

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 670. CITY AND COUNTY DETENTION FACILITY STANDARDS**

1. DESCRIPTION:

The purpose of the proposed rule amendments is to update definitions, remove department administered examinations and amend the Juvenile detention in adult jail requirements to reflect recent legislative changes in the Juvenile Code.

310:670-1-2. Definitions - Amendment clarifies definition of words used in the rule (Bunk, Count, Detention Facility, Hot Water, Inmate, Juvenile, Natural Light, Sight Check, Unencumbered Space).

310:670-5-2. Amendment clarifies that three counts are to be conducted daily.

310:670-5-5. Amendment clarifies unencumbered floor space required per inmate.

310:670-5-8. Amendment clarifies number of over-counter medication that can be processed by an inmate and TP screening for new employees.

310:670-5-10. Amendment removes the Department administered examination and amends the detention officer training approval process.

310:670-5-11. Amendment clarifies unencumbered floor space required per inmate.

310:670-7-1. Amendment to reflect recent legislative changes for juvenile detention in adult jails.

310:670-7-2. Amendment to reflect recent legislative changes for juvenile detention in adult jails.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

This proposed rule impacts persons confined in any city or county jail, adult lockup or adult detention facility; may effect city or county jail, adult lockup or adult detention facility operators.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

There are no expected health outcomes affiliated with adoption of rule changes. Persons benefiting would be persons confined in any city or county jail, adult lockup or adult detention facility.

4. ECONOMIC IMPACT, COST OF COMPLIANCE, AND FEE CHANGES: COST OF COMPLIANCE AND FEE CHANGES:

There are no fee changes affiliated with the proposed rule to the department or stakeholders.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

There are no immediate benefits of implementation and costs associated with implementation are limited to administrative hours, time and labor of the department.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. **EFFORTS TO MINIMIZE COSTS OF THE RULE:**
There are no less costly means currently identified.
9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**
No effect on public health is projected due to removal of unnecessary verbiage, wording and ambiguous words.
10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**
There are no detrimental effects on public health and safety without adoption.
11. **PREPARATION AND MODIFICATION DATES:**
This rule impact statement was prepared on Tuesday, November 30, 2021.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 670. CITY AND COUNTY DETENTION FACILITY STANDARDS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:670-1-2 [AMENDED]

Subchapter 5. Standards for Detention Facilities

310:670-5-2 [AMENDED]

310:670-5-5 [AMENDED]

310:670-5-8 [AMENDED]

310:670-5-10 [AMENDED]

310:670-5-11 [AMENDED]

Subchapter 7. Standards for Detention Facilities Holding Juveniles

310:670-7-1 [AMENDED]

310:670-7-2 [AMENDED]

SUMMARY:

310:670-1-2. Definitions - Amendment clarifies definition of words used in the rule (Bunk, Count, Detention Facility, Hot Water, Inmate, Juvenile, Natural Light, Sight Check, Unencumbered Space).

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AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; Title 74 O.S. § 192-E

COMMENT PERIOD:

January 18, 2022 through the close of the Department's normal business hours, 5 PM, on February 18, 2022. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on February 18, 2022, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on February 18, 2022 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is February 22, 2022 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through the close of the Department's normal business hours, 5 PM, on February 18, 2022, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 670. CITY AND COUNTY DETENTION FACILITY STANDARDS**

SUBCHAPTER 1. GENERAL PROVISIONS

310:670-1-2. Definitions

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

"ACA" means American Correctional Association.

"Available" means that the subject individual is either on site or on the premises.

"Bodily search" means any invasive examination by hand of an inmate's person or clothing. Bodily searches do not include "pat-downs."

"Bunk" means a sleeping surface and mattress that allows the inmate to be at least 12 inches off the floor.

"Central control" means the central point within the facility where security activities are monitored and controlled.

"Contraband" means anything not authorized to be in an inmate's possession.

"Count" means when a Detention Officer physically counts and observes each inmate for movement.

"Dayroom" means space for activities that is situated immediately adjacent to the inmates' sleeping area and separated from the sleeping area by a wall.

"Department" means Oklahoma State Department of Health.

"Detention facility" means a facility that may hold a person more than ten (10) days for an indefinite period of time.

"Detention Officer" means a person whose training, education and/or experience specifically qualifies him or her to perform the duties indicated in the job description and the jail standards, or a person who holds a certification accorded pursuant to 70 O.S. Section 3311. The individual performing the duties must be trained in appropriate laws, codes, standards, policies and procedures.

"Direct contact with inmates" means contact between Detention Officers and inmates in inmate living areas.

"Direct supervision" means the Detention Officer is in direct contact with inmates and is in a position to constantly monitor behaviors and interact with inmates.

"Emergency care" means *medical or surgical care necessary to treat the sudden onset of a potentially life-or limb-threatening condition or symptom* [57 O.S. § 38.3(A)(1)].

"Facility administrator" means sheriff, police chief, city manager, private contractor or a designee thereof charged with maintaining and operating a lockup facility, or detention facility.

"Grievance" means a circumstance or action considered unjust.

