

DISCLAIMER: This is an **unofficial version of the rules**. The official rules are published in *The Oklahoma Administrative Code* and *The Oklahoma Register*, as required by 75 O.S., Section 250 et seq. To order an official copy of these rules, contact the Office of Administrative Rules at (405) 521-4911. **Rules effective July 11, 2011**

Title 75 - Attorney General

Chapter 30 - Standards and Criteria for Adult Victims of Sex Trafficking Programs

Subchapter 1 - General Provisions

75:30-1-1. Purpose

This chapter sets forth the rules, including standards and criteria, used in certifying sexual assault programs and shelters for adult victims/survivors of sexual violence as a result of human trafficking pursuant to 74 O.S. § 18p-6. Sex trafficking occurs when a person uses force, fraud, or coercion to get a victim to perform sexual acts for commercial reasons. The victim is recruited, transferred, harbored, obtained or moved by a person. The person uses force, fraud, coercion, abduction, threat, deception or the abuse of power to gain control over the victim. The victim is exploited for forced labor, involuntary servitude, slavery, and/or debt bondage of commercial sex acts. Under federal law, the use of minors for commercial sexual activity is always considered to be a severe form of trafficking, even if there is no force, fraud or coercion. Minors are intended to be served under a different program, the Unaccompanied Refugee Minor (URM) program. However, minors may still need immediate medical care, housing, food and clothing until they can be transferred. Although similarities exist between services provided to victims of domestic or sexual violence and victims of sex trafficking, there are also important differences between the two groups of victims. Victims of trafficking are often eligible for special benefits including housing, legal assistance and refugee services that differ from the types of services that are available to domestic violence or sexual violence victims. These standards serve as guidance in understanding, providing and advocating for the needs of victims of 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.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

75:30-1-1.1. Mission and underlying philosophy

(a) The mission of the standards and criteria for programs serving adult victims of sexual assault is to eliminate sex trafficking in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for domestic violence, sexual assault, and batterers intervention programs, including programs that serve victims of sex trafficking and stalking, is that:

- (1) All persons have the right to live without fear, abuse, oppression and violence;
- (2) There should be equality in relationships, and survivors of domestic violence, sexual assault and stalking should be helped to assume power over their own lives;
- (3) No one deserves to be victimized by assaultive or abusive behavior;
- (4) Survivors should be treated with dignity and respect;
- (5) All people involved in violent crimes are affected, including victims, children, families, partners, friends, the community, and perpetrators;
- (6) Offending is a choice, and perpetrators of domestic violence, sexual assault, sex trafficking and stalking are solely responsible for their behavior;
- (7) These perpetrators must be held accountable for their behavior;

- (8) A coordinated community response is the best approach to eliminating domestic violence, sexual assault, sex trafficking and stalking in Oklahoma, and
- (9) Safety for the victims/survivors and their dependants is the primary focus of intervention and services.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

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-reliance and provide information that will enable 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 and include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a person, providing support to ensure clients receive appropriate services.

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

"Behavioral Health Professional" 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, 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 o'clock 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, 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 coordinate to transition them to as needed.

"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 trafficking. Advocates assisting victims of 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 sex trafficking program" means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to provide 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."

"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 sex trafficking.

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

"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.

"Counseling" means face-to-face 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 victims of human 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, stomachaches, 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 services based upon a problem-solving model to provide information and referrals that assist an individual domestic violence, sexual assault or stalking victim/survivor in crisis. 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" means the unique needs, worth, thoughts, communications, actions, customs, beliefs and values that reflect an individual's racial, ethnic, religious, sexual orientation and/or social group.

"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 of human 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 sex trafficking to a secured identified location at which emergency services or crisis services can be provided.

"Executive director" 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 sex trafficking program, or shelter, in and of all geographical locations and administrative divisions.

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

"Human trafficking" or **"Victims of trafficking"** means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor.

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

"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 of sex trafficking to determine appropriate services and referrals. Includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the client, orient the victim/survivor to the program, program rules, and, if applicable, the facilities. Cultural needs should also be identified at this time.

