

An Act

ENROLLED SENATE
BILL NO. 45

By: Stanley of the Senate

and

Talley and Bush of the
House

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. 2020, 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.

SUBJECT: Department of Human Services

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. 2020, 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.

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

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

- a. a search of the Oklahoma State Courts Network, including Oklahoma District Court records,
- b. a search of the Restricted Registry maintained by the Department pursuant to Section 405.3 of Title 10 of the Oklahoma Statutes,
- c. a search of the Department of Corrections files maintained by the Department pursuant to the Sex Offender Registration Act,
- d. a search of the Department of Corrections Violent Offender Registry, also known as the Mary Rippy Violent Crime Offender Registry,
- e. a search of all applicable out-of-state child abuse and neglect registries if the subject of the search has not lived continuously in Oklahoma for the past five (5) years, ~~and~~
- f. a search of the community services worker registry maintained by the Department pursuant to Section 1025.3 of this title; and
- g. a fingerprint-based national criminal history record check. The Department may directly request a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State Bureau of Investigation for the purpose

of investigating the criminal history of any employee or applicant of the Department.

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

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

E. The Director shall cooperate with the federal Department of Health and Human Services, or other similar agencies created by Congress, in any reasonable manner as may be necessary to qualify for federal aid to states in providing assistance to needy persons in conformity with the provisions of this title, including the making of reports in the form and containing information as a federal agency may from time to time require, and comply with any other similar federal agency requirements necessary to ensure the correctness and verification of the reports.

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

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

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

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2021.

Passed the Senate the 11th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____