"Holding facility" means a facility that shall hold *persons under arrest who are charged with a crime* no longer than twelve (12) hours [74 O.S. § 192(B)].

"Hot meal" means a measure of food served and eaten at one sitting prepared in accordance with and served at a palatable temperature range of 110° - 120° F. (43.3°- 48.8° C.).

"Hot water" means a temperature range of 100° - 120° F. (37.8°- 48.8° C.).

"Indigent inmate" means an inmate who has a total receipt of or a balance of less than \$15.00 from the first day through the last of the preceding month.

"Inmate" means any individual, confined in any city or county jail, adult lockup or adult detention facility whether in pretrial, sentenced or un-sentenced status who is confined in a detention facility.

"Juvenile" means a person who is under the age of 18, subject solely to the jurisdiction of a juvenile court or who is subject to the provisions of Title 10A O.S. § 2-5-205 or 10A O.S. § 2-5-206 (relating to classification as a youthful offender as defined at 10A O.S. § 2-5-202).

"Last locked/secure door" means the last secure barrier between staff and the inmate.

"Life endangering situations" means a suicide attempt, or obvious serious injury or illness, which in the evaluation of the staff requires an immediate response.

"Life threatening" means a situation in which life saving measures are taken.

"Living area" means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include reception and release areas and special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

"Lockup facility" means a facility that may hold a person no longer than ten (10) days. It is usually operated by a town or city for the temporary detention of persons awaiting arraignment. Persons who need to be detained longer than ten (10) days shall be transferred to a detention facility.

"New construction" means a facility with final plans approved after January 1, 1992.

"Natural light" means the illumination from the sun; daylight.

"Non-secure areas" means those areas where a youth or juvenile is in the custody of law enforcement and may not be able to leave or depart from the presence of law enforcement, yet the youth or juvenile is not detained in a facility which limits movement.

"On site" means a Detention Officer being physically present within the detention facility.

"On the premises" means a Detention Officer being physically present within the structure incorporating the detention facility, or within a building or structure sharing the same realty or located on realty that is contiguous to the realty upon which the structure incorporating the detention facility is located, provided that such remote building or structure is not located farther than 500 feet from the detention facility.

"Pat-down" means a noninvasive search of an inmate by hand performed by lightly skimming the exterior surface of the clothing covering the legs and torso.

"Physician or other licensed medical personnel" means a psychiatrist, medical doctor, osteopathic physician, physician's assistant, registered nurse, licensed practical nurse, emergency medical technician at the paramedic level or clinical nurse specialist [57 O.S. § 4.1(3)].

"Sensitive functions and procedures" means any bodily search or the visual supervision of any activity requiring an inmate to partially or fully disrobe.

"Sight check" means when a Detention Officer physically observes an inmate. The check shall include all areas of the cell and the inmates shall be visually observed for movement.

"Sight contact" means clear visibility within close proximity.

"Sound contact" means direct oral communication.

"Substantial remodeling" means the cost to repair/replace is at least fifty (50) percent of the cost to replace the facility.

"Sustained contact" means sight or sound contact that is not brief and inadvertent.

"Unencumbered Space" means floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by multiplying the length and width of the room and subtracting from this figure the total number of square feet not occupied by bed(s), plumbing fixtures, desk(s), locker(s), and other fixed equipment.

SUBCHAPTER 5. STANDARDS FOR DETENTION FACILITIES

310:670-5-2. Security and control

The facility administrator shall develop and implement written policies and procedures for the safety, security and control of staff, inmates and visitors. Policies and procedures shall address at least the following:

- (1) A central control center shall be maintained to coordinate the facility's internal and external security network. The control center shall be staffed twenty-four (24) hours-a-day. The control center or other location may be designated by the facility administrator and shall be responsible for inmate counts and key control.
- (2) There shall be an inmate count at the beginning of each shift change with no less than three counts daily. The inmate count shall be documented.