"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 prescription or over-the-counter drug, that is taken as prescribed or directed.

"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 provided 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.

"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 staff, activities and planning process to determine whether program goals are met, staff 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 in 75:30-6-20.

"Release" or **"Waiver"** means consent 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/survivor's and their dependents identified needs.

"Safe Home" means private dwellings available for the temporary housing of adult victims of sex trafficking to ensure safety of victims until other housing arrangements can be made.

"Safe Home Provider" means an individual or family providing Safe Home services through a formal agreement with a certified human trafficking program.

"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 dangerousness indicators and should include the safety needs of dependents. Trafficked persons 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 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 a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

"Service agreement" means a written agreement between two or more service agencies or 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 provided, and signature, including electronic signature of staff or volunteer 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 services" means personal advocacy and support services provided to adult victims of 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 trafficking for commercial sex;

"Shelter" means a 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 trafficking.

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

"Support" or **"Supportive Services"** means services provided to victims of domestic violence/sexual assault and/or their families which augment or complement a defined service plan.

"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.

"Victim recovery services" mean a face-to-face service, provided one on one by qualified staff to groups or individuals to maintain or develop skills necessary to perform activities of daily living and successful integration into community life. This service includes educational and supportive services regarding independent living, self care, social skills, development and lifestyle changes.

"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.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

75:30-1-3. Meaning of verbs in rules

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.
- (3) **"May"** is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

75:30-1-4. Annual review of standards and criteria

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

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

Subchapter 5 - Client Records and Confidentiality

75:30-5-1. Purpose

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

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

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. That same discreet identifier shall be the client ID that is entered into an OAG approved data base without further encryption.
- (b) A certified program shall have written policy 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 policy and procedures shall forbid the use of "white-out" or any action which obliterates the error.
- (c) Compliance with 75:30-3-2¹ shall be determined by on-site observation, client records and any other supporting program documentation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

*EDITOR'S NOTE:*¹ Section 75:30-3-2, as referenced in subsection (c), was editorially renumbered to 75:30-5-2.

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, and
 - (E) History/nature of abuse including dangerousness assessment and safety planning, flight risk, screening for medical, mental health and substance abuse, status including eligibility for other services and HHS or ORR certification.
 - (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;
 - (B) The signature of staff providing the services or referral, and
 - (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, 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 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 making the entry.
- (c) Compliance with 75:30-3-3¹ shall be determined by a review of program policy and procedures; review of the client records for content, and/or other supporting program documentation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE:¹ Section 75:30-3-3, as referenced in subsection (c), was editorially renumbered to 75:30-5-3.

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

- (a) Client records for specific services shall conform to the following:
- (1) Shelter Services:
 - (A) On a client's entry to the shelter, staff shall record the client's name, emergency contact person(s), if applicable, and any referral 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 shelter. An evidence-based, dangerousness assessment and safety planning shall also be done at this time.
 - (B) Shelter clients shall have the full intake interview and screening completed within forty-eight (48) hours of entry into the shelter.
 - (C) Service plans shall be completed within five (5) business days of the shelter client's entry to the shelter.
 - (D) The service plan shall be reviewed and updated at least every two (2) weeks.
 - (E) The service plan shall include safety issues for the client.
 - (F) A daily note.
 - (2) Crisis Intervention Services:
 - (A) All face-to-face contacts with active clients are documented and contacts with persons not receiving additional services shall be documented. Documentation shall minimally include the following:
 - (i) Staff/Volunteer Name and signature;
 - (ii) Date, time, length, and location of intervention;
 - (iii) Client's name, age, race, county of residence, and contact number if given.
 - (iv) Protective order information, if applicable;
 - (v) Personnel involved such as police, hospital, etc.;
 - (vi) Summary of contact including visible injuries, treatment and services requested;
 - (vii) 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) 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 or domestic violence, sexual assault or stalking services;
 - (iv) Summary of the call including services needed;
 - (v) Outcome, and

