

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1166

By: Crain

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6 AS INTRODUCED

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

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

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

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

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

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

- 8 1. Producing documents, as requested; or
- 9 2. Notifying the Department, in writing, of refusal to produce  
10 documents within ten (10) days of the date of service.

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

17 D. A subpoena issued to a financial institution pursuant to the  
18 authority of subsection A of this section must comply with Section  
19 2204 of Title 6 of the Oklahoma Statutes. A subpoena to a financial  
20 institution may be enforced under the provisions of subsection G of  
21 this section in lieu of enforcement pursuant to Section 317 of Title  
22 75 of the Oklahoma Statutes.

23 E. A subpoena issued pursuant to this section may be served by  
24 any person designated in the subpoena to serve it. Service of a

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

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

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

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

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

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

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