- (3) There shall be at least one (1) visual sight check every hour which shall include all areas of each cell, and such sight checks shall be documented.
- (4) All security perimeter entrances, control center doors, cell block doors and doors opening into a corridor shall be locked except when used for authorized entry and exit. Staff members shall know which doors should be locked and under what circumstances they should be opened.
- (5) No one person shall be permitted to enter an inmate's cell or other area in which an inmate is confined, past the last locked door, without backup assistance. Prior to breaching the last locked/secure door, central control or another staff member who can provide assistance will be notified. Documentation shall reflect the reason for the decision to enter a cell without backup assistance and a permanent record of the event shall be maintained.
- (6) A weekly security device inspection shall be performed and priority corrective action taken on any discrepancy. A weekly inspection report shall be submitted to the facility administrator.
- (7) Searches of facilities and inmates to control contraband shall be unannounced and at irregular intervals. These searches shall be documented.
- (8) The availability, control and use of firearms, ammunition, chemical agents and related security equipment shall be sufficient to meet needs. The level of authority required for access to, and use of, security equipment shall be specified in policy and procedure. Chemical agents shall be used only with the authorization of the facility administrator or designee. Detention Officers shall be trained in the use of chemical agents as prescribed by the manufacturer's specification.
- (9) Firearms, ammunition, chemical agents and related security equipment shall be stored in a secure but readily accessible depository located outside the inmate living area. The facility may adopt policy and procedures that authorize trained and certified Detention Officers to be equipped with chemical agent and non-lethal weapons while on duty.
- (10) Firearms, chemical agents and related security equipment shall be inventoried at least one (1) time each month to determine their condition and expiration dates. Firearms shall be cleaned and fired annually and repairs shall be made as needed.
- (11) In an emergency situation, supervision of armed personnel is essential and only weapons/firearms authorized by the administrator shall be used.
- (12) Personnel discharging firearms or using chemical agents shall submit a written report to the facility administrator documenting the nature of the incident and the identity of the personnel and inmates involved. All persons, employees and inmates involved in an incident where a weapon or chemical agent or force was used shall receive an immediate medical examination and/or treatment.
- (13) Except in emergency situations, a weapon shall not be permitted in the secure area. There shall be a system of checking firearms and ammunition for temporary secure storage outside the secure perimeter.
- (14) All keys shall be issued from a secure location designated by the detention facility administrator, and a log shall be used to record the number of each key, location of the lock and the number of keys to each lock. The key control system shall include a current accounting of the location and authorized person to have each key. Keys shall be returned to the control center or a secure issue location at each shift change. There shall be at least one (1) duplicate key to each lock that is maintained in a secure location inaccessible to inmates.
- (15) Tools and utensils such as hacksaw blades, welding equipment, culinary, barber shears and all sharps of similar-type equipment shall be secured, issued and used in accordance with prescribed policy and procedure. The control system shall also provide for this type of tool and equipment brought into the facility by outside authorized persons.
- (16) Inmates shall not possess flammable, toxic or caustic materials unless they are under supervision of qualified personnel. Such materials shall be stored in secure areas that are inaccessible to inmates.
- (17) A post order shall be prepared for each post or duty assignment to be performed, and it shall specify the procedure to be followed for completing the assignment.

- (18) There shall be written procedures for dealing with an escape. These procedures shall be available to all personnel and shall provide for sounding an alarm, alerting officials, mobilizing resources and ending the alert. Following an escape, the staff shall prepare an analysis of the escape and defects in the security system shall be corrected immediately.
- (19) There shall be written procedures that specify what actions to take in emergency situations, i.e., fire, disturbances, and taking hostages. The procedures shall specify areas of responsibility, the staff to be involved, when and what authorities shall be notified, how the problem may be contained and what shall be done after the incident ends. Emergency housing and supervision of inmates shall be provided.
- (20) Staff shall be knowledgeable of and trained in the implementation of the emergency plans.
- (21) An emergency auxiliary power generator or battery-operated system that meets applicable requirements of the State Fire Marshall shall be provided to maintain lighting and essential equipment in an emergency.
- (22) All emergency equipment shall be inspected at least one (1) time each month and corrective action taken as needed. These inspections shall be documented.
- (23) The use of physical force by staff shall be restricted to instances of justifiable self-protection, protection of others, protection of property and prevention of an escape, and shall be only to the degree necessary. A written report shall be prepared and submitted to the administrator following the use of physical force. All persons, employees, and inmates involved in an incident where a weapon, chemical agent, or physical force was used shall receive an immediate physical inspection, and if affected by the action, shall receive a medical examination and treatment.
- (24) Instruments of restraint such as handcuffs, leg irons, restraint chairs, restraint beds and straitjackets, shall not be applied longer than authorized by policy and procedure and equipment manufacturer's specifications. Inmates placed in restraints shall not be left without required supervision. Instruments of restraint shall be used only as follows:
- (A) As a precaution against escape during transfer;
 - (B) For medical/mental health reasons, by direction of the designated medical authority and detention facility administrator or designee; and
 - (C) To prevent inmate self-injury, injury to others or property damage, and then only with the approval of the detention facility administrator or designee.
- (25) Guidelines for transporting inmates shall emphasize safety and security and shall be available to all staff involved in transporting inmates.
- (26) All entrances and exits to the facility shall be secure.
- (27) The Department shall be notified no later than the next working day if any of the following incidents occur:
- (A) Extensive damage to detention facility property;
 - (B) Serious injury to staff or inmate defined as life threatening or requiring transfer to outside medical facility;
 - (C) Escape;
 - (D) Serious suicide attempt, defined as life threatening or requiring transfer to outside medical facility; and
 - (E) Death.
- (28) Trustees shall be either locked down or confined to the facility when not engaged in a job assignment. Trustees permitted outside the facility shall be supervised according to the written policy of the sheriff, chief of police, detention facility administrator and/or as required by state statute.

310:670-5-5. Classification and segregation

The facility administrator shall develop and implement written policies and procedures for the classification and segregation of inmates. The classification plan shall ensure the safety of inmates and staff. The following criteria shall ensure an adequate classification and reclassification system.

