

May 31, 2023

The Honorable Erik Johnson
Hughes County District Attorney
P. O. Box 350
Holdenville, Oklahoma 74848

Re: Referral of Hughes County Jail under Oklahoma Statute Title 74 § 194 for continued substantial non-compliance.

Dear Mr. Johnson:

On March 16, 2022, the Oklahoma State Department of Health Detention Program (hereinafter “OSDH”) conducted an unannounced inspection and investigations of the Hughes County Jail. The inspection and investigations were conducted to determine Hughes County Jail’s compliance with Oklahoma Statute Title 74 § 192 and Title 310, Chapter 670 of the Oklahoma Administrative Code. OSDH staff identified deficiencies at that time and provided a statement of said deficiencies to Marvella James, Administrator and a copy to Sheriff Marcia Maxwell of Hughes County Jail, on April 14, 2022. OSDH additionally informed Mr. Teague and Sheriff Maxwell in the enclosed April 14, 2022, Statement of Deficiencies (hereinafter “SOD”), that Hughes County Jail was determined to be not in substantial compliance with the aforementioned standards.

On July 25, 2022, OSDH conducted an unannounced follow-up inspection and investigations of the Hughes County Jail. During the follow-up inspection and investigation, OSDH staff identified many of the same deficiencies previously cited in the SODs provided to Ms. James and Sheriff Maxwell of Hughes County Jail, on April 14, 2022. OSDH additionally informed Trever Teague, Administrator, and Sheriff Maxwell in the enclosed August 11, 2022, SOD that Hughes County Jail was determined to be not in substantial compliance with the aforementioned standards.

OSDH recently conducted another unannounced follow-up inspection and investigations of Hughes County Jail on May 2, 2023. During this follow-up inspection and investigations, OSDH staff again identified many of the same deficiencies previously cited in the statement of deficiencies provided on April 14, 2022, and August 11, 2022. OSDH provided a statement of said deficiencies from this May 2, 2023 inspection to Mr. Teague and Sheriff Maxwell on May 18, 2023, informing them that Hughes County Jail remains in substantial non-compliance with the aforementioned standards.

Based on the repeat deficiencies identified, Hughes County Jail has failed to make necessary corrections to bring the facility into compliance with the applicable standards within sixty (60) days of delivery of the herein referenced SODs provided on April 14, 2022, and August 11, 2022. Additionally, based on the repeat deficiencies, Hughes County Jail has not demonstrated a “good-faith effort . . . to correct said deficiencies and achieve compliance with the established standards.” Oklahoma Statute Title 74 § 194.

Title 74, Section 194 of the Oklahoma Statutes authorizes the Commissioner of Health to file a complaint with your office in the event that a facility fails to correct deficiencies within sixty (60)

days of receipt of the report. The purpose thereunder “is for assistance in obtaining compliance or to close the deficient facility.” Oklahoma Statute Title 74 § 194.

Therefore, pursuant to Oklahoma Statute Title 74 § 194, OSDH respectfully refers Hughes County Jail to your office for assistance in obtaining Hughes County Jail’s immediate compliance with the applicable standards.

Please be advised that OSDH retains its authority under Oklahoma Statute Title 63 § 1-1701.1A to assess administrative penalties against Hughes County Jail for its continuing substantial non-compliance with the aforementioned standards.

Thank you for your time and assistance with this matter.

Sincerely,



Keith Reed, RN, MPH, CPH | Commissioner of Health
Oklahoma State Department of Health

**BEFORE THE OKLAHOMA STATE DEPARTMENT OF HEALTH
STATE OF OKLAHOMA**

OKLAHOMA STATE DEPARTMENT OF HEALTH,)
PROTECTIVE HEALTH SERVICES)

Petitioner,)

vs.)

Case No. PHS-2023- 275

HUGHES COUNTY JAIL,)
MARCIA MAXWELL, in her official capacity as Sheriff)
of Hughes County, and)
BOARD OF COUNTY COMMISSIONERS FOR)
HUGHES COUNTY)

Respondent.)

