

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2608

By: Roach

AS INTRODUCED

An Act relating to poor persons; requiring the Commission for Human Services to establish a system for resolution for certain grievances; providing for Office of Ombudsman; providing for employees; providing for administrative officer; providing for powers and duties; providing for temporary rules; providing for legal counsel; prohibiting certain actions; providing penalties; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 162.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Human Services shall establish and maintain a fair, simple and expeditious system for resolution of grievances of persons receiving services from the Department regarding the substance or application of any written or unwritten policy or rule of the Department or of an agent or contractor of the

Department or any decision, behavior or action by an employee, agent or contractor or by other person committed to the Department.

B. The Oklahoma Commission for Human Services is authorized and directed to establish the Office of Ombudsman within the Department and to employ such personnel as may be necessary to carry out the purposes of subsection A of this section. Such personnel may be dismissed only for cause.

1. The chief administrative officer of the Office of Ombudsman shall be the Ombudsman, who shall report directly to the Commission.

2. The duties and responsibilities of the Ombudsman are as follows:

- a. monitor and review grievance procedures and hearings,
- b. investigate grievances which are filed with the Office of Ombudsman,
- c. coordinate any hearings or meetings of administrative review committees conducted as a result of unresolved grievances or as a result of investigations,
- d. make recommendations to the Commission, and provide regular or special reports regarding grievance procedures, hearings and investigations to the Commission Director, and other appropriate persons as necessary, and
- e. perform such other duties as required by the Director.

C. The Ombudsman shall have the authority to promulgate emergency temporary rules and policies for the Department of Human Services, which shall remain in effect until acted upon at the next regularly scheduled meeting of the Commission.

D. The Department of Human Services shall assure that adequate legal counsel is available to the Office of the Ombudsman for advice and consultation, and that legal representation is provided to any representative of the Office against whom suit or other legal action

is brought in connection with any act or omission of a representative made within the scope of employment.

E. No person shall willfully interfere with a representative of the Office of the Ombudsman in the performance of official duties.

1. No person shall engage in retaliation or reprisal against any person or other entity for having filed a complaint with or provided information to the Office.

2. Any person convicted of violating any provision of this section shall be guilty of a misdemeanor.

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

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