

1 ENGROSSED HOUSE  
2 BILL NO. 3323

By: Pittman and Tibbs of the  
House

3 and

4 Anderson and Eason McIntyre  
5 of the Senate

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7  
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 certain persons sign form  
12 related to confidentiality; specifying required  
13 contents of form; and providing an effective date.

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

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

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

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

24 1. To persons duly authorized by the Department of Human  
Services pursuant to rule promulgated in compliance with Article I

1 of the Administrative Procedures Act or by the United States in  
2 connection with the performance of their official duties; or

3 2. As otherwise authorized by law.

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

13 ~~B.~~ C. The Developmental Disabilities Services Division of the  
14 Department of Human Services shall require all authorized persons  
15 accessing service recipient information within a home record to sign  
16 a form certifying that they have been informed and understand the  
17 penalties for misuse of confidential and protected information  
18 within the home record. The form shall include criminal penalties  
19 related to identity theft.

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

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