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## **CHAPTER 25. BATTERERS INTERVENTION PROGRAMS**

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **75:25-1-1. Purpose**

The purpose of this chapter is to set forth the standards and criteria governing services provided by Certified batterers intervention programs. The rules regarding factors relating to the certification processes including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.

#### **75:25-1-2. Mission and underlying philosophy**

(a) The mission of the standards and criteria for batterers intervention programs is to eliminate domestic violence, sexual assault and stalking in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for domestic violence, sexual assault and batterers intervention programs 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—victims, children, families, partners, friends, the community, and perpetrators;
- (6) Offending is a choice, and perpetrators of domestic violence, sexual assault 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 and stalking in Oklahoma, and
- (9) Safety for the victims/survivors and their dependants is the primary focus of intervention and services.

### 75:25-1-3. Definitions

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

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

**"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.

**"Batterer"** means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

**"Batterers intervention"** means services provided to batterers, or perpetrators of domestic violence that hold a batterer accountable for his or her abusive behavior, provide consequences for engaging in violent or abusive behavior, provide monitoring of batterer's behavior, and require him or her to change his or her behavior and attitudes and are also protective of the victim(s). Anger control or management, substance abuse treatment or mental health treatment alone or in combination with each other shall not constitute batterers intervention; neither may these interventions alone nor in combination with each other be utilized as the primary means of facilitating the required changes in behavior and attitudes.

**"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.

**"Certified batterer intervention program"** or **"Certified treatment program for batterers"** means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to provide batterers intervention services and treatment programs pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

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

**"Client"** means an individual, adult or child, who has applied for, is receiving or has received assistance or services of a DV/SA or batterer's program.

**"Client record"** means written information including assessment information, description of services provided services plan, and other information on an individual client.

**"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.

**"Coordinated Community Response Team"** means a multi-disciplinary group of individuals from agencies and programs in the community whose purpose is to keep victims safe and hold batterers accountable.

**"Counseling"** means a method of using various commonly acceptable treatment approaches provided face-to-face by a behavioral health professional 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 or stalking and their dependents. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution-focused brief therapy, psycho-educational interventions or another widely accepted theoretical framework for treatment.

**"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.

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

**"DV/SA"** means domestic violence and sexual assault.

**"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, and photographs.

**"Domestic violence"** means assaultive or coercive behaviors, including physical, sexual and psychological attacks and economic coercion, against another adult, emancipated minor or

minor child, who are family or household members or who are or were in a dating relationship.

**"Education"** means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault or batterer's intervention and other related 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.

**"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.

**"Intake"** means the written information about a client as a basis for assessment or services, obtained by the program at time of admission.

**"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, under the laws of the jurisdiction in which the program is located, can only be provided or supervised by a licensed physician.

**"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 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.

**"Safety Planning"** means the process of working with the adult/child 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.

**"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 of staff providing the services.

**"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.

**"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.

#### **75:25-1-4. 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.

#### **75:25-1-5. Annual review of standards and criteria**

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

### **SUBCHAPTER 3. BATTERERS INTERVENTION**

#### **75:25-3-1. Batterers intervention program**

(a) Each certified batterer intervention program shall have the policy, procedures, staffing, training, operational methods and facilities to meet the following requirements:

- (1) Services shall be provided in a facility with offices available for private individual and group sessions.
- (2) Services shall be provided to self or court-referred batterers. Group services shall be the primary modality. Referral to domestic violence services is provided for the batterer's partner or victim, when possible.
- (3) The focus shall be on victim safety and the elimination of violence within the home and assist the batterer in developing personal responsibility and accountability for his or her behaviors, understanding the fundamentals of anger and emotions, learning effective coping strategies and recognizing cyclic behavior. The service shall be based on non-victim blaming strategies.

(4) Anger control or management, and/or substance abuse treatment and/or mental health treatment alone shall not constitute batterers intervention; neither may these interventions be utilized as the primary means of facilitating the required changes in behavior and attitudes. However, these secondary interventions may be used to supplement the batterers intervention curriculum.

(5) Services shall include client assessments as described herein.

