
POLICY TRANSMITTAL NO. 07-53	DATE: SEPTEMBER 12, 2007
OFFICE OF LEGISLATIVE RELATIONS AND POLICY	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OKDHS:2-31, Table of Contents; 2-31-10; 2-31-25 through 2-31-27;
2-31-27.1; 2-31-28; and 2-31-30.

EXPLANATION: OKDHS:2-31-10 is revised to: (1) remove language regarding planning and research due to organizational restructuring; (2) reflect the name of the Office of Legislative Relations and Policy (OLRP); and (3) include responsibilities of OLRP.

OKDHS:2-31-25 and OKDHS:2-31-30 are revised to: (1) reflect the Policy Management Unit (PMU) is within OLRP; and (2) update PMU responsibilities.

OKDHS:2-31-26 is revised to add new definitions and clarify existing definitions.

OKDHS:2-31-27 is revised to update and clarify PMU and division responsibilities in the policymaking process. Language is moved from this Section and instructions to staff (ITS) to the new Section OKDHS:2-31-27.1 to allow logical organization of regulations regarding the policymaking process.

OKDHS:2-31-27.1 is created to reorganize the procedures for the policymaking process incorporating language removed from Section OKDHS:2-31-27 and ITS.

OKDHS:2-31-28 is revised to update PMU and division responsibilities regarding adherence to the Administrative Procedures Act for policy as defined in OKDHS:2-31-26. ITS are removed and language incorporated into the regulation.

Original signed on 9-11-07

Sharon Neuwald, Coordinator
Office of Legislative Relations and Policy

WF # 07-V (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

INSERT

OKDHS:2-31, Table of Contents

OKDHS:2-31, Table of Contents, pages 1-2, revised 9-15-07

OKDHS:2-31-10

OKDHS:2-31-10, 1 page only, revised 9-15-07

OKDHS:2-31-25

OKDHS:2-31-25, 1 page only, revised 9-15-07

OKDHS:2-31-26

OKDHS:2-31-26, pages 1-5, revised 9-15-07

OKDHS:2-31-27

OKDHS:2-31-27, pages 1-3, revised 9-15-07

OKDHS:2-31-27.1, pages 1-7, issued 9-15-07

OKDHS:2-31-28

OKDHS:2-31-28, pages 1-3, revised 9-15-07

OKDHS:2-31-30

OKDHS:2-31-30, 1 page only, revised 9-15-07

SUBCHAPTER 31. LEGISLATIVE RELATIONS AND POLICY**PART 1. FEDERAL/STATE COORDINATION UNIT [REVOKED]**

Section

- OKDHS:2-31-1. Purpose and scope of responsibilities [REVOKED]
OKDHS:2-31-2. Specific responsibilities [REVOKED]
OKDHS:2-31-3. Federal regulations [REVOKED]
OKDHS:2-31-4. State legislation [REVOKED]
OKDHS:2-31-5. DHS-proposed legislation [REVOKED]
OKDHS:2-31-6. Role of the FSCU during the legislative session [REVOKED]
OKDHS:2-31-7. Action following final disposition of a bill [REVOKED]

PART 2. PURPOSE AND SCOPE

- OKDHS:2-31-10. Responsibilities of OLRP

PART 4. BUSINESS PLAN

- OKDHS:2-31-15. Business Plan

PART 5. POLICY MANAGEMENT

- OKDHS:2-31-25. Purpose and authority
OKDHS:2-31-26. Definitions
OKDHS:2-31-27. Polycymaking
OKDHS:2-31-27.1. Processing policy
OKDHS:2-31-28. Policy central clearinghouse
OKDHS:2-31-29. Policy studies
OKDHS:2-31-30. Policy availability

PART 6. STATISTICS AND RESEARCH

- OKDHS:2-31-35. Statistics and research

PART 7. PLANNING AND SYSTEMS DEVELOPMENT UNIT [REVOKED]

- OKDHS:2-31-46. Purpose [REVOKED]
OKDHS:2-31-47. Authority [REVOKED]
OKDHS:2-31-48. Management analysis [REVOKED]
OKDHS:2-31-49. Strategic planning system [REVOKED]
OKDHS:2-31-50. Federal plans [REVOKED]
OKDHS:2-31-51. Grants [REVOKED]
OKDHS:2-31-52. Interagency coordination [REVOKED]
OKDHS:2-31-53. DHS/Tribal Child Welfare agreements [REVOKED]

PART 9. PUBLICATIONS UNIT [REVOKED]

- OKDHS:2-31-70. Purpose, Scope and Authority [REVOKED]

- OKDHS:2-31-71. Definitions **[REVOKED]**
- OKDHS:2-31-72. Publications Unit **[REVOKED]**
- OKDHS:2-31-73. Accessing Publications Unit Services **[REVOKED]**
- OKDHS:2-31-74. Publications Unit Special Products **[REVOKED]**
- OKDHS:2-31-75. Publications Unit Policy and Procedure Support **[REVOKED]**
- OKDHS:2-31-76. Payment for Publications Unit services **[REVOKED]**

PART 2. PURPOSE AND SCOPE

OKDHS:2-31-10. Responsibilities of OLRP

Revised 9-15-07

The Office of Legislative Relations and Policy (OLRP) provides policy and legislative review support to all program and administrative areas of the Oklahoma Department of Human Services (OKDHS), per OAC 340:2-31-10.

PART 5. POLICY MANAGEMENT

OKDHS:2-31-25. Purpose and authority

Revised 9-15-07

(a) **Purpose.** Policy management is the responsibility of the Policy Management Unit (PMU) within the Office of Legislative Relations and Policy (OLRP). The purpose of policy management is to:

(1) provide technical assistance to Oklahoma Department of Human Services (OKDHS) program and administrative divisions regarding the development and maintenance of OKDHS policy;

(2) ensure compliance of OKDHS policy and written information with the Oklahoma Administrative Procedures Act (APA) [75 O.S. §§ 250 through 323];

(3) coordinate the review of proposed rules by the OKDHS Policy Review Committee;

(4) process OKDHS rules for consideration and approval by the Oklahoma Commission for Human Services;

(5) prepare and submit rules and documentation regarding rulemaking to the Governor, Legislature, and Secretary of State Office of Administrative Rules;

(6) process non-APA OKDHS regulations;

(7) maintain OKDHS policy on the InfoNet and Internet; and

(8) serve as a central clearinghouse for OKDHS publications, Web sites, memos, forms, appendices, and guidelines or handbooks, to ensure adherence to the requirements of APA.

(b) **Authority.** Sections 250 through 323 of Title 75 of the Oklahoma Statutes provide that every agency not specifically exempted is required to promulgate rules in accordance with APA.

OKDHS:2-31-26. Definitions

Revised 9-15-07

The following words or terms, when used in this Part, have the following meanings unless the context clearly indicates otherwise.

"Administrative memo (ADM)" means internal, sequentially numbered correspondence, electronically transmitted or in paper form, signed by an officer or division director consisting of time-limited regulations, directives, announcements, or informational items that apply to all employees of the Oklahoma Department of Human Services (OKDHS).

"Administrative Procedures Act (APA)" means Sections 250 through 323 of Title 75 of the Oklahoma Statutes (75 O.S. §§ 250 through 323) that establish a comprehensive method for OKDHS rulemaking to ensure the opportunity for public input regarding rules that have an impact on the public.

"Adopted" means that the Oklahoma Commission for Human Services (Commission) has approved a proposed rule.

"Amendment" means the revision of a rule that adds, changes, or deletes characters, words, entire phrases, or sentences.

"Appendix" means information supplementary to rules or regulations, including, but not limited to, rates, lists of items, and standards described in rules or regulations.