- (1) Inmates of opposite sex shall be housed in separated living areas. Separation shall be by substantial architectural arrangements which permit no sustained sight contact. Housing of inmates with mixed gender identification will be administered in a manner to maximize inmate safety.
- (2) Juvenile offenders.
 - (A) If detention of a juvenile is authorized, such juveniles shall be housed completely separate from adults without sustained sight and sound contact. Inadvertent contact with incarcerated adults outside of jail living areas not dedicated for use by juvenile offenders should be minimized.
 - (B) A juvenile may be held for up to six (6) hours for the purpose of identification, investigation, processing, release to parent(s), transfer to court, or transfer to juvenile facility following the initial custody.
 - (C) A juvenile criminal-type offender may be securely detained in an adult jail or lockup for up to six hours immediately before or immediately after a court appearance, provided sight and sound separation is maintained. This period may be extended to twenty-four hours (excluding weekends and holidays) where the jurisdiction is outside the metropolitan statistical area where:
 - (i) state law requires an initial court appearance within twenty-four (24) hours after being taken into custody;
 - (ii) there is no acceptable alternative placement; and
 - (iii) the jail has been determined by the Department to provide for sight and sound separation.
- (3) Inmates considered to be a threat to other inmates or staff shall be housed separately from other inmates for the following reasons:
 - (i) Inmate's past criminal history;
 - (ii) The nature and severity of the charges pending against the inmate;
 - (iii) Inmate's behavior while in the facility; and
 - (iv) Other relevant reasons as directed by the administrator.
- (4) Inmates may be double-celled or confined to dormitory style housing if the unencumbered floor space meets the square footage requirements. These inmates shall be afforded the same living conditions and privileges as those occupying the general population. Any exception regarding conditions and privileges shall be defined by the administrator.
- (5) Inmates who are intoxicated or under the influence of a controlled substance shall be housed separately from other inmates until such time as the medical authority or the detention facility administrator determines their suitability for placement into general population or other appropriate housing.
- (6) Inmates who appear to have a significant medical or psychiatric problem may be separated from other inmates.
- (7) Unsentenced inmates shall be separated from sentenced inmates, to the extent possible, and shall be permitted whatever confinement is least restrictive unless inmate behavior or other security considerations dictate otherwise.
- (8) Classification and segregation shall not be done solely on the basis of race, color, creed or national origin.

310:670-5-8. Medical care and health services

Adequate medical care shall be provided in a facility. The administrator shall develop and implement written policies and procedures for complete emergency medical and health care services. Policies and procedures shall include at least the following:

- (1) The administrator shall be responsible for the facility's medical services and shall develop, with the assistance of a designated medical authority, the facility's health care plan. Security restrictions shall be considered in the development of the plan, and any medical personnel included in the plan shall have their responsibilities regulated by written job descriptions. The health care plan shall cover at least the standards outlined in this section.

(2) Intake screening shall be performed on all inmates immediately upon admission to the facility and before being placed in the general population or housing area. An inmate whose screening indicates a significant medical or psychiatric problem, or who may be a suicide risk, shall be observed frequently by the staff consistent with the facility's policy and the identified need until the appropriate medical evaluation has been completed. After medical evaluation, these inmates may be assigned to housing consistent with the medical evaluation.

(A) Medications in the possession of the inmate at the time of the booking, whether prescription or over-the-counter shall be logged, counted and secured. Prescription medications shall be provided to the [inmate] as directed by a physician or designated medical authority.

The [inmate] shall be observed to ensure the prisoner takes the medication. The physician or designated medical authority shall be particularly aware through his or her training of the impact of opiate or methadone withdrawal symptoms that may occur in regard to the mental and physical health of the [inmate]. The physician or medical authority shall prescribe and administer appropriate medications to the [inmate] pursuant to Section 5-204 of Title 43A of the Oklahoma Statutes as the medical authority deems appropriate to address those symptoms. Neither prescription nor over-the-counter medications shall be kept by [an inmate] in a cell with the exception of two single-dose prepackaged over-the-counter medications purchased from the facility commissary, prescribed nitroglycerin tablets and prescription inhalers. Over-the-counter medications shall not be administered without a physician's approval unless using prepackaged medications [57 O.S. § 4.1(1)]. This authorization to allow certain medications in a cell does not require a facility to allow the medications in a cell where inmate safety is threatened or abuse of the medication is documented. Prepackaged over-the-counter medications are those medications provided in single-dose packaging.

(B) Medical reception information shall be documented in a format approved by the designated medical authority which shall include inquiry into:

(i) Current illnesses and health problems including medications taken and any special health requirements;

(ii) Behavioral observation, including state of consciousness and mental status;

(iii) Notation of body deformities, trauma markings, i.e., bruises, lesions, ease of movement, and jaundice;

(iv) Condition of skin and visible body orifices, including infestations; and

(v) Disposition/referral of inmates to qualified medical personnel on an emergency basis.

(3) Delousing procedures shall be developed in coordination with the designated medical authority and used whenever vermin are detected.

(4) Inmates are informed upon admission to the facility about the procedures for gaining access to medical and health care services. These procedures shall be posted in a conspicuous place.