(b) Education shall be provided to the batterer utilizing written curriculum specifically developed for batterers intervention that comprehensively addresses, at a minimum:

(1) the dynamics of domestic violence and power and control issues;

(2) the socio-cultural basis for violence, including domestic violence;

(3) issues of sexism and gender role stereotyping;

(4) non-abusive communication techniques;

(5) effective coping strategies;

(6) parenting;

(7) effects of domestic violence on children;

(8) developing healthy relationships;

(9) safety planning for the prevention of violence;

(10) effects of domestic violence on victims from a victim perspective;

(11) the potential consequences of domestic violence, and

(12) establish personal goals and objectives to eliminate violent, controlling and abusive behavior.

(c) Services shall be provided during hours which make them available for clients whose work hours are between 8:00 A.M. and 5:00 P.M. Monday through Friday.

(d) The program shall maintain admission criteria for batterer intervention services.

(e) The program shall provide individual assessment sessions, crisis intervention and group sessions.

(f) Service policy shall not permit the substitution of individual counseling appointments for group participation except in a situation where only one batterer of a gender has been court-ordered to the program.

(g) Group sizes shall be limited to not less than two (2) and not more than ~~twelve (12)~~ **sixteen (16) clients.**

(h) Discharge criteria shall be contingent on the satisfactory meeting of specific criteria by the participant, and NOT only upon the end of a specified period of time or a specified number of sessions.

(i) Joint participation shall not be allowed of the victim as part of batterers intervention.

(j) Male and female batterers shall not be served, or counseled, in the same group or session, i.e., together.

(k) The program shall maintain annually renewed service agreements with appropriate referral sources such as, but not limited to:

- (1) substance abuse; and
- (2) mental health services.

(l) In the case of court referred clients, the program shall develop a written process for coordinating with and reporting to the court, judge, probation officer, and/or district attorney, that shall include a current description of the program and the requirements for participation and successful completion of the program.

(m) If other services for the batterer are necessary, appropriate referrals shall be made for such issues, including but not limited to mental health and/or substance abuse issues.

(n) Compliance with 75:25-3-1 shall be determined by a review of program policy and procedures; client records; service referral agreements, and other program documentation. Compliance may also include client interviews and/or observation of direct client services.

#### **75:25-3-2. Victim safety and confidentiality**

##### **(a) Victim safety.**

(1) Whereas confidentiality is a fundamental underpinning of services for victims of domestic violence, limited confidentiality is critical in batterer intervention services. Victim safety shall supersede all consideration of batterer confidentiality.

(2) Appropriate releases shall be obtained to facilitate communication with the partner or victim; other needed community agencies; the law enforcement or judicial systems, to assure that sufficient information is obtained to increase partner or victim safety and to properly apprise all parties of services, including the victim, court personnel, law enforcement personnel, staff of other programs serving batterers and the staff of programs providing victims' services.

(3) There shall be a written, cooperative, accountable working relationship between the batterers intervention program, and the DV/SA providers that serve victims so potential victims and others are warned of imminent danger.

(4) Initial victim or partner contact shall be attempted when the batterer has been accepted or denied admission to the program. The victim or partner shall be provided with general information including:

(A) A brief description of the program, including program expectations, program content and philosophy;

(B) The limitations of the program including a statement that the batterer's participation does not

ensure the participant will stop any or all battering behaviors nor guarantee victim or partner safety;

(C) Information related to victim services.

(5) The batterers intervention program shall maintain contact with the victim or partner at the victim's discretion. If the victim or partner elects not to receive information, the program is still required to notify the individual in the case of imminent threat or danger to the victim's safety.

(6) If the victim or partner elects to receive information after initial contact by the program, at a minimum, partner or victim notification is required when:

(A) The batterer begins attending the intervention program;

(B) The batterer terminates the intervention program for noncompliance;

(C) There is an imminent threat or danger to the victim's safety.

(7) The efforts to find and notify the batterer's partner or victim shall be documented.

(8) Collaboration shall be established with other domestic violence/sexual assault programs certified by the Attorney General.

(b) Certified batterer intervention programs shall not be less than 52 weeks in duration. The 52 weekly group sessions shall be no less than ninety (90) minutes in length. Completion of a batterers intervention program requires at a minimum 52 weekly attended sessions as well as a favorable evaluation from the program.

(c) Compliance with 75:25-3-2 shall be determined by a review of program policy and procedures; client records; service referral and cooperative agreements, and/or other program documentation.

### **75:25-3-3. Client records**

~~(a) A certified batterers intervention program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier.~~

~~(b)~~ (a) 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)~~ (b) Compliance with 75:15-4-4 shall be determined by on-site observation, client records, policy and procedures and any other supporting program documentation.

**75:25-3-4. Record content**

(a) Client records 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, and
  - ~~(E) History/nature of abuse, and~~
  - (E)** Court Order if applicable.
- (2) Service notes, which shall minimally include:
  - (A) The time, date, location and description of services provided;
  - (B) The signature of staff providing the services; and
  - (C) A service note for each contact for services that shall include:
    - (i) personal responsibility and accountability;
    - (ii) level of participation in services;
    - (iii) change(s) in family, social, personal, legal or work environment(s);
    - (iv) inference of use or increased use of drugs/alcohol;
    - (v) whether or not facilitator observed sufficient indications of risk requiring notification of victim or others, and
    - (vi) referrals for supplemental services.
- (3) 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) Client records for batterers intervention services shall conform to the following:

- (1) An assessment of the client shall be made prior to acceptance into the program. The assessment shall at a minimum include:
  - (A) current and past history of violence;
  - (B) lethality risk indicators;
  - (C) drug and alcohol use/abuse history and screening;
  - (D) mental health history and screening;
  - (E) criminal history and a report of the incident that generated the referral; and

- (F) current or past history with child protective or adult protective services.
- (2) An individualized written client-contract shall be completed by the third (3<sup>rd</sup>) session; signed by the batterer; and shall include, but not be limited to:
- (A) Attendance policy, including the length of intervention, minimum number of sessions required and the maximum length of time for completion of the required sessions.
  - (B) The criteria for suspension and termination.
  - (C) The program's rules.
  - (D) A written notice in bold type which specifies **"Please be advised any reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim, her or his property, or to third persons, or any attempt, threat or gesture to commit suicide, or any belief that child abuse or neglect is present or has occurred, will be reported to the appropriate person(s) or authorities."**
  - (E) A list of provider program expectations, such as participation, homework and that the batterer will be held accountable for all abusive and violent behavior.
  - (F) The batterer's responsibilities for safety planning, including, but not limited to, an awareness of abusive and violent behavior and patterns, e.g., time out procedures, procedures which inform the partner or victim appropriately and are not used to control her or him, logging or writing a journal of efforts to control behavior and nonviolence maintenance such as buddy telephone calls, additional support groups, relaxation and exercise, etc.
  - (G) Providing releases of information for collateral treatment, i.e., substance abuse or mental health treatment.
- (3) Service notes shall document the ongoing provision of educational components addressing the risk of battering and other violence.
- (4) Service termination reports shall be completed for all types of conditions under which services are ended and shall include, at a minimum, the reason for termination, summary of lethality risk indicators, and any concerns for the safety of victims, children, and/or others. Types and reasons for terminating services include:
- (A) **Rejection.** Reasons for rejection shall be documented and include, but are not limited to: psychiatric history, including active or recent mental health related problems; criminal record of violent crimes; chemical dependency requiring completion of an inpatient or residential treatment program; or

inability to function in a group due to limited mental cognitive abilities;

(B) **Involuntary termination.** Reasons for involuntary termination shall be documented and include, but are not limited to: recurrence of violence; arrest; absences from program sessions and activities; failure to actively participate in sessions attended; attending a session when under the influence of alcohol or drugs; violation of any rules of the treating program or violation of the client-contract; and

(C) **Completion.** Upon completion of the program, an exit interview and service termination report shall be completed and documented in the client record. The service termination report shall include a disclosure stating that completion of batterers intervention does not indicate that the client will not re-offend; it is a report that the person has satisfactorily completed the necessary requirements of the certified program without any other known or reported re-offending during the time of enrollment in the program.

(5) In the case of court-ordered or otherwise referred batterers, without jeopardizing the safety of the victim, a written report to the court or referring agent, shall be submitted within seven (7) business days of the following events:

(A) Acceptance into or rejection from the program including but not limited to a summary of the results of the initial assessment or the reason for rejection;

(B) Reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim or to third persons, and;

(C) Exit from the program including but not limited to the service termination report.

(6) All reports shall include any **perceived areas of concern** which may include, but are not limited to, substance abuse or mental health issues that the court may want to seriously consider.

(7) The batterers intervention program shall report any client absence of three (3) unexcused, consecutive sessions or seven (7) unexcused absences in a period of fifty-two (52) weeks to the court.

