

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1625

By: Pittman

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to poor persons; amending 56 O.S.  
9 2001, Section 183, which relates to confidentiality  
10 of certain applications and records; creating Kelly's  
11 Law; requiring the Department of Human Services and  
12 certain providers to safeguard certain information;  
13 providing that certain information shall not be  
14 maintained in certain records; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 56 O.S. 2001, Section 183, is  
18 amended to read as follows:

19 Section 183. A. This section shall be known and may be cited  
20 as "Kelly's Law".

21 B. All applications, information and records concerning any  
22 applicant or recipient obtained pursuant to law or as authorized by  
23 law by the Department of Human Services or any other public or  
24 private entity shall be confidential and shall be open to inspection  
only:

1           1. To persons duly authorized by the Department of Human  
2 Services pursuant to rule promulgated in compliance with Article I  
3 of the Administrative Procedures Act or by the United States in  
4 connection with the performance of their official duties; or

5           2. As otherwise authorized by law.

6 Provided, however, the Department of Human Services shall maintain a  
7 process to allow an authorized representative of a client of the  
8 Department of Human Services to have access to confidential  
9 information when necessary for eligibility determination and the  
10 appeals process. For purposes of this section, "authorized  
11 representative" shall mean any person designated by a client of the  
12 Department of Human Services to review confidential information  
13 about the client pertinent to eligibility determination and the  
14 appeals process.

15           ~~B.~~ C. The Department of Human Services and any contract  
16 provider shall safeguard the confidentiality of applicant or  
17 recipient information. The Oklahoma Department of Human Services  
18 and the Department of Developmental Disabilities Service Division  
19 shall not allow service recipients' Social Security numbers to be  
20 maintained in a home record.

21           D. It shall be unlawful and a misdemeanor for any public  
22 officer or employee, to furnish or permit to be taken off of the  
23 records any information therein contained for commercial or  
24 political purposes.

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~~C. E.~~ It shall also be a felony, punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for not to exceed two (2) years, for any person, firm or corporation to publish, or to use for commercial or political purposes, any list or names obtained through access to such information or records.

SECTION 2. This act shall become effective November 1, 2009.

52-1-7200            GRS            02/26/09