"Division memo" means an internal, sequentially numbered correspondence, electronically transmitted or in paper form, signed by a division director consisting of time-limited regulations, directives, announcements, or informational items that apply only to the specified division and not all employees of OKDHS. Any memo distributed from a subdivision of a division, such as a unit, to all staff impacted by the subject of the memo is considered a division memo.

"Emergency rule" means a rule, as defined by APA, considered a temporary rule that must be submitted to the Governor and the Legislature within ten days of adoption by the Commission.

(A) Within 45 days of submission to the Governor, the Governor must approve or disapprove the rule. Failure to act within 45 days constitutes disapproval.

(B) An emergency rule may be initiated at any time but to promulgate a rule as emergency OKDHS must first determine that *an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, amendment, revision, or revocation of an existing rule . . .* [75 O.S. § 253(A)]

(C) An emergency rule is effective immediately upon approval by the Governor or on a date specified by OKDHS, whichever is later. [75 O.S. § 253(D)]

(D) If not superseded by a permanent rule, an emergency rule expires on July 15 following the next full legislative session. [75 O.S. § 253(F)]

"Finally adopted" means a permanent rule that has been approved by the Governor and by the Legislature, or a preemptive rule that has been approved by the Governor, and complies with the requirements of APA. [75 O.S. § 250.3(4)]

"Form" means any instrument used to collect information necessary to document adherence to policy.

"Guideline" or "handbook" means best practice suggestions for implementing rules and OKDHS regulations but does not carry the authority of administrative law. A guideline or handbook:

(A) does not stand alone and must always be associated with rules or OKDHS regulations; and

(B) may include requirements that affect another OKDHS division.

"Instructions to staff (ITS)" means the procedures or practice requirements of Oklahoma Administrative Code rules that relate to the internal management of OKDHS and do not affect the rights or procedures available to the public. ITS may not stand alone.

"Memo" means any distributed administrative, division, or State Office correspondence consisting of time-limited regulations, directives, announcements, or information. Memos:

(A) may be issued in the event of an emergency or to expedite productivity; and

(B) precede the formal issuance of the information as ITS or regulation. The memo correspondence becomes invalid upon issuance or revision of the ITS or regulation that incorporates the information.

"Non-APA" means non-rule policy statements that:

- (A) apply exclusively to employees of OKDHS and do not affect rights or procedures available to persons outside the employment of OKDHS; or
- (B) describe internal operating procedures, including procedures that indirectly serve clients and providers but do not affect service delivery or rights and responsibilities, and do not involve client or provider participation.

"Originating division" means the program or administrative division that submits proposed policy.

"Permanent rule" means a rule that fully complies with the notice and review requirement of APA, including approval by the Governor and the Legislature. A permanent rule becomes effective ten days after publication in "The Oklahoma Register."

"Policy" means the entire body of information that sets forth OKDHS functions and practices designed to attain the OKDHS mission as set forth in Title XXV of the Oklahoma Constitution. Policy includes rules, regulations, instructions to staff, forms, appendices, memos, and guidelines or handbooks. The word "Policy," as used in this context, has a different meaning than when used in the Administrative Procedures Act [75 O.S. §§ 250 through 323].

"Policy Review Committee" means appointed members of the Commission, and any other persons designated by the Commission to participate, charged with the responsibility of reviewing and recommending Commission action on proposed rules.

"Policy transmittal" means a sequentially numbered cover memo signed by the division director responsible for the specific policy distributed, and by the Office of Legislative Relations and Policy coordinator or designee.

"Preemptive rule" means a promulgated rule, as defined by APA, approved by the Commission and by the Governor to comply with federal law or rule, a state law enacted pursuant to federal law or rule, or order of a court of competent jurisdiction; and where the failure to adopt such rule results in the imposition of a financial penalty, reduction, withholding, or loss of federal funds. [75 O.S. § 250.6] Failure of the Governor to approve the rule within 28 calendar days of submission constitutes denial of the rule as preemptive.