(5) Each facility shall have a plan and provide twenty-four (24) hour emergency medical and dental care. Emergency plans shall at least include arrangements for:

(A) The use of one (1) or more hospital emergency rooms or other appropriate health care facility;

(B) The use of an emergency medical vehicle; and

(C) An emergency on-call physician and dentist when the emergency health care facility is not located in a nearby community.

(6) If the need is indicated by the intake screening at booking, inmates held for forty-eight (48) hours or more, shall be scheduled for a medical examination which shall be conducted by licensed medical personnel.

(7) An appointment shall be made with a physician or other licensed medical personnel, as defined at Title 57 O.S. § 4.1(3), within forty-eight (48) hours of a valid written request unless more immediate action is dictated by the severity of the current situation.

- (8) If medical services are delivered in the facility, adequate space, equipment, supplies and materials as determined by the designated medical authority, shall be provided for primary health care delivery.
- (9) First aid kits approved by the designated medical authority shall be available in each facility. They shall be located in an area(s) also approved by the designated medical authority.
- (10) Referral sources shall be identified in advance by the designated medical authority or administrator.
- (11) The administration of medications, and the date, time and place of medical encounters shall be documented.
- (A) The facility may maintain bulk supplies of nonprescription drugs for dispensing to inmates if ordered or otherwise authorized by a physician or other licensed medical personnel, currently licensed to practice medicine in this state. Nonprescription drugs may be dispensed to an inmate for nonscheduled dosage regimens.
- (B) A facility may maintain nonprescription drugs for dispensing from a common or bulk supply if all of the following are accomplished:
- (i) The facility must have and follow a written policy and procedure to assure safety in dispensing and documentation of medications given to each resident.
 - (ii) The facility shall maintain records which document the name of the medication acquired, the acquisition date, the amount and the strength received for all medications maintained in bulk.
 - (iii) Only licensed nurses, physicians, pharmacists or certified medication aides (CMA) may dispense for administration these medications and only upon the written order for as needed (p.r.n.) or nonscheduled dosage regimens, as documented in the clinical record of the inmate.
 - (iv) The facility shall maintain records of all bulk medications which are dispensed on an individual signed medication administration record (MAR).
 - (v) The original labels shall be maintained on the container as it comes from the manufacturer or on the unit-of-use (blister packs) package.
 - (vi) The maximum size of packaging shall be established by the facility in its policy and procedures and shall insure that inmates receive the correct dosage; provided however, that no liquid medications shall be acquired nor maintained in a package size which exceeds 16 fluid ounces.
 - (vii) Facilities may have only oral analgesics, antacids, and laxatives for bulk dispensing and/or drugs listed in a facility formulary developed or approved by the medical director.
- (C) Facilities are not required to package nonprescription drugs in individual containers with individual labels.
- (D) These provisions shall not prohibit authorized over the counter sales, from the commissary, of medications prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.
- (12) Copies of the medical record, or a discharge summary if any, shall accompany an inmate upon transfer to another facility.
- (13) Any remaining medications, for which the inmate has been charged, shall accompany the inmate upon transfer to another facility or upon release, or those charges shall be reversed. Medications that were in the possession of the inmate on admission, and were not dispensed, and for which the inmate has a lawful prescription, shall be returned unless there is documentation of abandonment. The amount of medications provided shall be documented. The count at that time shall be logged. Continuity of care is required when transferring or discharging inmates from the facility, including when referring an inmate to community-based providers. When health care is transferred to another facility or to providers in the community, appropriate information shall be shared with the new providers in accordance with consent requirements. Sufficient medications shall be provided upon transfer or release for inmates with known serious health conditions. Sufficient medication

should be coordinated with the receiving facility. The inmate is liable for payment of the cost of these medications pursuant to Oklahoma statute [Title 19 O.S. § 746(B)].

(14) Staff shall wear disposable gloves when dealing with possible exposure to an inmate's body fluids.

(15) Biomedical waste shall be stored and destroyed in compliance with state and federal requirements.

(16) Sharps, i.e., needles, lancets and scalpels shall be disposed of in a puncture-proof container.

(17) Staff shall receive a TB ~~skin test~~ screening as a part of the pre-employment evaluation, ~~and each twelve (12) months as long as the test is negative.~~ TB screening is a process that includes an individual risk assessment, a symptom evaluation, a TB test (e.g., a TB blood test or a TB skin test), and additional evaluation for TB disease as needed. Individuals with TB symptoms or positive skin tests shall be referred to the local health department or personal physician for evaluation. Employees will also be offered hepatitis B vaccination within one month of employment, at no cost to the employee.

(18) Universal precautions shall be used at all times by all employees.

(19) Medication aides are restricted in the scope of activities they may perform. Those restrictions are established in Title 63 O.S. § 1-1950.3(E).

(20) County jails, under the authority of the sheriff and Title 19 O.S. § 531(B), may deduct monies collected from an inmate as a medical payment on account for each medical services visit the inmate receives while incarcerated in the county jail, except as otherwise provided in Title 19 O.S. § 531(B).