- (vi) Follow-up services offered if victim safety is not compromised.
- (C) Contact information is kept by the crisis intervention program.
- (D) Clients to be transported to shelter facilities shall be screened before the shelter referral is made. If the client is in immediate danger, or no safe housing is available, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the shelter.
- (3) Counseling, Support and Advocacy Services:
 - (A) An assessment of the client's 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.
 - (C) A service plan review and update shall be completed at least every six (6) months.
- (4) Sexual Assault Services:
 - (A) For victims who continue in support or counseling sessions, a service plan shall be developed by the fifth (5th) visit.
 - (B) Service plans shall be reviewed and updated at least every ninety (90) days.
- (5) Safe Home Services:
 - (A) A service plan that includes goals agreed upon by the client and sponsoring family shall be developed within five (5) business days of the client moving in. On a client's entry to the Safe Home, the Safe Home provider shall record the client's name, emergency contact information, and pertinent medical information.
 - (B) Safe Home clients shall receive a full intake interview and screening by program staff within twenty-four (24) hours of admission or by the first business day following admission.
 - (C) A service plan shall be developed within five (5) business days of the client's entry to the Safe Home.
 - (D) All records regarding the client shall be retained in the client's record at the sponsoring program.
- (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 75:30-3-3.1¹ shall be determined by a review of client records, policy and procedures, call logs, and/or other supporting documentation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

*EDITOR'S NOTE:*¹ Section 75:30-3-3.1, as referenced in subsection (c), was editorially renumbered to 75:30-5-3.1.

75:30-5-4. Client confidentiality

- (a) Protecting the confidentiality of trafficking victims is critical to protecting their safety and establishing trust. Case or client records, files or notes, of a certified sexual assault program for adult victims of trafficking program 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 policy 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 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 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 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. The person or agency receiving the information should be asked to complete a form that agrees to keep the information confidential, and should screen all referral sources for any potential conflict prior to release of information.

(c) Compliance with 75:30-3-4¹ shall be determined by a review of the program's policy and procedures; and on-site observation of the handling and review of client records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-3-4, as referenced in subsection (c), was editorially renumbered to 75:30-5-4.

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 75:30-3-5¹ shall be determined by a review of the program policy and procedures; on-site review of locking mechanisms and procedures to assure security; and onsite observation of the handling of client records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-3-5, as referenced in subsection (b), was editorially renumbered to 75:30-5-5.

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

(a) A program shall have written policy 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 be easily retrieved by staff as needed for providing and documenting services.

(c) Compliance with 75:30-3-6¹ shall be determined by a review of the program's policy and procedures, and a review of office and files.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-3-6, as referenced in subsection (c), was editorially renumbered to 75:30-5-6.

Subchapter 7 - Physical Environments

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

(a) The primary role of programs is to provide safety; and to protect the confidentiality and privacy of victims of sexual violence as a result of human trafficking. 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.

(b) Facilities that serve both victims of sexual violence as a result of human trafficking as well as domestic victims of domestic violence, sexual assault, stalking and/or batterers in the same facility shall have written procedures to ensure that its services do not jeopardize the safety and psychological well being of sex trafficking victims.

(c) Programs shall obtain written permission from the Office of the Attorney General Victims Services Unit before using any shelter or housing option, for purposes other than housing for victims of sex trafficking.

(d) Compliance with 75:30-4-1¹ shall be determined by a review of program policies and procedures and a tour of the facility.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-4-1, as referenced in subsection (d), was editorially renumbered to 75:30-7-1.

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

- (a) The physical environments of shelter 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 75:30-4-2 ¹ shall be determined by a review of the annual fire and safety inspection report.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-4-2, as referenced in subsection (b), was editorially renumbered to 75:30-7-2.

75:30-7-3. Fire fighting and first aid equipment

- (a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.
- (b) Compliance with 75:30-4-3 ¹ shall be determined by on-site observation and by interviewing staff.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-4-3, as referenced in subsection (b), was editorially renumbered to 75:30-7-3.

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 or staff person. 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 75:30-4-4 ¹ shall be determined by on-site observation, a review of written procedures, staff interviews, and documentation of drills.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-4-4, as referenced in subsection (c), was editorially renumbered to 75:30-7-4.

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

- (a) Pursuant to the Americans with Disabilities Act of 1990, 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 provide equal opportunities for services. Referrals must be provided 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 provided 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 75:30-4-5 ¹ shall be determined by a review of program policy and procedures.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-4-5, as referenced in subsection (b), was editorially renumbered to 75:30-7-5.

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 back up lighting.
 - (11) Telephones shall be provided for the convenience of the staff, and the necessary accommodation of the clients. Pay telephones only are not acceptable.
 - (12) There shall be written policy and procedures addressing the use of any outdoor recreational space.
 - (13) Toxic materials and dangerous substances, such as toxic cleaners, insecticides, and matches shall be stored in a non-client area, locked space.
 - (14) Combustible materials shall be stored in locked non-flammable containers.
 - (15) The Poison Control Center's toll-free telephone number shall be posted and visible to staff and clients at all times.
- (b) Compliance with 75:30-4-6¹ shall be determined by a review of program policy and procedures, staff and client interviews, and on-site observation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE:¹ Section 75:30-4-6, as referenced in subsection (b), was editorially renumbered to 75:30-7-6.

75:30-7-7. Program environment, shelter

- (a) All certified shelters shall comply with section 75:30-4-6 and the following:
- (1) The facility shall have access to outdoor recreational space. 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. 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 policy 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 policy and procedures shall address secure storage of client valuables.
- (10) Written policy 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.

(b) Compliance with 75:30-4-7¹ shall be determined by a review of program policy and procedures; shelter rules, staff and client interviews where appropriate, and on-site observation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

*EDITOR'S NOTE:*¹ Section 75:30-4-7, as referenced in subsection (b), was editorially renumbered to 75:30-7-7.

75:30-7-8. Program environment, Safe Home services program

(a) All Safe Home services programs shall comply with section 75:30-4-6 (a) (1)-(11)¹ and the following:

- (1) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) for every eight (8) persons. The privacy of individuals or families shall be assured while using these facilities.
- (2) Written policy and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication.
- (3) The Safe Home shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors which meets state and local fire code inspection. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible.
- (4) All outdoor openings such as windows shall be covered for privacy.

(b) Compliance with 75:30-4-8² shall be determined by a review of program policy and procedures, provider and client interviews where appropriate, and on-site observation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

*EDITOR'S NOTE:*¹ Section 75:30-4-6 (a) (1)-(11), was editorially renumbered to 75:30-7-6 (a) (1)-(11).

*EDITOR'S NOTE:*² Section 75:30-4-8, as referenced in subsection (b), was editorially renumbered to 75:30-7-8.

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 shall be determined by a review of written program policy and procedures.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

75:30-9-2. Program management, policy and procedures

(a) The agency shall maintain written policy and procedures which describe each program service component, the rules client's are expected to follow for each component, and staff 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.

(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 75:30-5-2 shall be determined by a review of the program's written policy and procedures; rules; client interviews and record documentation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-5-2, as referenced in subsection (d), was editorially renumbered to 75:30-9-2.

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 personnel and volunteers.

(c) Compliance with 75:30-5-7 ¹ 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.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-5-7, as referenced in subsection (c), was editorially renumbered to 75:30-9-3

75:30-9-4. Annual program evaluation

(a) The agency shall conduct an annual evaluation of the program's services, facilities and policy and procedures. This evaluation shall be carried out according to a written plan established in policy 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, or other persons. The evaluation shall include an assessment to identify special populations of victims of sexual assault, domestic violence and stalking who are underserved or who have special 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 75:30-5-8 ¹ shall be determined by a review of the program evaluation, policy and procedures, staff meeting minutes and/or any other supporting documentation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-5-8, as referenced in subsection (c), was editorially renumbered to 75:30-9-4.

75:30-9-5. Critical incidents

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

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

- (1) agency name and name and signature of the person(s) reporting the critical incident;
- (2) Client ID(s), staff member(s), 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 person 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;
 - (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 to the Office of the Attorney General Victims Services Unit within forty-eight (48) hours, or if the incident occurs on a weekend or holiday, the next business day of the incident being documented.
 - (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 to the Office of the Attorney General Victims Services Unit.
- (d) Compliance with 75:30-5-9¹ shall be determined by a review of policy and procedures, critical incident reports at the program and those submitted to the Office of the Attorney General Victims Services Unit.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-5-9, as referenced in subsection (d), was editorially renumbered to 75:30-9-5.

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.
- (b) The agency's policy and procedures shall be accessible to all personnel and each shall be informed of personnel policies and procedures, and any other materials regulating or governing the conditions of their employment.
- (c) Written policies and procedures shall ensure personnel are informed of any changes to these a fore stated materials.
- (d) Compliance with 75:30-6-1¹ shall be determined by a review of the program's personnel policies and procedures, interviews with staff, review of staff meeting minutes and/or other supporting documentation.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-1, as referenced in subsection (d), was editorially renumbered to 75:30-11-1.

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 75:30-6-3¹ shall be determined by a review of the program's written policy and procedure, and staff interviews.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-3, as referenced in subsection (b), was editorially renumbered to 75:30-11-2.

75:30-11-3. Selection of personnel

(a) The methods for selecting personnel shall be described in policy 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 75:30-6-4 ¹ shall be determined by:

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

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-4, as referenced in subsection (b), was editorially renumbered to 75:30-11-3.

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 75:30-6-5 ¹ shall be determined by:

- (1) a review of the program's policies and procedures, and
- (2) a review of the program's job descriptions.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-5, as referenced in subsection (b), was editorially renumbered to 75:30-11-4.

75:30-11-5. Personnel records

(a) The agency shall maintain record(s) for each staff member 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 75:30-6-8 ¹ shall be determined by a review of personnel records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-8, as referenced in subsection (b), was editorially renumbered to 75:30-11-5.

75:30-11-6. Supervision of personnel

(a) A certified program shall establish in writing lines of supervision for all personnel.

(b) Compliance with 75:30-6-9 ¹ shall be determined through a review of the program's policy and procedures, or any other supporting documentation provided, including but not limited to, personnel manuals, organizational charts, job descriptions, and personnel files.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-9, as referenced in subsection (b), was editorially renumbered to 75:30-11-6.

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 job description;
 - (4) each evaluation shall be individually discussed with the staff;
 - (5) personnel shall have a documented opportunity to respond, in writing, to each of their individual performance evaluations;
 - (6) both staff and supervisor shall sign and date the performance evaluation. However, the evaluation document shall state the staff's signature does not necessarily constitute agreement with the evaluation content.
- (b) Compliance with 75:30-6-10¹ shall be determined by a review of:
- (1) program policies and procedures, governing authority meeting minutes where applicable, and
 - (2) review of personnel files

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-10, as referenced in subsection (b), was editorially renumbered to 75:30-11-7.

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.
- (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 75:30-6-12¹ shall be determined by a review of the program's written policy and procedure, and volunteer interviews.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-12, as referenced in subsection (c), was editorially renumbered to 75:30-11-8.

75:30-11-9. Supervision of volunteers

- (a) A certified program shall establish in writing lines of supervision for all volunteers.
- (b) A certified program shall ensure each volunteer has the knowledge appropriate to his or her job duties and are supervised by personnel.
- (c) Compliance with 75:30-6-13¹ shall be determined through a review of the program's policy and procedures, and any other supporting documentation provided, including but not limited to, volunteer manuals, and organizational charts.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-13, as referenced in subsection (c), was editorially renumbered to 75:30-11-9.

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 75:30-6-14¹ shall be determined by a review of personnel records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-14, as referenced in subsection (b), was editorially renumbered to 75:30-11-10.