"Promulgated rule" means a finally adopted rule that has been filed and published in "The Oklahoma Register" in accordance with APA, such as an emergency rule or preemptive rule, that has been approved by the Governor. [75 O.S. § 250.3(14)]

"Publish" means to make available in "The Oklahoma Register," and applies to rules and rule documents, such as an Emergency Preamble, Notice of Rulemaking Intent, and Permanent Preamble.

"Regulation" or "OKDHS regulation" means any OKDHS statement or group of related statements of general internal applicability and future effect that implements or interprets rules of another state agency or prescribes policy relating to the internal management of OKDHS and does not affect the rights or procedures available to the public. Regulations:

(A) are numbered with a preceding "OKDHS"; and

(B) may be issued to expedite productivity via administrative, division, or State Office memo, provided a draft of the new or revised regulation is submitted for processing with the correspondence. The memo correspondence becomes invalid upon issuance or revision of the regulation.

"Revoke" means to repeal an existing rule, regulation, instruction to staff, form, or appendix in its entirety.

"Rule" means *any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the agency. The term "rule" includes the amendment or revocation of an effective rule.* [75 O.S. § 250.3(15)] Rules are numbered with a preceding "OAC 340." OKDHS interprets the APA definition to mean a rule is a statement that:

(A) describes the rights or procedures available to the public, applicants, recipients, and providers;

(B) describes the program requirements that applicants, recipients, and providers must meet;

(C) describes the federal and state requirements that OKDHS must meet; and

(D) serves as a means to inform the public.

"Standard" means statements set up and established by rules as commonly used and accepted practices or requirements. Standards are used to attain consistency within an area of OKDHS. OKDHS standards:

(A) appear as an OKDHS appendix; and

(B) may include requirements that affect another OKDHS division.

"State Office memo (SOM)" means internal, sequentially numbered correspondence, electronically transmitted or in paper form, signed by the Director that consists of regulations, directives, announcements, or informational items that apply to all employees of OKDHS.

OKDHS:2-31-27. Policymaking

Revised 9-15-07

(a) Function of policy. Under Section 302 of Title 75 of the Oklahoma Statutes (75 O.S. § 302), the Oklahoma Department of Human Services (OKDHS) must:

(1) promulgate rules that describe OKDHS organization and operations;

(2) describe the nature and requirements of all formal and informal procedures, including a description of all forms and instructions issued by OKDHS for use by the public;

(3) make available to public inspection all rules and other written statements of policy used by OKDHS; and

(4) make available to public inspection, in accordance with the Open Records Act, all OKDHS final orders, decisions, and opinions.

(b) Development of policy. Each OKDHS office or division is responsible for ensuring policy that affects the work of the office or division is:

(1) designed to ensure compliance with legal requirements and productive service delivery;

(2) developed and revised based on needs identified, including:

(A) amendments to federal regulation;

(B) legislative mandate;

(C) Executive Order;

(D) OKDHS Director or Oklahoma Commission for Human Services (Commission) directive;

(E) non-binding recommendations of advisory boards or committees;

(F) requests for clarification of existing policy; or

(G) public identification of a need for a rule;

(3) regularly reviewed, and updated as needed. PMU recommends divisions review their policy every three years; and

(4) conforms to PMU guidelines for style and format described in "The Policy Handbook."

(c) APA requirements.

(1) When policy directly affects the rights or procedures available to persons receiving OKDHS services, vendors, or the general public, it is a rule and subject to the requirements of the Administrative Procedures Act (APA) per 75 O.S. § 250.3. Refer to "The Policy Handbook" for emergency, preemptive, and permanent rulemaking processes.

(2) When policy directly affects only OKDHS staff or describes internal procedures, it is a regulation, instruction to staff (ITS), memo, form, appendix, or guideline or handbook, and not subject to APA requirements.