(21) Inmates are responsible for the costs of incarceration, medical care and treatment as provided in Section 979a of Title 22 of the Oklahoma Statutes.

310:670-5-10. Training and staff development

(a) **Training policies.** The administrator shall develop policies and procedures for staff orientation and training. The training program shall be supervised by a designated employee. A facility with more than one-hundred (100) employees shall employ a full-time person for staff orientation and training.

(b) **Training and testing requirements.** Policies and procedures shall include at least the following requirements for training:

(1) A new employee whose primary responsibilities include supervision of inmates shall receive orientation and training prior to job assignment by the employing agency. ~~An employee who has received orientation and training may be assigned to inmate supervision prior to passing the Detention Officer examination.~~

(2) All employees, including the detention facility administrator and all supervisors, whose primary responsibilities include supervision of inmates, shall receive at least twenty-four (24) hours of training during the first year of their employment that covers at least the following:

- (A) Security procedures;
- (B) Supervision of inmates;
- (C) Report writing and documentation;
- (D) Inmate rules and regulations;
- (E) Grievance and disciplinary procedures;
- (F) Rights and responsibilities of inmates;
- (G) Emergency procedures;
- (H) First aid and cardiopulmonary resuscitation; and
- (I) Requirements of this Chapter.

(3) After the first year of employment, an employee whose primary responsibilities include supervision of inmates shall receive at least the training listed below.

- (A) Four (4) hours review of the required training identified in paragraph two (2) of this section.
- (B) Four (4) hours of training as directed by the administrator; the content and instructors shall be selected by the administrator.
- (C) Renewal training as required for first aid and cardiopulmonary resuscitation skills.

(4) A documentation log shall be maintained by the Administrator to record the courses completed by each employee for their initial and annual training and include test results.

(5) Training may be given through other programs that have first been reviewed and approved by the Department.

~~(6) An examination covering the standards in this Chapter is required for new employees whose primary responsibilities include supervision of inmates. The examination shall be completed within the first year of employment unless there is documented evidence an examination was not available, or other extenuating circumstances caused the delay. In the event of delayed examination, an examination will occur at the next available opportunity. A passing score on the test as administered by the Department or its representatives shall be seventy (70) percent or higher. Any person scoring less than seventy (70) percent shall not be considered to have satisfactorily completed training and may retest as necessary for a period of up to one year.~~

(c) **Training program approval.** An entity which desires to sponsor a training program shall file an application for approval on the forms prescribed by the Department.

~~(1) No training examination program shall be operated, and no students shall be solicited or enrolled, until the Department has approved the program.~~

~~(2) The application requires the following information:~~

~~(A) Name and address for the entity sponsoring the program and for the contact person for the program;~~

~~(B) The location of the administrative office of the program and the location where records are maintained;~~

~~(C) A program plan that follows the minimum curriculum for the standards in this Chapter, as prescribed by the Department including, but not limited to:~~

~~(i) the specific knowledge outcomes for the course(s);~~

~~(ii) an outline of the associated content for each knowledge outcome;~~

~~(iii) the teaching methods and any instructional media to be utilized;~~

~~(iv) a breakdown of the curriculum into clock hours of instruction.~~

~~(D) A sample training completion certificate;~~

~~(E) Education and experience requirements for training instructors.~~

(d) **Requirements for administration of the examination.** An entity which desires to sponsor an examination shall file an application for approval on the forms prescribed by the Department.

(1) The examination shall be administered and evaluated only by a Department approved entity which may be periodically monitored by the Department.

(2) Each examination entity must provide the Department with the following:

(A) Name and address for the entity sponsoring the examination and for the contact person for the program;

(B) The location of the administrative office of the program and the location where records are maintained;

(C) Written job analysis studies to determine the pool of test questions;

(D) Test question validation studies;

(E) Assurances of how the examination process will be secured from tampering and compromise.

(3) Each examination entity shall provide the examinee with the following:

(A) The notice showing pass/fail results;

(B) The notice shall specify the areas of failure.

(4) The Department may withdraw approval of a testing entity when it allows one or more of the following:

(A) Disclosure of the examination;

(B) Allowing another entity not approved by the Department to score the examination;

(C) Tampering with the examination;

(D) The examination was administered by a non-qualified individual.

(5) ~~The trainee may sit for the examination at a different location than where training was completed if the testing entity is provided with a training completion certificate from the training entity.~~

(e) ~~**Content of the examination.** The competency examination shall:~~

(1) ~~Address each requirement specified in the minimum curriculum for the standards in this Chapter, as prescribed by the Department;~~

(2) ~~Be developed from a pool of test questions, only a portion of which is used in any one (1) examination;~~

(3) ~~Use a system that prevents disclosure of both the pool of test questions and the individual examination results.~~

(f) ~~**Successful completion of the examination.** An individual shall score at least seventy (70) percent on the examination for a passing score.~~

(g) ~~**Failure to complete the competency examination.** If an individual does not complete the competency examination successfully, the individual shall be notified by the testing entity of, at least, the following:~~

(1) ~~The areas which the individual did not pass;~~

(2) ~~That the individual may retest as necessary for a period of up to one year.~~

[Source: Amended at 8 Ok Reg 3129, eff 7-18-91 (emergency); Amended at 9 Ok Reg 1433, eff 5-1-92; Amended at 13 Ok Reg 2139, eff 6-13-96; Amended at 20 Ok Reg 2387, eff 7-11-03; Amended at 21 Ok Reg 2445, eff 7-11-05; Amended at 36 Ok Reg 1731, eff 9-13-19]

310:670-5-11. Physical plant

(a) **Existing facilities.**

(1) The reception and release area shall be located inside the security perimeter, but outside the inmate living area. There shall be a secure weapons storage area outside of the custody perimeter.

