

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1390

By: Stanley

AS INTRODUCED

An Act relating to the Department of Human Services; amending 56 O.S. 2011, Section 162, as last amended by Section 1, Chapter 30, O.S.L. 2018 (56 O.S. Supp. 2019, Section 162), which relates to duties and powers of the Director of Human Services; requiring employee background checks to include a fingerprint-based national criminal history record check; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 162, as last amended by Section 1, Chapter 30, O.S.L. 2018 (56 O.S. Supp. 2019, Section 162), is amended to read as follows:

Section 162. A. The Governor shall have the power and duty to select a Director of Human Services who shall serve as executive and administrative officer of the Department of Human Services. The Director shall be appointed wholly on the basis of ability, training and experience qualifying him or her for public welfare administration. The Director shall serve, subject to the confirmation of the Senate, at the pleasure of the Governor. The salary of the Director shall be fixed by the Governor.

1 B. The Director shall formulate the policies and adopt rules  
2 and regulations for the effective administration of the duties of  
3 the Department.

4 C. 1. The Director shall take the appropriate steps to ensure  
5 rules and policies are promulgated to conduct appropriate background  
6 searches of individuals both prior to and, if necessary, during  
7 their employment with the Department. The job categories within the  
8 Department that are subject to background searches prior to  
9 employment shall be determined at the Director's discretion. Such  
10 background checks shall include, but not be limited to:

- 11 a. a search of the Oklahoma State Courts Network,  
12 including Oklahoma District Court records,
- 13 b. a search of the Restricted Registry maintained by the  
14 Department pursuant to Section 405.3 of Title 10 of  
15 the Oklahoma Statutes,
- 16 c. a search of the Department of Corrections files  
17 maintained by the Department pursuant to the Sex  
18 Offender Registration Act,
- 19 d. a search of the Department of Corrections Violent  
20 Offender Registry, also known as the Mary Rippy  
21 Violent Crime Offender Registry,
- 22 e. a search of all applicable out-of-state child abuse  
23 and neglect registries if the subject of the search  
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1 has not lived continuously in Oklahoma for the past  
2 five (5) years, ~~and~~

3 f. a search of the community services worker registry  
4 maintained by the Department pursuant to Section  
5 1025.3 of this title, and

6 g. a fingerprint-based national criminal history record  
7 check. The Department may directly request a national  
8 criminal history record check as defined by Section  
9 150.9 of Title 74 of the Oklahoma Statutes from the  
10 Oklahoma State Bureau of Investigation for the purpose  
11 of investigating the criminal history of any employee  
12 or applicant of the Department.

13 2. In addition, the Director shall ensure rules and policies  
14 are promulgated to conduct a search of the Department's records of  
15 abuse and neglect both prior to and, if necessary, during the  
16 employment of any person with the Department and whose scope of  
17 employment will bring that individual into direct contact with any  
18 vulnerable population.

19 D. The Director shall require and set the amount of the bond  
20 for employees.

21 E. The Director shall cooperate with the federal Department of  
22 Health and Human Services, or other similar agencies created by  
23 Congress, in any reasonable manner as may be necessary to qualify  
24 for federal aid to states in providing assistance to needy persons

1 in conformity with the provisions of this title, including the  
2 making of reports in the form and containing information as a  
3 federal agency may from time to time require, and comply with any  
4 other similar federal agency requirements necessary to ensure the  
5 correctness and verification of the reports.

6 F. The Director shall publish an annual report, not later than  
7 four (4) months after the close of each fiscal year. The report  
8 shall be presented to the Governor, the Speaker of the House of  
9 Representatives and the President Pro Tempore of the Senate. Annual  
10 reports shall provide information about the operations and programs  
11 administered by the Department and shall include, but shall not be  
12 limited to:

13 1. Statistical information regarding services provided and the  
14 number of persons served by Department programs;

15 2. Financial data including a reasonable amount of detailed  
16 information regarding revenues and expenditures and a breakdown and  
17 comparison of the Department budget with actual expenditures;

18 3. Status of the workforce and productivity of the Department;

19 4. Information about Department efforts to ensure program  
20 accountability and service delivery quality and integrity;

21 5. Demographic data and trends and their anticipated impact on  
22 demand for services; and

23 6. Information regarding public and private institution-based  
24 services.

1 G. The Director shall assume the statutory duties of the  
2 Commission for Human Services.

3 SECTION 2. This act shall become effective November 1, 2020.  
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