

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 539

By: Brooks

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6 AS INTRODUCED

7 An Act relating to investigations of child care
8 facilities; providing definitions; requiring
9 Department of Human Services to solicit certain
10 information when receiving complaints regarding
11 certain facilities; requiring Department to inform
12 persons reporting complaints of certain procedures;
13 requiring Department to refer certain information to
14 certain entities under certain circumstances;
15 permitting Department to forego investigations under
16 certain circumstances; permitting certain persons to
17 protect certain information; prohibiting disclosure
18 of certain information until after completion of
19 investigations; permitting certain information to be
20 confidential indefinitely; providing for
21 codification; and providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 404.1a of Title 10, unless there
28 is created a duplication in numbering, reads as follows:

29 A. For the purposes of this act:

30 1. "Anonymous complaint" means a complaint received by the
31 Department of Human Services made by a person who refuses to
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1 identify himself or herself to the Department by using the person's
2 full name;

3 2. "Confidential complaint" means a complaint made to the
4 Department by a person providing the minimum information necessary
5 including, but not limited to, the person's full name; and

6 3. "Subject of the complaint" means a child care facility
7 licensed pursuant to the provisions of Sections 401 et seq. of Title
8 10 of the Oklahoma Statutes.

9 B. When receiving a complaint regarding a child care facility
10 licensed in this state, the Department of Human Services shall, at a
11 minimum:

12 1. Solicit information from the person reporting the complaint
13 to determine whether the suggested actions or conditions that could
14 pose a serious risk to the safety and well-being of children in the
15 facility;

16 2. Encourage the person reporting the complaint to disclose the
17 minimum information necessary to establish the person's identity so
18 the Department may subsequently communicate with the person
19 reporting the complaint;

20 3. Inform the person reporting the complaint that the
21 Department may not investigate an anonymous complaint;

22 4. Inform the person reporting the complaint that the identity
23 of a person reporting a complaint may be withheld from the owner or
24 operator of a facility that is the subject of the complaint;

1 5. Inform the person reporting the complaint that the
2 Department may be limited in its use of the information provided by
3 the person reporting the complaint; and

4 6. Inform the person reporting the complaint that a submission
5 of false information contained in a reported complaint may be a
6 violation of state law.

7 C. In the event a person reporting a complaint elects to do so
8 anonymously, or if the complaint is made regarding events occurring
9 more than six (6) weeks before the person reporting the complaint
10 contacts the Department, the Department:

11 1. Shall refer the information contained in the complaint to
12 the appropriate personnel within the Department, law enforcement or
13 any other appropriate agency if the complaint suggests actions or
14 conditions which could pose a serious risk to the safety or well-
15 being of a child;

16 2. May not investigate or substantiate the complaint; and

17 3. May, during a regularly scheduled annual investigation,
18 inform the licensee, owner or operator of a child care facility who
19 is the subject of the complaint of allegations or concerns
20 communicated during an anonymous complaint.

21 D. In the event a person reporting a complaint elects to report
22 a confidential complaint, the Department shall permit the person
23 reporting the confidential complaint to elect if the complaint shall
24 remain confidential only until the investigation of the complaint

1 has been completed or if such complaint shall be confidential
2 indefinitely.

3 E. In the event of a confidential complaint in which the person
4 reporting the complaint elects to remain confidential until the
5 completion of an investigation of the complaint, the Department
6 shall only disclose the name of the person reporting the complaint
7 to the subject of the complaint at the completion of the
8 investigation. If the person reporting the confidential complaint
9 elects to remain confidential indefinitely, the Department shall not
10 disclose the name of the person reporting the complaint to the
11 subject of the complaint and may not use information provided by the
12 person reporting the complaint to substantiate an alleged violation
13 of state law or Department rule unless the Department independently
14 corroborates the reported information.

15 SECTION 2. This act shall become effective November 1, 2015.

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