Filed
MAY 31 2023
Office of
Administrative Hearings

ADMINISTRATIVE COMPLIANCE ORDER

Based upon the representation of the Protective Health Services Division of the Oklahoma State Department of Health, the Commissioner of the Oklahoma State Department of Health (hereinafter "OSDH") finds the Hughes County Jail, Board of County Commissioners of the County of Hughes County and Marcia Maxwell, Sheriff of Hughes County, are in violation of Title 310, Chapter 670 of the Oklahoma Administrative Code (hereinafter "OAC"). Accordingly, this Order is hereby issued pursuant to 63 O.S §1-1701.1A.

LEGAL AUTHORITY

1. OSDH is the agency with statutory authority to inspect city and county jails to ensure compliance with the regulatory rules and standards promulgated pursuant to 74 O.S. §192.
2. Hughes County Jail is currently operating as the detention center of Hughes County, located at 200 North Broadway Street in Holdenville, Oklahoma 74848.

3. Marcia Maxwell, the current sheriff of Hughes County (hereinafter “Sheriff Maxwell”), is in charge of the Hughes County Jail and required to “conform, in all respects, to the rules and direction promulgated pursuant to Section 192 of Title 74...” *57 O.S. §47.*¹

4. It is the duty of the Board of County Commissioners for Hughes County “to provide suitable means for warming the county jail and its cells or apartments, beds and bedding, and such other permanent fixtures and to make such repairs” as prescribed by the State Department of Health. *57 O.S. §51.*

FINDINGS OF FACTS

5. On March 16, 2022, OSDH conducted an unannounced inspection of Hughes County Jail.

As a result of that inspection, OSDH identified the following fifty (50) violations:

- a. 0002 – Inmates provided with a useable bed
- b. 1500 – Policies & Procedures identifying rules and law
- c. 1504 – Policies & Procedures for scheduled review of policies
- d. 1505 – Policies & Procedures for signature and dates during policy reviews
- e. 5100 – Policies & Procedures for verification of arrest/commitment during admission
- f. 5101 – Policies & Procedures for body search types
- g. 5102 – Intake medical and psychiatric screening
- h. 5105 – Policies & Procedures for housing classifications and assignments
- i. 5106 – Policies & Procedures for noting identification of arresting officers
- j. 5108 – Policies & Procedures for inmate personal property
- k. 5110 – Policies & Procedures for verifying authority prior to release
- l. 5201 – Policies & Procedures for documenting inmate count at the start of shifts
- m. 5202 – Visually monitoring inmates each hour
- n. 5205 – Policies & Procedures for weekly security device inspections
- o. 5216 – Policies & Procedures for post orders
- p. 5217 – Policies & Procedures for attempted inmate escapes
- q. 5218 – Policies & Procedures for emergency situations
- r. 5219 – Policies & Procedures for staff training on emergency plans
- s. 5221 – Policies & Procedures for monthly emergency equipment inspections
- t. 5223 – Policies & Procedures for application and use of physical restraints
- u. 5227 – Policies & Procedures for transporting inmates
- v. 5234 – Policies & Procedures for trustee supervision
- w. 5400 – Policies & Procedures for inmate rules and disciplines
- x. 5425 – Policies & Procedures for inmate requests and grievances
- y. 5500 – Policies & Procedures for classification and segregation of inmates

¹ see also 19 O.S. §513.

- z. 5601 – Facility kept in clean condition
- aa. 5602 – Policies & Procedures for a housekeeping plan
- bb. 5603 – Facility floors kept clean and safe
- cc. 5606 – Facility hygiene issue
- dd. 5608 – Issue cleanable mattress
- ee. 5619 – Policies & Procedures for inmate haircuts
- ff. 5621 – Eliminate pest/ pest control
- gg. 5622 – Facility safely collecting, storing and disposing of waste
- hh. 5623 – Fire Safety Prevention
- ii. 5624 – Policies & Procedures for emergency evacuation plan
- jj. 5625 – Evacuation routes posted through facility
- kk. 5626 – Building materials meet fire prevention standards
- ll. 5708 – Menus reviewed and approved by a registered dietician
- mm. 5800 – Policies & Procedures for health care plan
- nn. 5801 – Policies & Procedures for adequate observation for medical or psychiatric risk
- oo. 5802 – Prescription medications administered as directed by physician
- pp. 5809 – Policies & Procedures for informing inmates about access to medical care
- qq. 5900 – Policies & Procedures for inmate correspondence
- rr. 6001 – Policies & Procedures for new employee orientation and training
- ss. 6002 – Policies & Procedures for inmate supervision training for 1st year employees
- tt. 6015 – Policies & Procedures for employee training documentation log
- uu. 6101 – Double cell occupancy minimum of 60 square feet
- vv. 6103 – Light at a minimum of 20 foot candles
- ww. 6107 – Emergency evacuation exits in compliance with OK State Fire Marshall
- xx. 6209 – Policies & Procedures for securing inmate personal property

6. Based on the violations identified, Hughes County Jail was determined to be substantially non-compliant with the applicable standards.