(d) PMU responsibilities. PMU is responsible for:

(1) establishing OKDHS policy for implementing the:

(A) APA rulemaking process; and

(B) non-APA policymaking procedures;

(2) training and providing ongoing consultation to division policy liaisons regarding policy development;

(3) ensuring compliance with APA requirements and OKDHS policy;

(4) promoting the orderly development of policy by recommending time frames for review and establishing due dates for proposed policy revisions;

(5) maintaining OKDHS policy in paper copy and electronic format;

(6) facilitating access to policy by disseminating approved policy; and

(7) conducting audits and reviews of information published on OKDHS Web sites for compliance with APA and OKDHS policy.

(e) Division responsibilities. Each division is responsible for:

(1) appointing a policy liaison;

(2) coordinating review of policy by advisory groups and OKDHS Legal Division;

(3) drafting revisions to policy according to PMU regulations in OKDHS:2-31 and "The Policy Handbook";

(4) coordinating the required procedures for and timely submitting proposed policy revisions; and

(5) reviewing division policy as recommended by PMU, and updating policy as needed.

OKDHS:2-31-27.1. Processing policy

Issued 9-15-07

(a) Originating division procedures.

(1) Request policy to revise. Prior to revising the rule, regulation, or instruction to staff (ITS), the originating division's policy liaison requests from Policy Management Unit (PMU) a master copy in electronic format of the current approved policy, on which to make proposed revisions.

(2) Make revisions.

(A) The draft is prepared using the master text by striking out language to be deleted and underscoring new language, following PMU guidelines in "The Policy Handbook."

(B) The entire Section(s) with revisions marked as directed in paragraph (2) of this Section is submitted to PMU according to paragraph (3) of this Section.

(3) Submit revision.

(A) To initiate revisions to rules and documents subject to the Administrative Procedures Act (APA), the division director or designee signs and submits in paper and electronic copy:

(i) Form 20PO005E, Policy Revision, with required signatures;

(ii) Form 20PO006E, Rule Impact Statement;

(iii) the amended, revoked, or new Section(s) of rules;

(iv) an explanation of the revisions for all Sections submitted; and

(v) legal authority for the revision.

(B) To initiate revisions to regulations, ITS, and non-APA documents, the division director or designee signs and submits all information listed in (3)(A) of this Section except Form 20PO006E and the legal authority.

(C) The originating division forwards to PMU, by e-mail or intra-agency mail, a copy of comments, recommendations, and critical concerns received during the comment period and a copy of the division's response.

(b) PMU procedures.

(1) **APA or non-APA designation.** Based on the information provided by the originating division, the PMU programs administrator or designee determines whether the policy is subject to the requirements of APA.

(2) **Work folder number.** PMU assigns an APA or non-APA work folder number to the submitted policy.

(A) APA requires that:

(i) comments, legal authority, Governor's approval, preambles, position papers, and any discussion of the proposed rule are filed and maintained in the record for three years after a rule is finally adopted; and

(ii) the work folder is destroyed only after official scheduling for destruction is approved by the Oklahoma Department of Human Services (OKDHS) General Records Disposition Schedule, and after optical imaging.

(B) The PMU programs administrator or designee assigns staff to provide technical assistance, coordinate with other affected divisions, and negotiate problem resolution. PMU:

(i) provides policy liaisons with "The Policy Handbook," that provides policy formatting guidelines, procedures, and technical information, such as common word usage, grammar, and punctuation;

(ii) provides consultation to the policy liaison of the originating division. PMU assesses the status of the project and level of assistance needed for the technical writing and specialized technical wordprocessing;

(iii) reviews the draft policy to determine whether the language is clear and concise, sufficiently advises the public or persons subject to the policy of the criteria to be applied, grammatically correct, free of typographical errors, formatted correctly, and conforms to PMU guidelines for consistency and uniformity. PMU advises the liaison when corrections are indicated;

(iv) circulates the proposed policy electronically on the OKDHS InfoNet and Internet and indicates a date when comments are due; and

