-1 through 340:2-37-5 provide a better understanding of proper communications rules and procedures for OKDHS staff, community partners, key stakeholders, the media, and the general public.
- 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:** The probable OKDHS cost of printing and distributing the amendments is estimated to be less than \$20. The proposed amendments will result in enhanced delivery of services to individuals served by 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 nonregulatory 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:** The proposed amendments have no safety risk and will not impact the public health, safety, or environment.
- J. **A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** The proposed amendments do not have a detrimental effect on public health, safety, or environment.
- K. **The date the rule impact statement was prepared and, if modified, the date modified:** Prepared August 12, 2020; modified December 18, 2020.

SUBCHAPTER 37. COMMUNICATIONS

340:2-37-1. Purpose, authority, and scope

Revised ~~9-1-15~~9-15-21

(a) **Purpose.** The Office of Communications coordinates the dissemination of information about the Oklahoma Department of Human Services (~~DHS~~)(OKDHS).

(b) **Authority.** The Office of Communications operates under the authority ~~given in Article XXV, Section 4 of the Oklahoma Constitution~~ of the Director of Human Services.

(c) **Scope.** The Office of Communications:

(1) communicates a clear vision of OKDHS;

(2) conveys to large and varied audiences information about programs, services, operations, and actions undertaken by OKDHS and its agents;

(3) monitors health and human services issues as reported by the media on the state and national levels;

(4) ~~participates~~ acts in an advisory role in ~~social services-related activities involving supporting all OKDHS programs,~~ other state agencies, county and local governments, advocacy groups, community organizations, and trade and professional organizations;

(5) provides support and leadership for OKDHS celebrations and employee quality recognition events;

(6) monitors OKDHS communications-related activities and contracts;

(7) coordinates and monitors OKDHS public service campaigns and provides support for public service and education projects;

(8) serves as the central point of media contact ~~for the media~~ and responds or arranges for a response to all inquiries from newspaper, magazine, radio, online ~~media,~~ and television ~~journalists~~ media;

(9) develops and disseminates OKDHS media releases;

(10) provides communications ~~counseling~~ training to OKDHS staff on media ~~relations~~ interviews, public relations, public speaking, and other communications matters;

(11) ~~publishes specified newsletters and serves as executive producers for OKDHS broadcast communications programs and projects~~ information and produces videos for internal employee communication;

(12) ~~monitors and consults on~~ oversees Internet, and Intranet, and other technology-driven communications content to ensure the delivery of clear, ~~concise,~~ cohesive, and accurate messages;

(13) serves as a point of clearance on ~~questionable~~ communication materials and tools;

(14) monitors and ensures the appropriate use of OKDHS brands, logos, and other images uniquely associated with the OKDHS image ~~of OKDHS~~; and

(15) ~~files required information with the Secretary of State regarding OKDHS open meetings;~~ [OAC 340:1-1-19] and

~~(16)~~ complies with the Open Records Act through rules governing the receipt and processing of open records requests at OAC from members of the media, per Oklahoma Administrative Code 340:2-21-12 through 340:2-21-16.

340:2-37-2. Definitions

Revised ~~9-1-159-15-21~~

The words and terms in this ~~subchapter~~ Subchapter shall have the following meanings unless the context clearly indicates otherwise:

"Agent" means a person, group, partner, or entity ~~that is not employed by the Oklahoma Department of Human Services (OKDHS), and that works with,~~ or has a paying contract with OKDHS.

"Brand" means a name and, a visual or non-visual image, reflective of the OKDHS mission, vision, and values; ~~that:~~

(A) creates a positive perception in the public mind; ~~;~~

(B) establishes a market position; ~~;~~ and

(C) is used to carry any message relevant to OKDHS through any medium.

"Technology-driven communications" means electronic communication tools, including ~~e-mail~~ email, audio and video programming, Internet and Intranet content, and public education and service announcements.