7. In accordance with 74 O.S. §193(B), a copy of the written inspection report outlining the above-referenced violations was provided to Hughes County Jail Administrator Marvella James and Sheriff Maxwell on April 14, 2022.

8. On July 25, 2022, OSDH conducted an unannounced inspection of Hughes County Jail.

As a result of that inspection, OSDH identified the following fifty-two (52) violations:

- a. 0002 – Inmates provided with a useable bed
- b. 1500 – Policies & Procedures identifying rules and law
- c. 1504 – Policies & Procedures for scheduled review of policies
- d. 5100 – Policies & Procedures for verification of arrest/commitment during admission
- e. 5101 – Policies & Procedures for body search types

- f. 5102 – Intake medical and psychiatric screening
- g. 5105 – Policies & Procedures for housing classifications and assignments
- h. 5106 – Policies & Procedures for noting identification of arresting officers
- i. 5108 – Policies & Procedures for inmate personal property
- j. 5110 – Policies & Procedures for verifying authority prior to release
- k. 5202 – Visually monitoring inmates each hour
- l. 5205 – Policies & Procedures for weekly security device inspections
- m. 5215 – Supervising inmates with flammable, toxic, caustic materials
- n. 5216 – Policies & Procedures for post orders
- o. 5217 – Policies & Procedures for attempted inmate escapes
- p. 5218 – Policies & Procedures for emergency situations
- q. 5219 – Policies & Procedures for staff training on emergency plans
- r. 5221 – Policies & Procedures for monthly emergency equipment inspections
- s. 5223 – Policies & Procedures for application and use of physical restraints
- t. 5227 – Policies & Procedures for transporting inmates
- u. 5234 – Policies & Procedures for trustee supervision
- v. 5400 – Policies & Procedures for inmate rules and disciplines
- w. 5425 – Policies & Procedures for inmate requests and grievances
- x. 5500 – Policies & Procedures for classification and segregation of inmates
- y. 5601 – Facility kept in clean condition
- z. 5602 – Policies & Procedures for a housekeeping plan
- aa. 5603 – Facility floors kept clean and safe
- bb. 5606 – Facility hygiene issue
- cc. 5608 – Issue cleanable mattress
- dd. 5619 – Policies & Procedures for inmate haircuts
- ee. 5621 – Eliminate pest/ pest control
- ff. 5622 – Facility safely collecting, storing and disposing of waste
- gg. 5623 – Fire Safety Prevention
- hh. 5624 – Policies & Procedures for emergency evacuation plan
- ii. 5625 – Evacuation routes posted through facility
- jj. 5626 – Building materials meet fire prevention standards
- kk. 5708 – Menus reviewed and approved by a registered dietician
- ll. 5800 – Policies & Procedures for health care plan
- mm. 5801 – Policies & Procedures for adequate observation for medical or psychiatric risk
- nn. 5809 – Policies & Procedures for informing inmates about access to medical care
- oo. 5821 – Policies & Procedures for dispensing and documenting medications
- pp. 5831 – Continuity of care for transferred and discharged inmates
- qq. 5900 – Policies & Procedures for inmate correspondence
- rr. 6001 – Policies & Procedures for new employee orientation and training
- ss. 6002 – Policies & Procedures for inmate supervision training for 1st year employees
- tt. 6015 – Policies & Procedures for employee training documentation log
- uu. 6101 – Double cell occupancy minimum of 60 square feet
- vv. 6103 – Light at a minimum of 20 foot candles
- ww. 6104 – Hot and cold running water provided in every cell
- xx. 6107 – Emergency evacuation exits in compliance with OK State Fire Marshall
- yy. 6209 – Policies & Procedures for securing inmate personal property

zz. 6224 – Floor drains maintained in working order

9. Based on the violations identified above, Hughes County Jail was determined to be in continuing substantial non-compliance with applicable standards.