(8) Efforts to notify the referring agent, the victim or the victim's advocate shall be documented in the batterer's record without including any confidential victim identification information.

(9) Copies of all service documentation including assessments, exit interviews and reports shall be kept in the batterer's file.

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

(e) Compliance with this 75:25-3-4 shall be determined by a review of client records for content, review of program policy and procedures; or other supporting program documentation.

**75:25-3-5. Physical safety and integrity of client records**

(a) Client records shall be maintained in a 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 75:25-3-5 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.

**75:25-3-6. 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 where applicable.

(b) Client records shall be easily retrieved by staff as needed for providing and documenting services.

(c) Compliance with 75:25-3-6 shall be determined by a review of the program's policy and procedures, and a review of office and files.

**75:25-3-7. Fire and safety codes and inspections**

(a) The physical environments of 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 75:25-3-7 shall be determined by a review of the annual fire and safety inspection report.

**75:25-3-8. Fire fighting and first aid equipment**

(a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.

(b) Compliance with 75:25-3-8 shall be determined by on-site observation and by interviewing staff.

**75:25-3-9. 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 75:25-3-9 shall be determined by on-site observation, a review of written procedures, staff interviews, and documentation of drills.

#### **75:25-3-10. Persons with special needs**

(a) ~~The program building shall allow access for all clients and staff.~~ **The program shall ensure that persons with disabilities are not excluded from services.** Referrals must be provided when necessary, and the program shall have written procedures referrals for disabled persons who can not be served on-site. (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 75:25-3-10 shall be determined by a review of program policy and procedures.

#### **75:25-3-11. Program environment**

(a) The certified 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) Smoking shall not be allowed in any indoor portion of any program.

~~(8) Telephones shall be provided for the convenience of the staff, and the necessary accommodation of the clients. Pay telephones only are not acceptable.~~

**(8)** Facility sanitation shall be maintained to prevent offensive odors and insect infestation.

(9) All facilities shall have emergency back up lighting.

(b) Compliance with 75:25-3-11 shall be determined by a review of program policy and procedures; staff interviews, and on-site observation.

**75:25-3-12. Program management, policy and procedures**

(a) The agency shall maintain written policy and procedures which describe the rules clients are expected to follow.

(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 75:25-3-12 shall be determined by a review of the program's written policy and procedures and a review of client records.

**75:25-3-13. 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,~~ **Certified Domestic Violence and Sexual Assault Program,** staff, or other persons.

(b) Upon completion, this evaluation shall be ~~submitted and reviewed by the governing body,~~ and made available to the OAG, **local district attorney, court,** personnel and volunteers.

(c) Compliance with 75:15-4-18 shall be determined by a review of the program evaluation, policy and procedures, staff meeting minutes, and/or any other supporting documentation provided by the program.

**75:25-3-14. 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 name, 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 75:25-3-14 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.

#### **75:25-3-15. 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 receive services without regard to his or her race, religion, sex, ethnic origin, age, degree of disability, handicapping condition, or legal status.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

#### **75:15-3-16. Client grievance policy and procedures**

(a) Each program shall have a written client grievance policy providing for, but not limited to, the following:

(1) Written notice of the grievance and appeal procedure provided to the client;

(2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances;

(3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance. In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;

(4) Provide for notice to the client that he or she has a right to make a complaint to the OAG Victims Services Unit;

(5) Clients shall be given a copy of the grievance policy including the right to make a complaint to the OAG and the provision of such shall be documented in the client record;

(6) Mechanism to monitor the grievance process and improve performance based on outcomes; and

(7) Annual review of the grievance policy and procedures, with revisions as needed.

## **SUBCHAPTER 5. PERSONNEL AND VOLUNTEERS**

### **PART 1. PERSONNEL**

#### **75:25-5-1. 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 75:25-5-1 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.

#### **75:25-5-2. 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 75:25-5-2 shall be determined by a review of the program's written policy and procedure, and staff interviews.

#### **75:25-5-3. 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 75:25-5-3 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.

#### **75:25-5-4. 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 75:25-5-4 shall be determined by:

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

**75:25-5-5. 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 75:25-5-5 shall be determined by a review of personnel records.

**75:25-5-6. Supervision of personnel**

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

(b) Compliance with 75:25-5-6 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.