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 trafficking victims.
- (b) A certified program shall provide a minimum of 16 hours 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) Interviewing a person staff suspects is a victim of trafficking;
 - (8) Interviewing known victims of trafficking;
 - (9) Hotline calls from trafficking victims and active and empathetic listening techniques;
 - (10) Use of interpreters, and related technology;
 - (11) Safety planning for sex trafficking victims;
 - (12) Relationships with victim's family;
 - (13) Dynamics involved in the prosecution of persons who commit human trafficking;
 - (14) General familiarity with immigration issues;
 - (15) General familiarity with available benefits;
 - (16) Staff trauma and self care;
 - (17) Client rights;
 - (18) Power and control tactics of abuse;
 - (19) Crisis intervention techniques;
 - (20) Dynamics and impact of Sexual assault;
 - (21) Dynamics and impact of captivity and trafficking;
 - (22) Parenting and disciplinary techniques;
 - (23) Accessing resources needed by victims and their families including how to ensure services and access resources for persons with disabilities;
 - (24) Mental health issues
 - (25) Legal and ethical issues;
 - (26) Diversity and cultural sensitivity, and
 - (27) Effects of trauma, including post-traumatic stress disorder.

- (c) Volunteers providing indirect services are required to complete orientation as prescribed by the Executive Director which shall include training on confidentiality and facility safety and disaster plans.
- (d) Orientation for personnel must take place within 30 days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within 6 months or prior to unsupervised, direct client contact and services. The Executive Director of a facility may waive orientation training if documented that the staff or volunteer has completed the requisite program training within the past year.
- (e) Compliance with 75:30-6-20.1¹ shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-20.1, as referenced in subsection (e), was editorially renumbered to 75:30-11-12.

75:30-11-12.1. Inservice and ongoing training for personnel and volunteers

- (a) A certified program shall have policy and procedures mandating, at the minimum, sixteen (16) 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 and;
 - (6) Legal and ethical issues.
 - (7) The remaining hours of annual training shall be related to sex trafficking and administration as prescribed and approved by the Executive Director.
- (b) A certified program shall have policy and procedures mandating a minimum of four hours annual training of all volunteers providing direct services, related to sex trafficking as prescribed and approved by the Executive Director.
- (c) Individuals that volunteer indirect services and do not meet the requirements for a volunteer providing direct services as defined in OAC 75:30-1-2 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 75:30-6-20.2¹ shall be determined by a review of policy and procedures; review of training records and other provided documentation of personnel training; and a review of personnel or volunteer records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-6-20.2, as referenced in subsection (e), was editorially renumbered to 75:30-11-12.1.

75:30-11-13. Personnel training, sexual assault services

- (a) Prior to providing any direct services, all sexual assault services staff shall receive a minimum of six(6)hours classroom training in addition to basic orientation which shall include but not be limited to:
 - (1) Sexual abuse within the family (i.e., incest, sibling abuse, marital and domestic relationship rapes).
 - (2) Sexual assault outside the family (i.e., stranger, non-stranger, abuse by professionals, sexual harassment and bullying).
 - (3) Sexual assault within institutions (i.e., nursing homes, residential facilities, prisons, military)

- (4) Commercial sexual exploitation (i.e., prostitution, trafficking, pornography, escort services).
 - (5) Non-traditional client populations (i.e., males, victims of same sex, bisexual or transgender, non-English speaking, undocumented immigrants, victims with cognitive disabilities or who are deaf or hard of hearing).
 - (6) Other topics to increase skills such as post-traumatic stress syndrome as it relates to rape trauma, rape trauma syndrome, self-injury and alcohol and drug use.
- (b) Compliance with 75:30-6-24¹ shall be determined by:
- (1) Review of program's policy and procedures.
 - (2) Review of program's training records and other provided documentation of staff training.
 - (3) Review of personnel or volunteer records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE:¹ Section 75:30-6-24, as referenced in subsection (b), was editorially renumbered to 75:30-11-13.

