

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1174

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to workers' compensation fraud;
8 amending 85 O.S. 2011, Section 410, which relates to
9 investigations and prosecutions; authorizing
contracts for certain services; and providing an
effective date.

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

13 SECTION 1. AMENDATORY 85 O.S. 2011, Section 410, is
14 amended to read as follows:

15 Section 410. A. Every employer and every employee subject to
16 the provisions of the Workers' Compensation Code, upon filing a
17 notice of injury, accidental injury, death, occupational disease, or
18 claim for benefits from the Multiple Injury Trust Fund, shall give
19 written permission for the Administrator of the Workers'
20 Compensation Court or a designee, the Insurance Commissioner or a
21 designee, the Attorney General or a designee or a district attorney
22 or a designee to examine all records relating to the notice, any
23 matter contained in the notice, and any matter relating to the
24 notice.

1 B. Written permission given pursuant to this section shall
2 constitute authorization for access to medical records pursuant to
3 Section 19 of Title 76 of the Oklahoma Statutes.

4 C. In carrying out the responsibilities given to the Workers'
5 Compensation Fraud Unit, the Attorney General or designee may use
6 subpoenas or other process in aid of investigations and prosecutions
7 and may take possession of records subject to examination pursuant
8 to this section by subpoena. Additionally, the Attorney General is
9 authorized to enter into contracts for investigative or legal
10 services to carry out the responsibilities given to the Workers'
11 Compensation Fraud Unit. The Attorney General shall supply copies
12 of the records obtained which are necessary to the continuation of
13 normal business operations by the person maintaining the records or
14 may require the person maintaining the records to provide copies as
15 they are kept in the usual course of business.

16 D. Subpoenas ad testificandum or duces tecum requested by the
17 Attorney General or designee pursuant to subsection C of this
18 section shall be issued by the district court in the county of the
19 residence of the person to whom the subpoena is directed, in the
20 county where the records are located or in the county where a person
21 is to produce records or appear and be sworn. Subpoenas issued
22 pursuant to this section may be served by the Attorney General, any
23 peace officer or any competent person over eighteen (18) years of
24 age, and may require attendance or production at any place in this

1 state. Service may be made by mail and may be accomplished by
2 mailing a copy thereof by certified mail with return receipt
3 requested and delivery restricted to the person named in the
4 subpoena. Proof of service shall be made upon affidavit, and if
5 made by mail, a copy of the return receipt shall be attached. A
6 refusal to obey such subpoena, or willful failure to appear, be
7 sworn, testify or produce records at the place and time specified
8 shall constitute contempt and shall be enforced by the district
9 court of the county where issued.

10 E. Nothing in this section shall be construed to waive, limit
11 or impair any evidentiary privilege recognized by law.

12 F. The Workers' Compensation Court shall include a statement on
13 forms for notices and instructions to employers and employees that
14 the permission required by this section must be given at the time of
15 filing a notice specified in subsection A of this section.

16 G. As used in this section, "records" includes, but is not
17 limited to, anything for which a request to produce may be served
18 pursuant to Section 3234 of Title 12 of the Oklahoma Statutes.

19 SECTION 2. This act shall become effective November 1, 2012.
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