**75:25-5-7. 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 75:25-5-7 shall be determined by a review of:

- (1) program policies and procedures, governing authority meeting minutes where applicable, and
- (2) review of personnel files.

### **PART 3. VOLUNTEERS**

#### **75:25-5-12. 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 75:25-5-8 shall be determined by a review of the program's written policy and procedure, and volunteer interviews.

#### **75:25-5-13. 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 75:25-5-13 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.

#### **75:25-5-14. 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 75:25-5-14 shall be determined by a review of personnel records.

### **PART 5. TRAINING**

#### **75:25-5-19. Orientation - general, personnel and volunteers**

(a) A certified program shall provide a minimum of ~~10~~ **16** hours orientation training 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) Client rights;
- (8) Domestic violence and its effects on victims and children;
- (9) The cycle of domestic violence;
- (10) Power and control tactics of abuse;
- (11) Crisis intervention techniques;
- (12) Sexual assault;
- (13) Stalking;
- (14) Victim advocacy;
- (15) Parenting and disciplinary techniques;
- (16) Active listening techniques;
- (17) Accessing resources needed by victims and their families including how to ensure services and access resources for persons with disabilities;
- (18) Safety planning for adults and age appropriate safety planning for children;
- (19) Basic child development;
- (20) Legal and ethical issues;
- (21) Cultural Sensitivity, and
- (22) Effects of trauma including post traumatic stress disorder.

(b) 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.

(c) 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.

(d) Compliance with 75:25-5-19 shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

**75:25-5-20. 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, and
- (5) Client rights, and
- (6) Legal and ethical issues.

(b) The remaining hours of annual training shall be related to domestic violence, sexual assault, stalking, batterers intervention and administration as prescribed and approved by the Executive Director.

(c) A certified program shall have policy and procedures mandating a minimum of four hours annual training of all volunteers providing direct services, related to domestic violence, sexual assault, and stalking as prescribed and approved by the Executive Director.

(d) Individuals that volunteer indirect services and do not meet the requirements for a volunteer providing direct services as defined in OAC 75:25-1-3 shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.

(e) 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.

(f) A Certified Domestic and Sexual Violence Response Professional in good standing with the Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCADVSA) shall be deemed to be current with annual training requirements upon completion of required annual training set forth in subsection (a) above. A copy of the current certification card issued by the OCADVSA shall be evidence of good standing.

(g) Compliance with 75:25-5-20 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.

**75:25-5-21. Personnel training, batterers intervention services**

(a) Personnel facilitating batterers intervention groups shall minimally have a graduate degree in a behavioral health or criminal justice related field and one-year related work experience, have a Bachelors degree in a behavioral health or criminal justice related field and two years related work experience, or have been employed as a facilitator in a certified batterers intervention program prior to July 1, 2008.

(b) A certified batterers intervention program shall contract with or employ a qualified licensed professional as defined in 75:25-1-3 under "Counseling" for purposes of providing case and programmatic consultation to personnel facilitating batterers intervention groups and for conducting individual client evaluations before and after attendance of the program.

(c) Prior to providing any direct services, personnel facilitating batterers intervention services shall observe a minimum of 12 batterers intervention sessions **from an OAG certified program**, ~~receive the prescribed orientation and at least sixteen (16) hours training in all of the curriculum topics listed in 75:15-4-2(b).~~ in addition to training requirements. Additionally, the Executive Director shall certify the proficiency of any personnel facilitating batterers intervention in each of the curriculum topics and in group facilitation.

(d) Personnel who provide batterers intervention service may not provide services for the victim that may result in a conflict of interest.

(e) Compliance with 75:25-3-12 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 records.

## **SUBCHAPTER 7. CONSULTATION**

### **75:25-7-1. Consultation and Coordination**

(a) Batterers Intervention Programs that are not operated by a Certified Domestic Violence and Sexual Assault Program shall demonstrate monthly consultation with a domestic violence advocate(s) from the Certified Domestic Violence and Sexual Assault Program that provides services in the geographic area(s) served or the local Coordinated Community Response Team.

(b) Compliance with 75:25-7-1 shall be determined by documentation of meeting notes or minutes that shall include, but are not limited to, recording of:

- (1) the date, time and place of the meeting;
- (2) names of those attending, and
- (3) topics and issues discussed and decisions reached.