75:30-11-14. Provider training, Safe Home services

- (a) Prior to providing any direct services, all Safe Home providers shall minimally receive ten (10) training hours provided by a staff member of a human trafficking program certified to provide Safe Home services, which shall minimally include:
- (1) the nature and scope of domestic violence and and sex trafficking including its effects on victims and children;
 - (2) societal attitudes toward domestic violence and sexual assault;
 - (3) orientation in the services, structure, philosophy and history of the sponsoring agency;
 - (4) safety planning and disaster plans;
 - (5) first aid kit and fire extinguisher use;
 - (6) confidentiality, to include verbal confidentiality whether inside or outside the home;
 - (7) client rights; and
 - (8) universal precautions.
- (b) The program shall have policy and procedures mandating a minimum of four (4) hours annual training for Safe Home providers.
- (c) Compliance with 75:30-6-25¹ shall be determined by:
- (1) Review of program's policy and procedures.
 - (2) Review of program's training records.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE:¹ Section 75:30-6-25, as referenced in subsection (c), was editorially renumbered to 75:30-11-14.

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 bylaws 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.
- (c) Compliance with 75:30-7-1¹ 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.
 - (3) Review of the governing authority's minutes.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-7-1, as referenced in subsection (c), was editorially renumbered to 75:30-13-1.

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 policy for the operation of the agency, and ensuring procedures for the implementation of policy 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 all contractual agreements.
 - (7) Review the program audit and site visit reports from the VSU and approve all plans of correction.
 - (8) Oversee the financial administration of the program.
- (b) Compliance with 75:30-7-3¹ 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.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-7-3, as referenced in subsection (b), was editorially renumbered to 75:30-13-2.

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 75:30-7-4¹ shall be determined by the review of the meeting minutes of the governing authority.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-7-4, as referenced in subsection (c), was editorially renumbered to 75:30-13-3.

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

(a) A certified program shall provide a minimum of 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 policy 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) Overview of domestic violence, sexual assault, including sexual violence as a result of human trafficking, and stalking;
- (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 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 75:30-7-5¹ shall be determined by a review of written policy and procedures, training materials, training records, and minutes of meetings.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

EDITOR'S NOTE: ¹ Section 75:30-7-5, as referenced in subsection (d), was editorially renumbered to 75:30-13-4.

Subchapter 15 - Client Rights, for Adult Victims of Sex Trafficking Programs

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

This Part is applicable to those domestic violence, and sexual assault programs and shelters certified by the OAG pursuant to 74 O.S. § 18p-1 et seq.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

75:30-15-2. Client rights

(a) Each client shall have and enjoy 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 him or her from harm, abuse, and neglect.
 - (4) Each client has the right to an environment which provides reasonable privacy, promotes personal dignity, and provides opportunity for the client to improve her or his functioning.
 - (5) Each client has the right to receive services suited to her or his needs without regard to his or her race, religion, sex, ethnic origin, age, degree of disability, handicapping condition, legal status, or ability to pay for the services.
 - (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 her or his client 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 his or her own 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 provided with prompt, competent, appropriate services and an individualized service plan.
 - (A) The client shall be afforded the opportunity to participate in her or his service plan.
 - (B) The client may consent, or refuse to consent, to the proposed services.
 - (12) The records of each client shall be treated as confidential.
 - (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 subject to, any adverse conditions or services solely or partially because of having asserted her or his rights as stated in this section.
 - (16) Each client has the right to review his or her own records, or authorize his or her attorney or others to do so. However, where the program is providing the treatment of a mental health or substance abuse illness, the provisions of 43A O.S. § 1-109 and 42 CFR then apply. Each client also has the right that all information and records regarding him or her shall be treated as confidential.
 - (17) Each client has the right to know why services are refused and can expect an explanation concerning the reason he or she was refused certain services.
- (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 and procedures to ensure each client enjoys, and has explained to him or her, these rights; and these rights are visibly posted in client areas of the facility.
- (d) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff.

[Source: Added at 28 Ok Reg 1931, eff 7-11-11]