(2) All cells and living areas shall have at least forty (40) square feet of unencumbered floor space for the initial inmate and at least twenty (20) square feet of unencumbered floor space for each additional inmate occupying the same cell. Double-celling of inmates is permitted if there is at least sixty (60) square feet of unencumbered floor space for two (2) persons.

(3) The facility shall have at least one (1) special purpose cell to provide for the temporary detention of inmates under the influence of alcohol or dangerous substances or for persons who are uncontrollably violent or self-destructive. These cells shall be designed to prevent injury.

(4) The housing and activity areas shall provide, at least the following:

(A) Lighting of at least twenty (20) foot candles;

(B) One (1) toilet and one (1) washbasin, with hot and cold running water, in every cell or dormitory at a ratio of at least one (1) toilet and one (1) washbasin to twenty (20) inmates; and

(C) A shower with non-skid floors and with hot and cold running water, at a ratio of at least one (1) shower to twenty (20) inmates in the housing areas.

(D) Bunks as indicated by square feet.

(5) There shall be sufficient floor drains to ensure a sanitary facility.

(6) There shall be designated and marked emergency evacuation exits that comply with the requirements of the Oklahoma State Fire Marshal and which permit prompt evacuation of inmates and staff in an emergency.

(7) A county may provide a dormitory-style detention facility to accommodate up to medium-security inmates. It shall be equipped with washbasins, toilets and showers with hot and cold running water at a ratio of at least one (1) washbasin, one (1) toilet and one (1) shower to twenty (20) inmates. A dormitory-style detention facility shall meet all requirements for a detention facility.

(b) **New facilities and substantial remodeling of facilities (after January 1, 1992).** Plans for the construction of a new facility or the substantial remodeling of an existing facility shall be submitted to the Department for review and approval. Detention facilities are encouraged to submit plans to the

Department for any re-modeling or repair that does not meet the substantial remodeling threshold to ensure standards are met.

- (1) A new detention facility shall be geographically accessible to criminal justice and community agencies.
- (2) The reception and release area shall be located inside the security perimeter but outside inmate living area. The reception and release area shall have the following components:
 - (A) Sally port;
 - (B) Secure weapons storage, outside the detention facility custody perimeter;
 - (C) Temporary holding rooms with adequate seating for its rated capacity, toilets and washbasins;
 - (D) Booking area;
 - (E) Medical examination room;
 - (F) Shower facilities;
 - (G) Secure area for inmate personal property storage;
 - (H) Telephone access;
 - (I) Interview room; and
 - (J) General administration space.
- (3) Cells shall be constructed and arranged to allow direct natural light into each area where feasible.
- (4) Windows installed after January 1, 2018, shall conform to ACA standards as adopted in 2017.
- (5) All areas shall provide for at least twenty (20) foot candles of light.
- (6) Each cell and detention room shall have at least forty (40) square feet of unencumbered floor space for the initial inmate, and at least twenty (20) square feet of unencumbered floor space for each additional inmate occupying the same cell. Double-celling is permitted if there is at least sixty (60) square feet of unencumbered floor space for two (2) persons. Each room or cell shall have:
 - (A) One (1) toilet and one (1) washbasin with hot and cold running water, for every single or double occupancy cell or dormitory at a ratio of at least one (1) toilet and one (1) washbasin to twenty (20) inmates.
 - (B) Bunks and storage as indicated by square feet.
- (7) A county may provide a dormitory-style detention facility to accommodate minimum security inmates. A dormitory-style detention facility shall be equipped with washbasins, toilets and showers with hot and cold running water at a ratio of at least one (1) washbasin, one (1) toilet and one (1) shower to twenty (20) inmates. A dormitory-style detention facility shall meet all requirements for detention facilities.
- (8) There shall be a dayroom area for each living unit containing at least thirty-five (35) square feet of unencumbered floor space per inmate for the maximum number of inmates who use the dayroom at one time. It shall be separate and distinct from the sleeping area but immediately adjacent and accessible.
- (9) Living areas shall be planned and organized to permit segregation of inmates according to existing laws, and the facility's classification plan.
- (10) Each facility shall have at least one (1) special purpose cell or room to provide for the temporary detention of persons under the influence of alcohol or dangerous substances, or for persons who are uncontrollably violent or self-destructive. Such cells shall be designed and located to prevent injury to confined persons.
- (11) There shall be showers with hot and cold running water at a ratio of at least one (1) shower to twenty (20) inmates in the housing areas.
- (12) There shall be floor drains maintained in working order.
- (13) If the facility maintains an arsenal it shall be located outside the inmate area accessible only to authorized persons for secure storage, care and issuance of weapons, firearms, ammunition, chemical agents and other related security equipment.