- (v) in major projects, works with the originating division to develop a work plan for preparing the policy for review.
- (C) PMU ensures the impact on other divisions is accurately identified and that the originating division has obtained the signature from the relevant division director or designee on Form 20PO005E indicating agreement with the proposed revision.
- (D) PMU corrects typographical errors, numbering, and other minor technical problems. Suggestions for grammatical or substantial language revisions are only incorporated with the concurrence of the originating division.
- (i) PMU may coordinate and negotiate between interested parties when disputes and problems of substance are identified.
- (ii) The originating division provides feedback to the commenter(s) when substantial recommendations are made.
- (E) When policy revisions have a significant impact on OKDHS, or when specific significant problems are identified through the circulation and review process, PMU coordinates a meeting of relevant Executive Team members to ensure that all problematic issues are addressed and key executive staff are informed of the revisions in progress.

(c) Pre-Commission APA procedures.

- (1) **Notice of rulemaking intent.** For permanent rules only, PMU submits to the Office of Administrative Rules (OAR) notice to the public of intent to adopt, amend, or revoke rules, for publication in "The Oklahoma Register."
- (2) **Submission to review committees.** PMU submits proposed revisions to the:
- (A) Advisory committee on Intergovernmental Relations, when rules affect a political subdivision; and
- (B) Small Business Regulatory Review Committee, when permanent rules affect a small business.
- (3) **Withdrawal of proposed rule.**
- (A) The Director, any chief officer, inspector general, advocate general, Office for Civil Rights administrator, or Office of Legislative Relations and Policy (OLRP)

coordinator may withdraw a specific proposed rule from the Oklahoma Commission for Human Services (Commission) Agenda, or may direct the withdrawal of the item if specified conditions are not met or specified problems are not resolved through further negotiation.

(B) If problems of style, technical elements, or content are substantial, PMU may recommend that a rule be withdrawn from the Commission Agenda. The appropriate chief officer(s), advocate general, inspector general, Office for Civil Rights administrator, Director, or Chair of the Commission determine which items are recommended for placement on the Commission Agenda.

(4) **Public hearing.** When hearings or meetings are held or sponsored by the originating division to solicit public comment, as applicable, the division director or designee submits to PMU, for inclusion with the documents submitted to the Policy Review Committee and Commission:

(A) a summary of oral or written comments received at the hearings or meetings;

(B) an explanation of revisions made in the rules as a result of the oral or written comments; and

(C) a list of persons or organizations who appeared or registered at the hearings or meetings or those who commented in writing before or after the hearings or meetings.

(5) **Policy Review Committee.** PMU prepares the final draft with an agenda and presents it to the Committee for review, recommendations, and placement on the next Commission Agenda. The division policy liaison attends the Committee meeting to answer questions the Committee may have regarding their rules.

(d) **APA procedures after Commission approval.**

(1) **Rule submitted to Governor and Legislature.** After the proposed rule is approved by the Commission, PMU incorporates the amendments and prepares a preamble that indicates the type of rulemaking action and specific information required by APA, including:

(A) OKDHS legal authority for rulemaking in the matter;

(B) an analysis of the issue, specifically listing the Sections of rules amended;

(C) the date of a public hearing, adoption, and submission to the Governor and Legislature; and

(D) other information required by APA and identified in the Administrative Rules on Rulemaking in OAC 655:10.

(2) **Gubernatorial and legislative review.** PMU submits the rule adopted by the Commission to the Governor and Legislature within ten calendar days after Commission approval.

(A) If a problem is detected during this intervening period that delays submission to the Governor and Legislature, PMU notifies the affected division and coordinates resolution of the problem.

(B) From the date of receipt of the adopted rules, the Governor's office has 28 days to approve or disapprove preemptive rules, and 45 days to approve or disapprove emergency and permanent rules.

(C) The Legislature has 30 legislative days to disapprove permanent rules. Failure to disapprove rules within the time limit constitutes approval by the Legislature on the 31st day.