10. In accordance with 74 O.S. §193(B), a copy of the written inspection report outlining the above-referenced violations was provided to Hughes County Jail Administrator Trever Teague and Sheriff Maxwell on August 11, 2022.

11. On May 2, 2023, OSDH conducted an unannounced inspection of Hughes County Jail. As a result of that inspection, OSDH identified the following fifty-three (53) violations:

- a. 0002 – Inmates provided with a useable bed
- b. 1500 – Policies & Procedures identifying rules and law
- c. 1504 – Policies & Procedures for scheduled review of policies
- d. 5100 – Policies & Procedures for verification of arrest/commitment during admission
- e. 5101 – Policies & Procedures for body search types
- f. 5102 – Intake medical and psychiatric screening
- g. 5105 – Policies & Procedures for housing classifications and assignments
- h. 5106 – Policies & Procedures for noting identification of arresting officers
- i. 5108 – Policies & Procedures for inmate personal property
- j. 5110 – Policies & Procedures for verifying authority prior to release
- k. 5201 - Documented inmate count at start of shift
- l. 5205 – Policies & Procedures for weekly security device inspections
- m. 5214 – Policies & Procedures for inmate culinary utensil use
- n. 5215 – Supervising inmates with flammable, toxic, caustic materials
- o. 5216 – Policies & Procedures for post orders
- p. 5217 – Policies & Procedures for attempted inmate escapes
- q. 5218 – Policies & Procedures for emergency situations
- r. 5219 – Policies & Procedures for staff training on emergency plans
- s. 5221 – Policies & Procedures for monthly emergency equipment inspections
- t. 5223 – Policies & Procedures for application and use of physical restraints
- u. 5227 – Policies & Procedures for transporting inmates
- v. 5230 - Notification to OSDH of serious injury by next working day
- w. 5234 – Policies & Procedures for trustee supervision
- x. 5400 – Policies & Procedures for inmate rules and disciplines
- y. 5425 – Policies & Procedures for inmate requests and grievances
- z. 5500 – Policies & Procedures for classification and segregation of inmates
- aa. 5601 – Facility kept in clean condition
- bb. 5602 – Policies & Procedures for a housekeeping plan
- cc. 5603 – Facility floors kept clean and safe
- dd. 5606 – Facility hygiene issue

- ee. 5608 – Issue cleanable mattress
- ff. 5619 – Policies & Procedures for inmate haircuts
- gg. 5621 – Eliminate pest/ pest control
- hh. 5622 – Facility safely collecting, storing and disposing of waste
- ii. 5623 – Fire Safety Prevention
- jj. 5624 – Policies & Procedures for emergency evacuation plan
- kk. 5625 – Evacuation routes posted through facility
- ll. 5626 – Building materials meet fire prevention standards
- mm. 5706 – Inmate food worker safety requirement
- nn. 5708 – Menus reviewed and approved by a registered dietician
- oo. 5800 – Policies & Procedures for health care plan
- pp. 5801 – Policies & Procedures for adequate observation for medical or psychiatric risk
- qq. 5809 – Policies & Procedures for informing inmates about access to medical care
- rr. 5815 – Medical appointments within 48 hours of request
- ss. 5831 – Continuity of care for transferred and discharged inmates
- tt. 5900 – Policies & Procedures for inmate correspondence
- uu. 6001 – Policies & Procedures for new employee orientation and training
- vv. 6002 – Policies & Procedures for inmate supervision training for 1st year employees
- ww. 6015 – Policies & Procedures for employee training documentation log
- xx. 6103 – Light at a minimum of 20 foot candles
- yy. 6104 – Hot and cold running water provided in every cell
- zz. 6107 – Emergency evacuation exits in compliance with OK State Fire Marshall
- aaa. 6224 – Floor drains maintained in working order

12. Additionally, as a result of the May 2, 2023 inspection, OSDH identified the following forty-nine (49) violations previously identified during the March 16, 2022 and July 25, 2022 inspections. The following were identified as repeat violations:

- a. 0002 – Inmates provided with a useable bed
- b. 1500 – Policies & Procedures identifying rules and law
- c. 1504 – Policies & Procedures for scheduled review of policies
- d. 5100 – Policies & Procedures for verification of arrest/commitment during admission
- e. 5101 – Policies & Procedures for body search types
- f. 5102 – Intake medical and psychiatric screening
- g. 5105 – Policies & Procedures for housing classifications and assignments
- h. 5106 – Policies & Procedures for noting identification of arresting officers
- i. 5108 – Policies & Procedures for inmate personal property
- j. 5110 – Policies & Procedures for verifying authority prior to release
- k. 5201 - Documented inmate count at start of shift
- l. 5205 – Policies & Procedures for weekly security device inspections
- m. 5215 – Supervising inmates with flammable, toxic, caustic materials
- n. 5216 – Policies & Procedures for post orders
- o. 5217 – Policies & Procedures for attempted inmate escapes

- p. 5218 – Policies & Procedures for emergency situations
- q. 5219 – Policies & Procedures for staff training on emergency plans
- r. 5221 – Policies & Procedures for monthly emergency equipment inspections
- s. 5223 – Policies & Procedures for application and use of physical restraints
- t. 5227 – Policies & Procedures for transporting inmates
- u. 5234 – Policies & Procedures for trustee supervision
- v. 5400 – Policies & Procedures for inmate rules and disciplines
- w. 5425 – Policies & Procedures for inmate requests and grievances
- x. 5500 – Policies & Procedures for classification and segregation of inmates
- y. 5601 – Facility kept in clean condition
- z. 5602 – Policies & Procedures for a housekeeping plan
- aa. 5603 – Facility floors kept clean and safe
- bb. 5606 – Facility hygiene issue
- cc. 5608 – Issue cleanable mattress
- dd. 5619 – Policies & Procedures for inmate haircuts
- ee. 5621 – Eliminate pest/ pest control
- ff. 5622 – Facility safely collecting, storing and disposing of waste
- gg. 5623 – Fire Safety Prevention
- hh. 5624 – Policies & Procedures for emergency evacuation plan
- ii. 5625 – Evacuation routes posted through facility
- jj. 5626 – Building materials meet fire prevention standards
- kk. 5708 – Menus reviewed and approved by a registered dietician
- ll. 5800 – Policies & Procedures for health care plan
- mm. 5801 – Policies & Procedures for adequate observation for medical or psychiatric risk
- nn. 5809 – Policies & Procedures for informing inmates about access to medical care
- oo. 5831 – Continuity of care for transferred and discharged inmates
- pp. 5900 – Policies & Procedures for inmate correspondence
- qq. 6001 – Policies & Procedures for new employee orientation and training
- rr. 6002 – Policies & Procedures for inmate supervision training for 1st year employees
- ss. 6015 – Policies & Procedures for employee training documentation log
- tt. 6103 – Light at a minimum of 20 foot candles
- uu. 6104 – Hot and cold running water provided in every cell
- vv. 6107 – Emergency evacuation exits in compliance with OK State Fire Marshall
- ww. 6224 – Floor drains maintained in working order

13. Based on the repeat violations identified above, Hughes County Jail was determined to be in continuing substantial non-compliance with the applicable standards.

14. In accordance with 74 O.S. §193(B), a copy of the written inspection report outlining the above-referenced violations was provided to Hughes County Jail Administrator Trever Teague and Sheriff Maxwell on May 18, 2023.

CONCLUSION OF LAW

15. OSDH has regulatory jurisdiction and authority in this matter, and the Respondents are subject to the authority and jurisdiction of OSDH pursuant to 74 O.S. §192.

