

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1709

By: Rosino

AS INTRODUCED

An Act relating to the Office of Client Advocacy; transferring the Office from the Department of Human Services to the State Department of Health; directing certain transfers; requiring Director of the Office of Management and Enterprise Services to coordinate certain transfers; stipulating procedures for transfer of administrative rules; amending 10A O.S. 2021, Section 1-9-112, which relates to the Office of Client Advocacy; conforming, clarifying, and updating language; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-9-112a of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, the Office of Client Advocacy within the Department of Human Services shall transfer to the State Department of Health.

B. All employees, powers, duties, functions, and responsibilities of the Department of Human Services designated for the Office of Client Advocacy shall be transferred to the State

1 Department of Health. The transfer shall include all equipment,
2 supplies, records, assets, current and future liabilities, fund
3 balances, encumbrances, obligations, indebtedness, and legal and
4 contractual rights and responsibilities associated with the Office
5 of Client Advocacy.

6 C. Any monies accruing to or in the name of the Office of
7 Client Advocacy on and after the effective date of this act, or any
8 monies that accrue in any funds or accounts or are maintained for
9 the benefit of the Office of Client Advocacy on and after the
10 effective date of this act, shall be transferred to the State
11 Department of Health.

12 D. The Director of the Office of Management and Enterprise
13 Services shall coordinate the transfer of funds, allotments,
14 purchase orders, and outstanding financial obligations or
15 encumbrances as provided for in this section.

16 E. Upon the effective date of this act, all administrative
17 rules promulgated by the Director of Human Services for the Office
18 of Client Advocacy shall be transferred to and become a part of the
19 administrative rules of the State Department of Health. The Office
20 of Administrative Rules in the Secretary of State's office shall
21 provide adequate notice in the Oklahoma Register of the transfer of
22 such rules and shall place the transferred rules under the Oklahoma
23 Administrative Code title of the State Department of Health. Such
24 rules shall continue in force and effect as rules of the State

1 Department of Health from and after the effective date of this act,
2 and any amendment, repeal, or addition to the transferred rules
3 shall be under the jurisdiction of the State Commissioner of Health.

4 SECTION 2. AMENDATORY 10A O.S. 2021, Section 1-9-112, is
5 amended to read as follows:

6 Section 1-9-112. A. 1. ~~The Director of Human Services is~~
7 ~~authorized and directed to~~ State Commissioner of Health shall
8 establish the Office of Client Advocacy within the ~~Department of~~
9 ~~Human Services~~ State Department of Health and ~~to~~ shall employ
10 personnel necessary to carry out the ~~purposes of this section and~~
11 ~~the duties listed in~~ provisions of this section. Personnel may be
12 dismissed only for cause.

13 2. The chief administrative officer of the Office of Client
14 Advocacy shall be the Advocate General, who shall be an attorney.
15 The Advocate General shall be a member of the Oklahoma Bar
16 Association and shall have a minimum of three (3) years' experience
17 as an attorney. The compensation of the Advocate General shall be
18 no less than that of the classification of Attorney III as
19 established in the Merit System of Personnel Administration
20 classification and compensation plan, but shall be an unclassified
21 position.

22 3. The duties and responsibilities of the Advocate General are
23 to:

- 1 a. supervise personnel assigned to the Office of Client
2 Advocacy,
- 3 b. monitor and review grievance procedures and hearings,
4 c. establish and maintain a fair, simple, and expeditious
5 system for resolution of grievances of:
- 6 (1) all children in the custody of the Department of
7 Human Services regarding:
- 8 (a) the substance or application of any written
9 or unwritten policy or rule of the
10 Department or agent of the Department, or
11 (b) any decision or action by an employee or
12 agent of the Department, or of any child in
13 the custody of the Department,
- 14 (2) foster parents relating to the provision of
15 foster care services pursuant to this section and
16 Section 1-9-117 of this title, and
- 17 (3) all persons receiving services from the
18 Developmental Disabilities Services Division of
19 the Department of Human Services,
- 20 d. investigate allegations of abuse, neglect, sexual
21 abuse, and sexual exploitation, as those terms are
22 defined in the Oklahoma Children's Code, by a person
23 responsible for a child, regardless of custody:
24

1 (1) residing outside their own homes other than
2 children in foster care or children in the
3 custody of the Office of Juvenile Affairs and
4 placed in an Office of Juvenile Affairs secure
5 facility,

