

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3323

By: Pittman

4
5 AS INTRODUCED

6 An Act relating to poor persons; amending 56 O.S.
7 2001, Section 183, which relates to confidentiality
8 of certain applications and records; creating
9 Kelley's Law; requiring the Department of Human
10 Services and certain providers to safeguard certain
information; providing that certain information shall
not be maintained in certain records; and providing
an effective date.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

23 1. To persons duly authorized by the Department of Human
24 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 Department of Human Services and the Developmental
14 Disabilities Services Division of the Department of Human Services
15 and their contract providers shall safeguard the confidentiality of
16 applicant or recipient information. The Department of Human
17 Services and the Developmental Disabilities Services Division of the
18 Department of Human Services shall not allow service applicants' or
19 recipients' Social Security numbers to be maintained in a home
20 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

~~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, 2010.

52-2-8414 SDR 01/07/10