16. The Finding of Facts contain repeat violations of the following statutory and administrative code requirements:

<u>Statutory/Admin. Code Citation</u>	<u>Deficiency/Violation Title</u>	<u>Deficiency/Violation Severity</u>
74 O.S. §192(A)(5)	0002 – Inmates provided with a useable bed	1 - Life Safety & Health
74 O.S. §192 OAC 310:670-1-5(2)(A)	1500 – Policies & Procedures identifying rules and law	3 - Core Operation
74 O.S. §192 OAC 310:670-1-5(2)(E)	1504 – Policies & Procedures for scheduled review of policies	3 – Core Operation
74 O.S. §192 OAC 310:670-5-1(1)(A)	5100 – Policies & Procedures for verification of arrest/commitment during admission	3 – Core Operation
74 O.S. §192 OAC 310:670-5-1(1)(B)	5101 – Policies & Procedures for body search types	3 – Core Operation
74 O.S. §192 57 O.S. §57 OAC 310:670-5-1(1)(C)	5102 – Intake medical and psychiatric screening	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-1(1)(F)	5105 – Polices & Procedures for housing classifications and assignments	3 – Core Operation
74 O.S. §192 OAC 310:670-5-1(2)	5106 - Policies & Procedures for noting identification of arresting officers	3 – Core Operation
74 O.S. §192 OAC 310:670-5-1(4)	5108 – Policies & Procedures for inmate personal property	3 – Core Operation
74 O.S. §192 OAC 310:670-5-1(6)	5110 - Policies & Procedures for verifying authority prior to release	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(2)	5201 - Documented inmate count at start of shift	2 - Security

74 O.S. §192 OAC 310:670-5-2(6)	5205 - Policies & Procedures for weekly security device inspections	2 – Security
74 O.S. §192 OAC 310:670-5-2(16)	5215 – Supervising inmates with flammable, toxic, caustic materials	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-2(17)	5216 – Policies & Procedures for post orders	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(18)	5217 – Policies & Procedures for attempted inmate escapes	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(19)	5218 – Policies & Procedures for emergency situations	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(20)	5219 – Policies & Procedures for staff training on emergency plans	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(22)	5221 – Policies & Procedures for monthly emergency equipment inspections	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(24)	5223 – Policies & Procedures for application and use of physical restraints	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(25)	5227 – Policies & Procedures for transporting inmates	3 – Core Operation
74 O.S. §192 OAC 310:670-5-2(28)	5234 – Policies & Procedures for trustee supervision	3 – Core Operation
74 O.S. §192 OAC 310:670-5-4(a)	5400 – Policies & Procedures for inmate rules and disciplines	3 – Core Operation
74 O.S. §192 OAC 310:670-5-4(g)(1)	5425 – Policies & Procedures for inmate requests and grievances	3 – Core Operation
74 O.S. §192 OAC 310:670-5-5	5500 – Policies & Procedures for classification and segregation of inmates	3 – Core Operation
74 O.S. §192 57 O.S. §4 OAC 310:670-5-6(1)	5601 – Facility kept in clean condition	1 – Life Safety & Health

74 O.S. §192 OAC 310:670-5-6(2)	5602 – Policies & Procedures for a housekeeping plan	3 – Core Operation
74 O.S. §192 57 O.S. §4 OAC 310:670-5-6(3)	5603 – Facility floors kept clean and safe	1 – Life Safety & Health
74 O.S. §192 57 O.S. §4 OAC 310:670-5-6(6)	5606 – Facility hygiene issue	1 – Life Safety & Health
74 O.S. §192 57 O.S. §4 OAC 310:670-5-6(7)(A)	5608 – Issue cleanable mattress	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-6(17)	5619 – Policies & Procedures for inmate haircuts	3 – Core Operation
74 O.S. §192 57 O.S. §4 OAC 310:670-5-6(19)	5621 – Eliminate pest/ pest control	3 – Core Operation
74 O.S. §192 OAC 310:670-5-6(20)	5622 – Facility safely collecting, storing and disposing of waste	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-6(21)	5623 – Fire Safety Prevention	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-6(22)	5624 – Policies & Procedures for emergency evacuation plan	3 – Core Operation
74 O.S. §192 OAC 310:670-5-6(23)	5625 – Evacuation routes posted through facility	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-6(24)	5626 – Building materials meet fire prevention standards	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-7(i)	5708 – Menus reviewed and approved by a registered dietician	3 – Core Operation
74 O.S. §192 OAC 310:670-5-8(1)	5800 – Policies & Procedures for health care plan	1 – Life Safety & Health
74 O.S. §192 57 O.S. §57 OAC 310:670-5-8(2)	5801 – Policies & Procedures for adequate observation for medical or psychiatric risk	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-8(4)	5809 – Policies & Procedures for informing inmates about access to medical care	3 – Core Operation

