

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 1595

By: Nichols of the Senate

and

Terrill of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; Section
11 1, Chapter 101, O.S.L. 2006 (63 O.S. Supp. 2007,
12 Section 1-105f), which relates to the Office of
13 Accountability Systems; authorizing the staff of the
Office of Accountability Systems to perform certain
duties; directing certain supervision; and declaring
an emergency.

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

17 SECTION 1. AMENDATORY Section 1, Chapter 101, O.S.L.
18 2006 (63 O.S. Supp. 2007, Section 1-105f), is amended to read as
19 follows:

20 Section 1-105f. A. The Office of Accountability Systems of the
21 State Department of Health (OAS) shall have the authority to:

22 1. Coordinate audits and investigations and make reports to the
23 State Board of Health and State Commissioner of Health within the
24 State Department of Health and State Health Officer relating to the

1 administration of programs and operations of the State Department of
2 Health;

3 2. Except as otherwise prohibited by current law, access all
4 records, reports, audits, reviews, documents, papers,
5 recommendations, or other material which relate to programs and
6 operations with respect to which the Director of the Office of
7 Accountability Systems has responsibilities;

8 3. Request assistance from other state, federal and local
9 government agencies;

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

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

16 6. Receive and investigate complaints or information from an
17 employee of the Department, service recipient or member of the
18 public concerning the possible existence of an activity within the
19 State Department of Health constituting a violation of law, rules or
20 regulations, mismanagement, gross waste of funds, abuse of authority
21 or a substantial and specific danger to the public health and
22 safety;

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

1 8. Keep confidential all actions and records relating to OAS
2 complaints.

3 B. It shall be the duty and responsibility of the Director and
4 staff of the Office of Accountability Systems to:

5 1. Keep the State Board of Health and the State Commissioner of
6 Health fully informed of matters relating to fraud, abuses,
7 deficiencies and other serious problems of which the Director is
8 aware relating to the administration of programs and operations
9 within the State Department of Health. Further, the Director shall
10 recommend corrective action concerning such matters and report to
11 the State Board of Health and the State Commissioner of Health on
12 the progress of the corrective matters;

13 2. Report to and be under the direct supervision of the State
14 Board of Health. Unless otherwise directed by the State Board of
15 Health, the Director shall report to and be under the general
16 supervision of the State Commissioner of Health, but shall not be
17 subject to supervision or report to any other State Department of
18 Health employee. Unless otherwise instructed by the State Board of
19 Health, staff of the Office of Accountability Systems and
20 independent contractors performing internal investigative services
21 for the Office of Accountability Systems shall be directly
22 supervised by the Director of the Office of Accountability Systems
23 and not subject to the supervision of or required to report to any
24 other State Department of Health employee. Neither the State

1 Commissioner of Health nor any other employee of the State
2 Department of Health shall prevent, prohibit, or obstruct the
3 Director from initiating, implementing or completing any
4 investigation or from issuing any subpoena during the course of an
5 investigation or audit regarding the State Department of Health; and

6 3. Report expeditiously to the appropriate law enforcement
7 entity whenever the Director has reasonable grounds to believe that
8 there has been a felonious violation of state or federal criminal
9 law.

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

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