

1 THE STATE SENATE
2 Monday, February 20, 2006

3 Committee Substitute for
4 Senate Bill No. 1803

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1803 - By: NICHOLS of the
6 Senate and BALKMAN of the House.

7 An Act relating to public health and safety; stating powers
8 and duties of certain office; providing for codification;
9 providing an effective date; and declaring an emergency.

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-105f of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The Office of Accountability Systems of the State Department
15 of Health (OAS) shall have the authority to:

16 1. Coordinate audits and investigations and make reports to the
17 State Board of Health and State Commissioner of Health within the
18 State Department of Health and State Health Officer relating to the
19 administration of programs and operations of the State Department of
20 Health;

21 2. Except as otherwise prohibited by current law, access all
22 records, reports, audits, reviews, documents, papers,
23 recommendations, or other material which relate to programs and
24 operations with respect to which the Director of the Office of
25 Accountability Systems has responsibilities;

1 3. Request assistance from other state, federal and local
2 government agencies;

3 4. Issue subpoenas for the production of all information,
4 documents, reports, answers, records, accounts, papers, and other
5 data and documentary evidence that is in the custody or control of
6 the State Department of Health;

7 5. Administer to or take from any current or former employee of
8 the State Department of Health an oath, affirmation, or affidavit;

9 6. Receive and investigate complaints or information from an
10 employee of the Department, service recipient or member of the
11 public concerning the possible existence of an activity within the
12 State Department of Health constituting a violation of law, rules or
13 regulations, mismanagement, gross waste of funds, abuse of authority
14 or a substantial and specific danger to the public health and
15 safety;

16 7. Cause to be issued on behalf of OAS credentials, including
17 an identification card with the State Seal; and

18 8. Keep confidential all actions and records relating to OAS
19 complaints.

20 B. It shall be the duty and responsibility of the Director of
21 the Office of Accountability Systems to:

22 1. Keep the State Board of Health and the State Commissioner of
23 Health fully informed of matters relating to fraud, abuses,

1 deficiencies and other serious problems of which the Director is
2 aware relating to the administration of programs and operations
3 within the State Department of Health. Further, the Director shall
4 recommend corrective action concerning such matters and report to
5 the State Board of Health and the State Commissioner of Health on
6 the progress of the corrective matters;

7 2. Report to and be under the direct supervision of the State
8 Board of Health. Unless otherwise directed by the State Board of
9 Health, the Director shall report to and be under the general
10 supervision of the State Commissioner of Health, but shall not be
11 subject to supervision or report to any other State Department of
12 Health employee. Neither the State Commissioner of Health nor any
13 other employee of the State Department of Health shall prevent,
14 prohibit, or obstruct the Director from initiating, implementing or
15 completing any investigation or from issuing any subpoena during the
16 course of an investigation or audit regarding the State Department
17 of Health; and

18 3. Report expeditiously to the appropriate law enforcement
19 entity whenever the Director has reasonable grounds to believe that
20 there has been a felonious violation of state or federal criminal
21 law.

22 SECTION 2. This act shall become effective July 1, 2006.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
6 2-16-06 - DO PASS, As Amended and Coauthored.