

1 **SENATE FLOOR VERSION**

2 March 26, 2018

3 ENGROSSED HOUSE
4 BILL NO. 3581

By: McCall and Cockroft of the
House

5 and

6 Yen of the Senate

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9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Section 1-105f, which relates to Office
11 of Accountability Systems of the State Department of
Health; modifying duties and responsibilities of the
Office; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-105f, is
16 amended to read as follows:

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

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

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

6 3. Request assistance from other state, federal and local
7 government agencies;

8 4. Issue administrative subpoenas for the production of all
9 information, documents, reports, answers, records, accounts, papers,
10 and other data and documentary evidence;

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

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

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

22 8. Keep confidential all actions and records relating to OAS
23 complaints.
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1 B. It shall be the duty and responsibility of the Director and
2 staff of the Office of Accountability Systems to:

3 1. Keep the State Board of Health and the State Commissioner of
4 Health fully informed of matters relating to fraud, abuses,
5 deficiencies and other serious problems of which the Director is
6 aware relating to the administration of programs and operations
7 within the State Department of Health. Further, the Director shall
8 recommend corrective action concerning such matters and report to
9 the State Board of Health and the State Commissioner of Health on
10 the progress of the corrective matters, except when such matters
11 relate to the State Commissioner of Health or the performance of his
12 or her duties in such capacity. Matters directly involving the
13 Commissioner may be reported by the Director to the Board without
14 providing notice to the Commissioner;

15 2. Report to and be under the direct supervision of the State
16 Board of Health. ~~Unless otherwise directed by the State Board of~~
17 ~~Health, the Director shall report to and be under the general~~
18 ~~supervision of the State Commissioner of Health, but~~ and shall not
19 be subject to supervision or report to any other State Department of
20 Health employee. Unless otherwise instructed by the State Board of
21 Health, staff of the Office of Accountability Systems and
22 independent contractors performing internal investigative services
23 for the Office of Accountability Systems shall be directly
24 supervised by the Director of the Office of Accountability Systems

1 and not subject to the supervision of or required to report to any
2 other State Department of Health employee. Neither the State
3 Commissioner of Health nor any other employee of the State
4 Department of Health shall prevent, prohibit, or obstruct the
5 Director from initiating, implementing or completing any
6 investigation or from issuing any subpoena during the course of an
7 investigation or audit regarding the State Department of Health; and

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

12 SECTION 2. This act shall become effective November 1, 2018.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
14 March 26, 2018 - DO PASS
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