

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3581

By: McCall

AS INTRODUCED

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

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

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

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

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

2. Except as otherwise prohibited by current law, access all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to programs and

1 operations with respect to which the Director of the Office of
2 Accountability Systems has responsibilities;

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

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

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

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

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

19 8. Keep confidential all actions and records relating to OAS
20 complaints.

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

23 1. Keep the State Board of Health and the State Commissioner of
24 Health fully informed of matters relating to fraud, abuses,

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

11 2. Report to and be under the direct supervision of the State
12 Board of Health. ~~Unless otherwise directed by the State Board of~~
13 ~~Health, the Director shall report to and be under the general~~
14 ~~supervision of the State Commissioner of Health, but~~ and shall not
15 be subject to supervision or report to any other State Department of
16 Health employee. Unless otherwise instructed by the State Board of
17 Health, staff of the Office of Accountability Systems and
18 independent contractors performing internal investigative services
19 for the Office of Accountability Systems shall be directly
20 supervised by the Director of the Office of Accountability Systems
21 and not subject to the supervision of or required to report to any
22 other State Department of Health employee. Neither the State
23 Commissioner of Health nor any other employee of the State
24 Department of Health shall prevent, prohibit, or obstruct the

1 Director from initiating, implementing or completing any
2 investigation or from issuing any subpoena during the course of an
3 investigation or audit regarding the State Department of Health; and

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

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

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