

THE HOUSE OF REPRESENTATIVES
Wednesday, February, 24, 2010

Committee Substitute for
House Bill No. 3323

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3323 - By: PITTMAN of the House and ANDERSON 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 Kelley’s Law; requiring certain persons sign form related to confidentiality; specifying required contents of form; 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 “Kelley’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 Developmental Disabilities Services Division of the Department of
9 Human Services shall require all authorized persons accessing service recipient
10 information within a home record to sign a form certifying that they have been informed
11 and understand the penalties for misuse of confidential and protected information within
12 the home record. The form shall include criminal penalties related to identity theft.

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, 2010.

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
22 dated 02-23-10 - DO PASS, As Amended and Coauthored.