6 (2) in a day treatment program as defined in Section
7 175.20 of Title 10 of the Oklahoma Statutes, and
8 submit a report of the results of the
9 investigation to the appropriate district
10 attorney and to the State Department of Health,

11 (3) receiving services from a community services
12 worker as that term is defined in Section 1025.1
13 of Title 56 of the Oklahoma Statutes, and

14 (4) residing in a state institution listed in Section
15 1406 of Title 10 of the Oklahoma Statutes,

16 e. establish a system for investigating allegations of
17 misconduct, by a person responsible for a child, not
18 rising to the level of abuse, neglect, sexual abuse,
19 or sexual exploitation with regard to any child or
20 resident listed in subparagraph d of this paragraph,

21 f. coordinate any hearings or meetings of Departmental
22 administrative review committees conducted as a result
23 of unresolved grievances or as a result of
24 investigations,

- 1 g. make recommendations to the Director of Human
2 Services, and provide regular or special reports
3 regarding grievance procedures, hearings and
4 investigations to the Director, ~~the Commission~~, the
5 Office of Juvenile System Oversight, and other
6 appropriate persons as necessary,
- 7 h. forward to the Office of Juvenile System Oversight,
8 for the information of the Director of that office, a
9 copy of the final report of any grievance which is not
10 resolved in the favor of the complainant,
- 11 i. perform such other duties as required by the ~~Director~~
12 ~~of the Department or the Commission~~ State Commissioner
13 of Health, and
- 14 j. develop policies and procedures as necessary to
15 implement the duties and responsibilities assigned to
16 the Office of Client Advocacy.

17 B. The Office of Client Advocacy shall make a complete written
18 report of their investigations. The investigation report, together
19 with its recommendations, shall be submitted to the appropriate
20 district attorney's office.

21 C. 1. Except as otherwise provided by the Oklahoma Children's
22 Code, the reports required by Section 1-2-101 of this title or any
23 other information acquired pursuant to the Oklahoma Children's Code
24

1 shall be confidential and may be disclosed only as provided in
2 Section 1-2-108 of this title and the Oklahoma Children's Code.

3 2. Except as otherwise provided by the Oklahoma Children's
4 Code, any violation of the confidentiality requirements of the
5 Oklahoma Children's Code shall, upon conviction, be a misdemeanor
6 punishable by up to six (6) months in jail, by a fine of Five
7 Hundred Dollars (\$500.00), or by both such fine and imprisonment.

8 3. Any records or information disclosed as provided by this
9 subsection shall remain confidential. The use of any information
10 shall be limited to the purpose for which disclosure is authorized.

11 Rules promulgated by the ~~Commission for Human Services~~ State
12 Commissioner of Health shall provide for disclosure of relevant
13 information concerning Office of Client Advocacy investigations to
14 persons or entities acting in an official capacity with regard to
15 the subject of the investigation.

16 4. Nothing in this section shall be construed as prohibiting
17 the Office of Client Advocacy or the Department of Human Services
18 from disclosing such confidential information as may be necessary to
19 secure appropriate care, treatment, or protection of a child alleged
20 to be abused or neglected.

21 D. 1. The Office of Client Advocacy shall investigate any
22 complaint received by the Office of Juvenile System Oversight
23 alleging that an employee of the Department of Human Services or a
24 child-placing agency has threatened a foster parent with removal of

1 a child from the foster parent, harassed a foster parent, or refused
2 to place a child in a licensed or certified foster home, or
3 disrupted a child placement as retaliation or discrimination towards
4 a foster parent who has:

- 5 a. filed a grievance pursuant to Section 1-9-120 of this
6 title,
- 7 b. provided information to any state official or
8 Department employee, or
- 9 c. testified, assisted, or otherwise participated in an
10 investigation, proceeding, or hearing against the
11 Department or child-placing agency.

12 2. The provisions of this subsection shall not apply to any
13 complaint by a foster parent regarding the result of a criminal,
14 administrative, or civil proceeding for a violation of any law,
15 rule, or contract provision by that foster parent, or the action
16 taken by the Department of Human Services or a child-placement
17 agency in conformity with the result of any such proceeding.

18 3. The Office of Client Advocacy shall at all times be granted
19 access to any foster home or any child-placing agency which is
20 certified, authorized, or funded by the Department of Human
21 Services.

22 SECTION 3. This act shall become effective November 1, 2024.

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