

**TITLE 75. ATTORNEY GENERAL
CHAPTER 1. ADMINISTRATION**

SUBCHAPTER 1. GENERAL INFORMATION

75:1-1-1.1. Definitions

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

"Certification" means a status which is granted to a program by the Oklahoma Attorney General, and indicates approval to provide a particular service. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Certification report" means a written notice of the deficiencies developed by the Office of the Attorney General.

"Certified facility" means any facility which has received a certification status by the Oklahoma Attorney General.

"Conditional Certification" means a status which is granted to a program by the Oklahoma Attorney General, and indicates approval to provide a particular service or services for a specified period of time, typically four (4) months) in order to give a renewal applicant an opportunity to achieve 100% compliance with applicable rules.

"Contractor" or **"contractors"** means any program under contract with the Office of the Attorney General for the provision of goods, products or services.

~~**"Domestic Violence and Sexual Assault Advisory Council"** means a nine member committee appointed by the Attorney General as described in 74 O.S. § 18p-2.~~

"Entities" or **"entity"** means sole proprietorships, partnerships, corporations, limited partnerships, limited liability partnerships, and limited liability companies.

"Facilities" or **"facility"** means entities as described in 74 O.S. § 18p-6 and Chapters 15, 25 and 30 in Title 75 of the Oklahoma Administrative Code, domestic violence shelters and programs, sexual assault programs, including programs serving adult victims of sex trafficking, and batterers intervention programs.

"Individual proceeding" means the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature.

"Levels of performance" means a unit of service by types of service.

"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.

"Probationary certification" means a certification status granted for a period less than three (3) years.

"Program" means a domestic violence shelter, domestic violence program, sexual assault program, adult human sex trafficking program or batterers intervention program pursuant 74 O.S. § 18p-6.

"Reimbursement rates" means the rates at which all contractors are reimbursed (paid) for services they provide under their contract with the Office of the Attorney General, and which are reported to the Office of the Attorney General as required.

"Respondent" means the person(s) or entity(ies) named in a petition for an individual proceeding against whom relief is sought.

"Site Review Protocol" means an Office of the Attorney General internal document used by the Office of the Attorney General Victims Services Unit staff as a work document in the certification site visit(s) that is based primarily upon the rules (standards/criteria) being reviewed. The Site Review Protocol is used in preparing the Certification Report, which is provided to the facility, and in preparing recommendations regarding certification to the Attorney General for his consideration and action.

"Temporary Certification" means a status which is granted to a program by the Oklahoma Attorney General, and indicates approval to provide a particular service or services for one (1) year in order to give an initial applicant an opportunity to achieve 100% compliance with applicable rules.

"Units" or **"unit"** means an hour, or part of an hour, or group of hours, or a 24-hour day during which a specific service is rendered.

"Victims Services Unit" means the Unit created within the Office of the Attorney General to provide services for persons who require domestic violence or sexual assault services through a domestic violence program, sexual assault program, including programs serving adult victims of sex trafficking, or batterers intervention program.

75:1-1-10. Procedures to petition the Office of the Attorney General ~~Domestic Violence and Sexual Assault Advisory Council~~ to request the promulgation promulgate, ~~amendment~~ amend or repeal of a rule

Any person affected either by a rule adopted and promulgated by the Attorney General, or the lack of a rule and regulation may petition ~~the Domestic Violence and Sexual Assault Advisory Council to recommend to~~ the Attorney General to promulgate ~~promulgate~~, adopt ~~adopt~~, amend ~~amend~~ or repeal of a rule pursuant to 75 O.S. § 305 and in accordance with this section.

(1) The petition must be in writing and submitted to the Chief of the Victims Services Unit, Office of the Attorney General:

(A) The proposed amendment, promulgation, or repeal of a specific rule.

(B) The reason for the petition to repeal, promulgate, or amend a rule.

(C) The effect that the repeal, amendment or promulgation of the rule would have on the petitioner.

(2) The petitioner must print his or her name, address and telephone number on the petition and it must be signed by the petitioner.

(3) The Chief of the Victims Services Unit ~~Domestic Violence and Sexual Assault Advisory Council~~ shall timely respond to such petition, either by recommending to the Attorney General that rulemaking proceedings be initiated or that the petition be denied.

(4) The petitioner will be notified by regular mail if rulemaking proceedings are initiated.

(5) A petition for rulemaking will be deemed denied if the Office of the Attorney General has not initiated rulemaking proceedings within thirty (30) calendar days after the petition is submitted.

SUBCHAPTER 3. CONTRACTS FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES

PART 3. CONTRACTS AND CONTRACTING PROCESSES

75:1-3-20. Contractor reimbursement rates

Reimbursements to contractors for domestic violence, sexual assault, or adult human sex trafficking services shall be considered and set in the manner described as follows:

(1) Contractors shall annually, or as otherwise prescribed, submit to the Chief of the Victims Services Unit a uniform cost report in the form and format determined by the Office of the Attorney General, and within time-frames established by the Office of the Attorney General.

(2) The Chief of the Victims Services Unit shall review and analyze these cost reports, requesting where deemed necessary the submission of supporting clarifying information within fifteen (15) days of said request.

(3) The Chief of the Victims Services Unit may recommend to the Attorney General fixed uniform rates for services, taking into consideration variables such as average costs, appropriate inflationary factors, capitation methods, performance outcome measures, staff credentials and available funding.

(4) Prior to approval by the Attorney General of the proposed rates or changes to existing rates, the ~~following shall occur:~~

~~(A) The Victims Services Unit shall provide written notice of an open hearing before the Domestic Violence and Sexual Assault Advisory Council on the proposed fixed rates to each applicable contractor of record.~~

~~(B) The Domestic Violence and Sexual Assault Advisory Council shall conduct, and make a summary of, the scheduled Open Meeting.~~

(5) Consideration of the proposed fixed rate by the Attorney General shall not occur until the Director of the Office of Management and Enterprise Services has been provided with, pursuant to 74 O.S. § 85.7:

(A) Thirty (30) days written notice of the meeting in which the Attorney General will consider the uniform rates of reimbursement;

(B) A copy of the meeting agenda item(s) concerning the proposed rate(s); and

(C) All supporting documentation and materials regarding the reimbursement rates being proposed.

(6) The Attorney General shall, at the meeting referenced in (5)(A) and (B) of this section, separately consider each proposed fixed and uniform rate of reimbursement. These rates, if adopted, shall then take effect on a date determined by the Attorney General when the rates are considered for adoption; and remain in effect until subsequent action by the Attorney General.

(7) All revisions shall be examined, proposed,

considered and adopted pursuant to this section.