74 O.S. §192 OAC 310:670-5-8(13)	5831 – Continuity of care for transferred and discharged inmates	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-9	5900 – Policies & Procedures for inmate correspondence	3 – Core Operation
74 O.S. §192 OAC 310:670-5-10(b)(1)	6001 – Policies & Procedures for new employee orientation and training	3 – Core Operation
74 O.S. §192 OAC 310:670-5-10(b)(2)	6002 – Policies & Procedures for inmate supervision training for 1st year employees	3 – Core Operation
74 O.S. §192 OAC 310:670-5-10(b)(4)	6015 – Policies & Procedures for employee training documentation log	3 – Core Operation
74 O.S. §192 OAC 310:670-5-11(a)(4)(A)	6103 – Light at a minimum of 20 foot candles	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-11(a)(4)(B)	6104 – Hot and cold running water provided in every cell	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-11(a)(6)	6107 – Emergency evacuation exits in compliance with OK State Fire Marshall	1 – Life Safety & Health
74 O.S. §192 OAC 310:670-5-11(b)(12)	6224 – Floor drains maintained in working order	1 – Life Safety & Health

17. The Respondents have not demonstrated a good-faith effort to correct the deficiencies cited since March 16, 2022 to achieve substantial compliance, based upon the repeat violations cited on May 2, 2023.

18. Currently, Hughes County Jail is operating in substantial non-compliance with the applicable standards mentioned above.

ORDER TO COMPLY

19. Based upon the Finding of Fact and Conclusion of Law, **IT IS ORDERED** by the Commissioner of the Oklahoma State Department of Health, as follows::

- a. **Hughes County Jail, Sheriff Marcia Maxwell, and the Board of County Commissioners for Hughes County shall immediately correct the violations cited in Paragraph 16 upon receipt of this Order; and**
- b. **Upon notification by Hughes County Jail, Sheriff Marcia Maxwell and the Board of County Commissioners for Hughes County of corrective action, OSDH shall have sole discretion to determine the time and substance of any re-inspection.**

20. Failure to comply with this Order will subject the Respondents to an administrative penalty of Two Thousand Five Hundred Thirty Dollars and no/100 (\$2,530.00) per day or part of the day that Hughes County Jail operates in substantial non-compliance with jail standards based on the following:

- i. **SEVERITY 1- LIFE SAFETY & HEALTH VIOLATIONS:** In the amount of One Hundred Dollars and no/100 (\$100.00) per day or part of the day for each of the eighteen (18) Life Safety & Health Violations;
- ii. **SEVERITY 2- SECURITY VIOLATIONS:** In the amount of Seventy-Five Dollars and no/100 (\$75.00) per day or part of the day for each of the two (2) Security Violations;
- iii. **SEVERITY - CORE OPERATION VIOLATIONS:** In the amount of Twenty Dollars and no/100 (\$20.00) per day or part of the day for each of the twenty-nine (29) Core Operations Violations.

NOTICE OF OPPORTUNITY FOR HEARING

21. This Order will automatically become final, unless, no later than fifteen (15) days after it is served, Respondents submits to the OSDH a written request for hearing. Such a request for hearing shall be directed to:

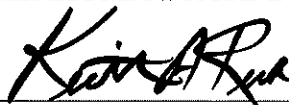
Administrative Hearing Clerk
Oklahoma State Department of Health
123 Robert S. Kerr Ave., STE 1702
Oklahoma City, OK 73102-6406

Phone: 405-426-8244
Fax: 405-900-7601
Email: oah@health.ok.gov

22. The request for hearing must specify the nature of the matters within this Order that Respondents wishes to have reviewed at the hearing.
23. If a hearing is requested, it will be scheduled promptly and Respondents will be notified of the time and place of the hearing.
24. The scope of the hearing will be limited to the matters raised in the request for hearing, unless otherwise permitted by the Administrative Law Judge for good cause.
25. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act.
26. The Administrative Law Judge may schedule pre-hearing conferences if deemed necessary.
27. Unless the Respondent is an individual, the Respondents shall be represented by an attorney at the hearing. *OAC 310:670-2-21-7(A); Massongill v. McDevitt, 1989 OK CIV APP 2.*
28. OSDH will seek a default judgment should the Respondents fail to be represented by counsel at a scheduled hearing or otherwise not file a responsive pleading, when necessary. *OAC 310:570-2-21-7(A).*
29. Pursuant to Title 310, Chapter 2 of the Oklahoma Administrative Code, the Commissioner of Health may designate any inspector employed by the OSDH's to accomplish service of process for OSDH. This designation shall continue for the duration of this action and apply to any filing made by the Petitioner. *OAC 310:670-2-21-4.*

Dated this 31 day of May, 2023.

