

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1625

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1625 - By: PITTMAN of the House and EASON MCINTYRE of the Senate.

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

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

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

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

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

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

11 2. As otherwise authorized by law.

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

8 ~~B. C.~~ The Department of Human Services and any contract provider shall
9 safeguard the confidentiality of applicant or recipient information. The Oklahoma
10 Department of Human Services and the Department of Developmental Disabilities
11 Service Division shall not allow service recipients’ Social Security numbers to be
12 maintained in a home record.

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-26-09 - DO
22 PASS, As Amended and Coauthored.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.