340:2-37-3. Confidentiality

Revised ~~9-1-159-15-21~~

(a) The Office of Communications complies with federal and state statutes and Oklahoma Department of Human Services (~~DHS~~) (OKDHS) rules regarding confidentiality of persons applying for, or receiving services from ~~DHS~~ OKDHS, and their records, per Section 1-6-102 of Title 10A of the Oklahoma Statutes ~~{(40 10A O.S. § 7500 1-6-102); 43A O.S. § 10-110; 51 O.S. §§ 24A.1 et seq.; 56 O.S. § 183; and Oklahoma Administrative Code (OAC) 340:65-1-2; and Oklahoma Administrative Code 340:2-21-13.~~

(b) Form ~~ADM-13 16AD013E~~, News Media and Media Production Release of Information, is completed when information about, or the likeness of, ~~a DHS~~ an OKDHS employee, applicant, or recipient of ~~DHS~~ OKDHS services, or person(s) volunteering to support the ~~DHS~~ OKDHS mission are used to increase public awareness of ~~DHS~~ OKDHS services, train ~~DHS~~ OKDHS employees or volunteers, or educate persons with an interest in Oklahoma health and human services issues. The person does not receive a royalty or compensation for the use of the information. ■ 1

INSTRUCTIONS TO STAFF 340:2-37-3

Revised ~~9-1-159-15-21~~

1. Form ~~ADM-13 16AD013E~~, News Media and Media Production Release of Information, is completed and ~~submitted to the Office of Communications~~ a copy is filed in the employee's or service recipient's personnel file prior to the release of any information or the likeness. The Office of Communications may maintain a copy.

~~340:2-37-4. Spokespersons for OKDHS~~ Oklahoma Human Services (OKDHS) spokespersons

Revised ~~9-1-159-15-21~~

(a) ~~Speaker's Bureau.~~ The Speaker's Bureau and Speaker's Bureau Web site are designed to help those needing speakers to find Oklahoma Department of Human

~~Services (OKDHS) employees who can speak to groups, organizations, or conferences on behalf of OKDHS. The Web site lists topics, subject matter, experts, and speakers who provide current information regarding OKDHS services and programs to agencies, organizations, or groups.~~

~~(b) **Local media contacts.**~~

~~(1) Members of the Oklahoma Commission for Human Services and the OKDHS The Director of Human Services, Chief of Strategic Engagement, Office of Communications staff, and other designees are the OKDHS spokespersons for OKDHS, in accordance with provisions of Article XXV of the Oklahoma Constitution.~~

~~■ 1~~

~~(2) The Office of Communications staff are the designated media spokespersons for the Commission and OKDHS Director, and speak for OKDHS on all issues, programs, services, and operations, as appropriate.~~

~~(3) Officers, division directors, area directors, county directors, and resource center administrators are considered standing spokespersons for OKDHS. These individuals may delegate specific issues to others with more detailed program expertise.~~

INSTRUCTIONS TO STAFF 340:2-37-4

Issued 9-15-21

1. The Oklahoma Human Services (OKDHS) Office of Communications arranges all statewide media interviews with OKDHS staff. Staff contacts the Office of Communications and receives authorization before providing official statements or positions on behalf of OKDHS. The Office of Communications works with staff on official responses and talking points for interviews.

340:2-37-5. Internet and Intranet communications

~~Revised 9-4-159-15-21~~

(a) **Purpose.** ~~The Oklahoma Department of Human Services (DHS) (OKDHS) is committed to using electronic technology efficiently and effectively to:~~

~~(1) provide Oklahoma citizens and DHS OKDHS employees, clients, and partners with the most current, and accurate, and accessible information about DHS OKDHS programs and ~~divisions~~ services;~~

~~(2) ~~inform~~ communicate with contracted service providers in a more efficient and cost-effective manner;~~

~~(3) distribute information electronically to save money and production time; and~~

~~(4) promote partnerships with organizations that share DHS OKDHS interests.~~

(b) **Applicability.** This rule applies to all:

~~(1) DHS ~~divisions~~, OKDHS programs, and ~~county and area~~ offices; and~~

~~(2) all contractors and consultants, including those who operate or maintain Web sites websites for DHS OKDHS entities, through incorporation into contracts.~~

(c) **Scope.**

~~(1) The Office of Communications serves as the DHS ~~Web~~ OKDHS web content manager. ■ 1~~

~~(2) Consistent with other leadership responsibilities for public and internal communication, the decision whether to establish a division or program Web site and to publish the Web site is delegated to each division director or designee, with consultation from the OKDHS Web content manager.~~

~~(3) All OKDHS Internet and Intranet pages must adhere to OKDHS Standards for the Web located on the OKDHS Intranet as well as this rule.~~

INSTRUCTIONS TO STAFF 340:2-37-5

Issued 9-15-20

1. (a) Oklahoma Human Services (OKDHS) Internet and Intranet pages adhere to OKDHS rules and standards for the web in this Section and located on the OKDHS Intranet.

(b) OKDHS social media postings for public communication adhere to the OKDHS Social Networking and Social Media rules. Postings are approved and posted by the OKDHS Office of Communications.