- (14) Space shall be provided for the secure storage of items an inmate has in his possession at the time of booking.
- (15) Space shall be provided for administrative, professional and clerical staff, including conference rooms, storage room for records, public lobby and toilet facilities.
- (16) There shall be designated and marked emergency exits that comply with the requirements of the Oklahoma State Fire Marshal and which permit prompt evacuation.
- (17) In areas not specifically covered by these standards, new buildings and buildings undergoing substantial remodeling shall generally meet requirements of the State Fire Marshal and the plans shall be approved by the State Fire Marshal.

(c) **Temporary tent detention facilities.** The Department must approve the establishment and design of this type of facility. The State Fire Marshal must approve it. A county may erect a tent detention facility which is temporary in nature, to meet the needs of the county for confining minimum-security inmates. A tent detention facility shall not detain juveniles and shall maintain continuous, physical and architectural separation of male and female inmates. A tent detention facility shall not be required to meet minimum requirements for a detention facility but shall provide at least the following:

- (1) **Accommodations.**
 - (A) Basic daily living needs;
 - (B) Medical needs;
 - (C) Shelter from inclement weather;
 - (D) Freedom from obvious safety hazards;
 - (E) Fire extinguishers as recommended by the Oklahoma State Fire Marshal; and
 - (F) General comfort consistent with security and control of inmates.
- (2) **Security.**
 - (A) Tents erected inside a fenced area suitable for guarding and controlling inmates; and
 - (B) Permit inmates to have visitors consistent with security requirements.

SUBCHAPTER 7. STANDARDS FOR DETENTION FACILITIES HOLDING JUVENILES

310:670-7-1. Standards for detention facilities holding juvenile offenders

- (a) Detention facilities certified to hold juveniles must be in compliance with applicable statutes and rules. A juvenile shall be incarcerated only in a city or county detention facility authorized by the appropriate judicial or juvenile bureau authority. A juvenile shall not be detained in any holding facility or lockup facility. This requirement does not preclude juveniles being held in non-secure areas until a parent or other responsible party arrives to take custody of the juvenile.
- (b) Prior to a juvenile being placed in an eligible detention facility, permission shall be obtained from the appropriate judicial or juvenile bureau authority. A record of permission shall be maintained at the facility.
- (c) Sight checks of juvenile inmate living areas shall be performed at least one (1) time each half-hour. The check shall include all areas of each cell and the inmates shall be visually observed. Checks shall be documented in writing on a form provided by the administrator.
- (d) An adult inmate who is assigned ~~trusty~~ trustee status shall not be permitted sustained contact with a juvenile inmate. A staff member shall serve a juvenile inmate's meals.
- (e) In addition to existing visitation privileges, juvenile inmates shall be permitted visits from authorized juvenile agency personnel. Visits from family members, who are unable to visit during normal visiting hours shall be allowed so long as arrangements for them are made in advance, with the administrator, and provided they do not jeopardize security. Facilities shall process requests for visits and allow all approved visitors contact visits with the juvenile inmate within five (5) business days of the request. Each facility that holds a juvenile shall have written policies and procedures for such visits.
- (f) A juvenile inmate shall be able to communicate with staff members at all times. This can be either by voice or electronic means. If electronic systems are used, there shall be a backup plan to insure communication ability is maintained.

(g) No staff member shall be permitted to enter a juvenile inmate living area i.e., past the last locked door, without backup assistance being available from another staff member. At least one (1) staff member shall be of the same sex as the juvenile inmate except in life endangering situations. Anytime a decision is made to enter the living area without appropriate backup assistance as defined above, the action shall be documented. Documentation shall show the reason for the decision and a permanent record shall be maintained.

~~(h) A juvenile charged with a crime which would constitute a felony if committed by an adult, or a juvenile who is an escapee from a juvenile training school or from a Department of Human Services group home, may be detained in any detention facility authorized by the appropriate judicial or juvenile bureau authority, police station or similar law enforcement office, not approved for long term detention, for a period of six (6) hours or less for identifying, processing or arranging for transfer to a juvenile detention facility or alternative program. In no other circumstances shall a juvenile be securely detained in an adult detention facility.~~

310:670-7-2. Certification of detention facilities holding juvenile offenders

(a) The Department will coordinate with the Office of Juvenile Affairs to certify detention facilities for holding juvenile offenders based on a facility's compliance with the applicable statutes and rules in this Subchapter [10A O.S. § 2-3-103(E)]. The Department will maintain a list of all the facilities certified to hold juveniles on its website.

(b) The designation of a detention facility as a place for the detention of juveniles is made from a list of eligible facilities supplied by the Department of Health. Eligible facilities are those facilities deemed by the Department as compliant with the applicable standards of this Chapter.

[Source: Added at 36 Ok Reg 1731, eff 9-13-19]