

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 1988

By: Seikel

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S.

1991, Section 168, as amended by Section 1, Chapter 7, O.S.L. 1993 (56 O.S. Supp. 1993, Section 168), which relates to appeals of decisions of the Department of Human Services; clarifying who may appeal certain decisions; clarifying time period of appeal; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 1991, Section 168, as amended by Section 1, Chapter 7, O.S.L. 1993 (56 O.S. Supp. 1993, Section 168), is amended to read as follows:

Section 168. A. Any applicant or recipient adversely affected by a decision of the Department of Human Services on benefits or services provided pursuant to the provisions of this title, shall be afforded an opportunity for a hearing pursuant to the provisions of subsection B of this section after such applicant or recipient has been notified of the adverse decision of the Department.

B. 1. Upon timely receipt of a request for a hearing as specified in the notice of adverse decision, the Department shall hold a hearing pursuant to the provisions of Section 310 of Title 75 of the Oklahoma Statutes.

2. The record of the hearing shall include but shall not be limited to:

- a. all pleadings, motions, and intermediate rulings;
- b. evidence received or considered;
- c. any decision, opinion, or report by the officer presiding at the hearing; and
- d. all staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

3. Oral proceedings shall be electronically recorded by the Department. Any party may request a copy of the tape recording of their administrative hearing or may request a transcription of the tape recording to comply with any federal or state law.

C. Any decision of the Department after such a hearing pursuant to subsection B of this section shall be subject to review by the Director upon a timely request for review by the applicant or recipient. The Director may issue a decision after review or may refer the review of the hearing decision to the Commission for Human Services. The referral shall be based on criteria established by the Commission. A decision of the Department shall be final and binding unless a review is requested pursuant to the provisions of this subsection or unless appealed to the district court in which the recipient resides within thirty (30) days of the ~~final agency~~ decision of the Director as provided by the provisions of subsection D of this section.

D. Any ~~person~~ applicant or recipient under this title aggrieved by any ~~final~~ decision of the ~~Department~~ Director may petition the district court in which the applicant or recipient resides for a judicial review of the decision pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes. A copy of the petition shall be served by mail upon the General Counsel of the Department.

SECTION 2. This act shall become effective September 1, 1994.

44-2-7971            KSM