(3) **Withdrawal of rule.** The PMU programs administrator is authorized to withdraw rules submitted to the Governor's office when there are technical errors in the document requiring correction and resubmission. If withdrawal results in a probable delay in the effective date of the rules, PMU notifies the originating division prior to withdrawal. Otherwise, rules submitted to the Governor and Legislature following Commission adoption may only be withdrawn at the direction of the Commission chair or the Director.

(4) **OKDHS approvals.** PMU and the originating division obtain all internal approvals by the date of the Governor and legislative approval to expedite delivery of the rule to staff responsible for implementation.

(5) **Disapproval of rule by Governor or Legislature.** When a rule is disapproved, PMU advises the originating division verbally and provides a copy of any written explanation offered by the disapproving authority.

(A) PMU ensures the Commission is advised of the disapproval at the next scheduled Commission meeting.

(B) Any effort by the originating division to correct a deficiency noted by the disapproving authority is processed by PMU as a newly submitted rule revision, subject to the circulation and other requirements of rulemaking, except that the originating division may request expedited review by the appropriate chief officer(s) and the Legal Division.

(6) **Publication of rule.** PMU submits the finally adopted permanent rule or approved emergency rule with documentation to OAR for publication in "The Oklahoma Register."

(A) Permanent rules are updated in the Oklahoma Administrative Code.

(B) Emergency rules expire on July 15 following the next legislative session unless they go through the permanent rulemaking process.

(e) **Effective dates.** The effective date of policy approved through APA or non-APA is the date reflected on each Section. Failure of an employee to receive a copy of the revised policy does not negate the official effective date.

(f) **Policy distribution.**

(1) **Pending approval.** During the period of time the adopted rules are before the Governor and Legislature for required review, and upon internal approval of non-APA policy, PMU drafts the proposed revisions in the online format, removes strikeouts, ensures proper formatting, and submits the document and policy transmittal (PT) to the originating division for review and approval.

(A) The intent of review by the originating division is to:

(i) provide a quality control check; and

(ii) ensure that only APA revisions adopted by the Commission or non-APA revisions approved by the division are incorporated.

(B) The division director reviews and signs the PT and returns the documents to PMU.

(C) A decision by the originating division to delay issuance of revised policy for any reason is made in writing to OLRP stating the reasons for the requested delay.

(2) **Approval.** After the Governor and Legislature have approved the rule, or upon internal approval of non-APA policy, PMU:

(A) records the effective date of revision on the policy, at which time the revisions are official. No employee is authorized to disseminate the policy prior to the recorded effective date;

(B) finalizes the PT by adding the effective date for each Section;

(C) obtains the signature of the OLRP coordinator; and

(D) updates the OKDHS InfoNet and Internet Policy Web sites with the revised policy and a copy of the PT. A notice of the policy update is included in the OKDHS Daily News on the OKDHS InfoNet home page.

OKDHS:2-31-28. Policy central clearinghouse

Revised 9-15-07

(a) **Purpose.** The Office of Legislative Relations and Policy (OLRP) Policy Management Unit (PMU) serves as the policy central clearinghouse to:

(1) ensure adherence to the Administrative Procedures Act (APA) [75 O.S. §§ 250 through 323]; and

(2) safeguard procedural changes that may affect divisions not identified in specific documents.

(b) **Scope.** PMU audits existing, and reviews proposed, Oklahoma Department of Human Services (OKDHS) non-APA policy, including administrative, division, and State Office memos, forms, appendices, guidelines or handbooks, and other OKDHS information, including publications and Web sites to determine whether the document:

(1) accurately clarifies existing policy;

(2) introduces new rules or interpretations of rules or laws of applicability to the public that are subject to APA;

(3) introduces new procedures that are subject to internal approval;

(4) conflicts with existing OKDHS policy;

(5) introduces issues that are subject to legal review; or

(6) has applicability beyond the scope identified, such as a division memo that applies to employees of other divisions and has not been reviewed by the other division.