OKLAHOMA STATE DEPARTMENT OF HEALTH:



Keith Reed, RN, MPH

COMMISSIONER OF HEALTH

PREPARED BY:

Cameron Capps, OBA No. 32742

Jasmine D. L. Johnson, OBA No. 32637

Oklahoma State Department of Health

Office of General Counsel

123 Robert S. Kerr Avenue, STE 1702

Oklahoma City, OK 73102

Telephone: 405-426-8240

Fax: 405-900-760

CameronC@health.ok.gov

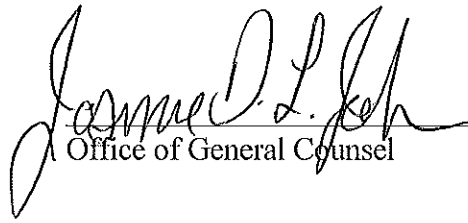
Jasmine.Johnson@health.ok.gov

CERTIFICATE OF DELIVERY

This is to certify that on this 31st day of May, 2023, a true and correct file-stamped copy of the above and forgoing *Administrative Compliance Order* was sent to the OSDH Jail Division, for delivery by certified mail/return receipt requested/restricted delivery, or by hand-delivery to:

Hughes County Jail
Sheriff Marcia Maxwell
200 North Broadway
Holdenville, OK 74848

District Attorney of Hughes County
c/o Board of Commissioners for Hughes County
P.O. BOX 350
Holdenville, OK 74848


Office of General Counsel

BEFORE THE OKLAHOMA STATE DEPARTMENT OF HEALTH
OFFICE OF ADMINISTRATIVE HEARINGS

Filed

OKLAHOMA STATE DEPARTMENT OF HEALTH,)
PROTECTIVE HEALTH SERVICES,)
Petitioner,)
v.)
HUGHES COUNTY JAIL, MARCIA MAXWELL, in her)
official capacity as Sheriff of Hughes County, and BOARD)
OF COUNTY COMMISSIONERS FOR HUGHES COUNTY,)
Respondent.)

AUG 15 2023

Office of
Administrative Hearings

Case No. PHS-2023-275

ORDER CONTINUING HEARING

A hearing in this case is presently scheduled for August 22 and 23, 2023. On August 14, 2023, counsel for Respondents requested the Office of Administrative Hearings to continue the hearing, with no objection by counsel for the Petitioner. Given that the parties are in agreement, the hearing will be stricken from the Court's docket.

IT IS THEREFORE ORDERED that the hearing currently scheduled in this matter for August 22 and 23, 2023 be stricken from the Court's docket, to be reset at the request of counsel for either Petitioner or Respondents.

DATED this 15th day of August, 2023.

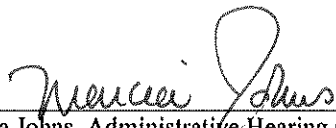

MICHAEL MITCHELSON
Administrative Law Judge

CERTIFICATE OF DELIVERY

I hereby certify that on August 15th, 2023, a true and correct copy of the above and foregoing *Order Continuing Hearing* was sent by electronic and/or first class mail to:

Erik C. Johnson, District Attorney
Krystina E. Phillips, Assistant District Attorney
22nd Prosecutorial District
105 W. 13th
Ada, Oklahoma 74820
erik.johnson@dac.state.ok.us
krystina.phillips@dac.state.ok.us

Copies were sent by electronic mail to: Cameron Capps, Deputy General Counsel, CameronC@health.ok.gov; Jasmine D.L. Johnson, Assistant General Counsel, Jasmine.Johnson@health.ok.gov; and Office of General Counsel Oklahoma State Department of Health, GeneralCounsel@health.ok.gov.


Marcia Johns, Administrative Hearing Clerk

Office of Administrative Hearings
Oklahoma State Department of Health
123 Robert S. Kerr Avenue, Suite 1852
Oklahoma City, OK 73102
Telephone: 405-426-8244; Telefax: 405-900-7601
E-mail: OAH@health.ok.gov