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POLICY TRANSMITTAL NO. 05-02	DATE: MAY 10, 2005
OFFICE OF PLANNING, POLICY AND RESEARCH	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:1-1, Table of Contents; 1-1-4; and 1-1-20 through 1-1-21.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:1-1-4 revisions update rules to reflect the current names of divisions and offices within the Oklahoma Department of Human Services (OKDHS).

OAC 340:1-1-20 is a new rule to provide a general statement regarding OKDHS compliance with federal and state laws and regulations regarding client confidentiality.

OAC 340:1-1-21 is a new rule to provide a general statement regarding OKDHS compliance with copyright laws regarding copyrighted software and documents.

Original signed on 2-28-05

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Sharon Neuwald, Interim Administrator  
Office of Planning, Policy & Research

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WF # 04-22 (NAP)

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**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 a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS 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, DHS 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, DHS: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) 521-3611.

**REMOVE**

**INSERT**

340:1, Table of Contents

340:1, Table of Contents, 1 page only, revised 5-12-05

340:1-1-4

340:1-1-4, pages 1-2, revised 5-12-05

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340:1-1-20, pages 1-2, issued 5-12-05

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340:1-1-21, 1 page only, issued 5-12-05

**SUBCHAPTER 1. GENERAL PROVISIONS**

## Section

- 340:1-1-1. Purpose
- 340:1-1-2. Legal basis
- 340:1-1-3. The Commission for Human Services
- 340:1-1-4. Director of Human Services
- 340:1-1-5. The Deputy Director **[REVOKED]**
- 340:1-1-6. External relations **[REVOKED]**
- 340:1-1-7. The Office of General Counsel **[REVOKED]**
- 340:1-1-8. The Office of Policy Analysis **[REVOKED]**
- 340:1-1-9. Office of Client Advocacy **[REVOKED]**
- 340:1-1-10. Office of Administration **[REVOKED]**
- 340:1-1-11. Information services **[REVOKED]**
- 340:1-1-12. Parole, Review and Hearing Board **[REVOKED]**
- 340:1-1-13. Office of Civil Rights **[REVOKED]**
- 340:1-1-14. Public Information Office **[REVOKED]**
- 340:1-1-15. Oklahoma Medical Center **[REVOKED]**
- 340:1-1-16. Oklahoma Medical Center acceptance of gifts, donations, and memorials **[REVOKED]**
- 340:1-1-17. Organizational structure
- 340:1-1-18. Strategic planning system
- 340:1-1-19. Open Meeting Act
- 340:1-1-20. Confidentiality
- 340:1-1-21. Copyrighted software and documents



**340:1-1-4. Director of Human Services**

(a) The Director of Human Services (Director) serves, at the pleasure of the Commission for Human Services (Commission), as the chief executive and administrative officer of the Oklahoma Department of Human Services (OKDHS). Under the oversight of the Commission, the Director is charged with the responsibility for day-to-day direction of the activities necessary for OKDHS to attain its mission.

(b) The Director's duties include:

(1) ensuring that OKDHS is working toward the mission and the goals established by the Commission and the Director through aggressive implementation of the planning and budgeting system;

(2) serving as staff to the Commission by providing necessary input for decision making and ensuring that actions approved by the Commission are carried out;

(3) developing and maintaining cooperative relationships with federal and state lawmakers and other officials to ensure the fulfillment of the OKDHS mission;

(4) maximizing all available resources for the delivery of services to the clients OKDHS is charged to serve;

(5) serving as the chief spokesperson for OKDHS and advocate for OKDHS clients it serves;

(6) ensuring the coordination of services with other state agencies;

(7) selecting staff capable of carrying out the OKDHS mission for the areas immediately under the Director's supervision by:

(A) establishing job descriptions and specifications for each of those positions;

(B) delegating authority to complete duties assigned; and

(C) overseeing the accomplishment of assigned responsibilities; and

(8) directly supervising the:

(A) administrator, Office for Civil Rights;

(B) advocate general, Office of Client Advocacy;

- (C) chief administrative officer, Administrative Services;
- (D) chief coordinating officer, Vertically Integrated Services Divisions;
- (E) chief financial officer, Finance Division;
- (F) chief information officer, Data Services Division;
- (G) chief operating officer, Human Services Centers;
- (H) general counsel, Legal Division; and
- (I) inspector general, Office of Inspector General.

**340:1-1-20. Confidentiality**

The Oklahoma Department of Human Services (OKDHS) complies with:

(1) all federal and state statutes, rules, and regulations regarding client confidentiality.

(A) Per Section 183 of Title 56 of the Oklahoma Statutes, information and records obtained by OKDHS concerning an applicant or recipient of OKDHS programs or services is confidential. This includes electronic data and records generated by OKDHS.

(i) OKDHS employees only examine applicant or recipient information in connection with the performance of their official duties.

(ii) OKDHS does not furnish or release information from client records for commercial or political purposes.

(B) All Child Welfare (CW) records and information are confidential pursuant to state and federal statutes and regulations. [10 O.S. § 7005-1.2 through 7005-1.4 and 7107; and 45 CFR Part 1340]

(C) All records, working papers, and reports related to an Adult Protective Services (APS) investigation are confidential under Section 10-110 of Title 43A of the Oklahoma Statutes.

(D) All files and records concerning the assistance or services provided under the Child Support Enforcement Program or concerning a putative father of a child born out of wedlock are confidential, except as otherwise authorized by law; [56 O.S. § 237]

(2) Sections 7213, 7213A, and 7431 of the Internal Revenue Code safeguarding federal tax information regarding an applicant or recipient; ■ 1

(3) the Open Records Act to ensure and assist the public's right to access, review, and copy governmental records, except where specifically required by federal or state law, rule, and regulation to be kept confidential; [51 O.S. § 24A.1 through 24A.22] and

(4) Part 160 and Subparts A and E of Part 164 of Title 45 of the Code of Federal Regulations constituting the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, which provides protection for the privacy of health information.

**INSTRUCTIONS TO STAFF**

- 1. Refer to OAC 340:65-1-2 Instructions to Staff 1 regarding the provisions of Sections 7213, 7213A, and 7431 of the Internal Revenue Code.**

**340:1-1-21. Copyrighted software and documents**

(a) Oklahoma Department of Human Services (OKDHS) employees:

(1) sign Form ADM-133, Employee Acknowledgment of Confidentiality of Computer Accessible Case Records and Computer and Internet Usage Restrictions;

(2) comply with the terms and conditions regarding the copyrights of all vendors with whom OKDHS enters into software license agreements or from whom OKDHS purchases software; and ■ 1

(3) may not reproduce software or its related documentation unless authorized by the software developer.

(b) OKDHS employees adhere to copyright laws. Copyrighted documents are not reproduced without written permission from the copyright source. ■ 2

**INSTRUCTIONS TO STAFF**

**1. Refer to DHS:2-41-16 regarding alleged misuse of copyrighted software.**

**2. Refer to DHS:2-21-43 and DHS:2-21-153 Instructions to Staff 4 regarding copyrighted documents.**