(c) **Memos.** PMU reviews for APA compliance administrative, division, and State Office memos. PMU assigns numbers to State Office and administrative memos and maintains copies in accordance with the OKDHS records disposition schedule. Division memos are numbered and maintained by the originating division. PMU maintains a log of division memos.

(1) The originating division director or designee:

(A) completes Form 20PO008E, Memo Approval, for each administrative, division, or State Office memo;

(B) attaches the completed form to a paper copy of the document;

(C) submits them to PMU for processing; and

(D) e-mails an electronic copy of the memo to the PMU programs administrator.

(2) PMU reviews the submitted document. Proofreading for typographical or grammatical errors is not the responsibility of PMU. As a courtesy, such errors, if noted, may be called to the attention of the originating division.

(A) If no APA compliance issues are identified, PMU authorizes the memo within two working days of receipt.

(B) If an APA compliance issue is identified, a solution is negotiated with the originating division director or designee.

(3) Upon approval, PMU assigns a number to the administrative or State Office memo and publishes the memo on the OKDHS InfoNet.

(d) **Non-APA policy.** PMU reviews for compliance with APA all OKDHS forms, appendices, and guidelines or handbooks, whether new, revised, or revoked, electronic or paper copy.

(e) **Publications.** PMU reviews OKDHS publications to ensure APA compliance and to ensure that no policy language is included in a publication that has not been approved in accordance with OKDHS:2-31-27.1. This includes information in any OKDHS numbered publication, information on the OKDHS InfoNet and OKDHS Internet sites, publications created by entities outside of OKDHS for OKDHS, and publications that are created by divisions or individuals that are distributed outside OKDHS regardless whether they are processed through the Support Services Division (SSD) Publications Section.

(1) For publications processed:

(A) internally, the Publications Section or the originating division submits Form 23PU114E, Reproduction Request, to PMU with a draft of the proposed publication;

(B) externally, the originating division submits a memo, e-mail, or paper copy, to the PMU programs administrator and attaches a draft of the proposed

publication; and

(C) electronically, the originating division submits a draft of the electronic publication or a draft URL link via e-mail to *STO.OLRP.POLICY with a request for review. PMU e-mails approval within two working days of receipt to the originating division, with a copy to Office of Communications Web content manager.

(2) PMU reviews the document submitted, and authorizes and transmits the approved document and Form 23PU114E to the Publications Section within two working days of receipt:

(A) provided PMU identifies no APA compliance issues; and

(B) except when PMU identifies APA compliance issues. When compliance issues are identified, PMU negotiates a solution with the initiating division director or designee, and upon implementation of the solution, PMU authorizes and transmits the document and Form 23PU114E to the Publications Section or the originating division.

(f) **Web sites.** PMU conducts unannounced random audits of existing OKDHS Web sites and, upon request, reviews Web sites prior to publication to the OKDHS InfoNet and Internet. When an online document is not in compliance with APA or contains policy language that has not been approved in accordance with OKDHS:2-31-27.1, PMU immediately:

(1) notifies the originating division; and

(2) advises the originating division of steps necessary to bring the document into compliance, which may include removing the document from the InfoNet or Internet and processing the information as policy.

(g) **Electronic linkages.** Electronic linkages may be established with any information or policy that has been approved under OKDHS:2-31-27.1 or this Section.

OKDHS:2-31-30. Policy availabilityRevised 9-15-07

The Office of Legislative Relations and Policy Policy Management Unit is the official repository for approved current Oklahoma Department of Human Services (OKDHS) policy.

(1) OKDHS rules, regulations, and instructions to staff are available via the Internet at <http://www.okdhs.org> or internally on the OKDHS InfoNet.

(2) OKDHS administrative, division, and State Office memos are available on the OKDHS InfoNet.

(3) Paper copies of the documents described in paragraphs (1) and (2) may be maintained at local offices at the discretion of the local administrator or designee who is responsible for ensuring that, if paper copies are used, they are current.