

1 ENGROSSED HOUSE
2 BILL NO. 1625

By: Pittman and Tibbs of the
House

3 and

4 Eason McIntyre of the
5 Senate

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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
11 Kelley's Law; requiring the Department of Human
12 Services, Developmental Disabilities Services
13 Division, and certain providers to safeguard certain
14 information; providing that certain information shall
15 not be maintained in certain records; and providing
16 an effective date.

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

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

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

22 B. All applications, information and records concerning any
23 applicant or recipient obtained pursuant to law or as authorized by
24 law by the Department of Human Services or any other public or
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 the Developmental
16 Disabilities Services Division of the Department of Human Services
17 and their contract providers shall safeguard the confidentiality of
18 applicant or recipient information. The Department of Human
19 Services and the Developmental Disabilities Services Division of the
20 Department of Human Services shall not allow service recipients'
21 Social Security numbers to be maintained in a home record.

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

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

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

9 Passed the House of Representatives the 12th day of March, 2009.

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Presiding Officer of the House of
Representatives

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14 Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate