

1 ENGROSSED SENATE  
2 BILL NO. 1166

By: Crain of the Senate

3 and

4 Jordan of the House

5  
6 An Act relating to the Department of Human Services;  
7 authorizing issuance of subpoenas for certain records  
8 under certain circumstances; specifying compliance  
9 standards for subpoenas; prescribing contents of  
10 subpoenas; requiring certain compliance; permitting  
11 issuance of subpoenas by certain persons; providing  
12 standards for service of subpoenas; authorizing  
13 Inspector General to seek certain assistance under  
14 certain circumstances; authorizing issuance of  
15 certain orders; permitting punishments for certain  
16 violations; authorizing rejection of subpoenas;  
17 providing for codification; and providing an  
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 167.2 of Title 56, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. In any investigation relating to crimes committed against  
24 the Department of Human Services or crimes committed in the course  
of any program administered by the Department, or in investigations  
of Medicaid recipient fraud, the Inspector General of the  
Department, if approved by the legal counsel of the Department, may  
require the production of, by subpoena, any records, including

1 books, papers, documents, and other tangible things which constitute  
2 or contain evidence, which the Inspector General or agent finds  
3 relevant or material to the investigation. The production of  
4 records may be required from any place in the state to be forwarded  
5 to the Inspector General.

6 B. Compliance with the subpoena may be accomplished by:

7 1. Producing documents, as requested; or

8 2. Notifying the Department, in writing, of refusal to produce  
9 documents within ten (10) days of the date of service.

10 C. The subpoena shall specify a date for the production of  
11 records, books, papers, or documents that is at least fifteen (15)  
12 days after the date that the subpoena is served upon the person  
13 named therein. The subpoena form shall clearly set forth the  
14 optional means of compliance including instructions for sending  
15 written notice of refusal.

16 D. A subpoena issued to a financial institution pursuant to the  
17 authority of subsection A of this section must comply with Section  
18 2204 of Title 6 of the Oklahoma Statutes. A subpoena to a financial  
19 institution may be enforced under the provisions of subsection G of  
20 this section in lieu of enforcement pursuant to Section 317 of Title  
21 75 of the Oklahoma Statutes.

22 E. A subpoena issued pursuant to this section may be served by  
23 any person designated in the subpoena to serve it. Service of a  
24 subpoena upon a person named therein shall be made by delivering or

1 mailing a copy thereof to such person. Service may be made upon a  
2 domestic or foreign corporation or upon a partnership or other  
3 unincorporated association which is subject to suit under a common  
4 name by delivering or mailing the subpoena to an officer, to a  
5 managing or general agent, or to any other agent authorized by  
6 appointment or by law to receive service of process. The affidavit  
7 of the person serving the subpoena entered on a true copy thereof by  
8 the person serving it shall be proof of service.

9 F. Service of a subpoena by mail may be accomplished by mailing  
10 a copy thereof by certified mail with return receipt requested and  
11 delivery restricted to the person named in the subpoena. The person  
12 serving the subpoena shall make proof of service thereof to the  
13 Inspector General. If service is by mail, the person serving the  
14 subpoena shall show in the proof of service the date and place of  
15 mailing and attach a copy of the return receipt showing that the  
16 mailing was accepted. Service of a subpoena by mail shall not be  
17 effective if the mailing was not accepted by the person named in the  
18 subpoena.

19 G. In the case of refusal to obey a subpoena issued to any  
20 person, the Inspector General may invoke the aid of any district  
21 court of the state within the jurisdiction of which the  
22 investigation is carried on or of which the subpoenaed person is an  
23 inhabitant, or in which the person carries on business or may be  
24 found, to compel compliance with the subpoena. The court may issue

1 an order requiring the subpoenaed person to appear before the  
2 Inspector General to produce records, if so ordered. Any failure to  
3 obey the order of the court may be punished by the court as an  
4 indirect contempt thereof. All process in any such case may be  
5 served in any judicial district in which such person may be found.

6 H. The district court of the county wherein the subpoena is  
7 served may quash a subpoena issued pursuant to this section, upon a  
8 motion to quash the subpoena filed with the court by the party to  
9 whom the subpoena is issued.

10 SECTION 2. This act shall become effective November 1, 2016.

11 Passed the Senate the 7th day of March, 2016.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
16 2016.

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Presiding Officer of the House  
of Representatives

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