

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2596

 By: **Moore** and Echols

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7 AS INTRODUCED

8 An Act relating to insurance; amending 36 O.S. 2011,
9 Section 306, which relates to Insurance Department
10 records; providing certain information contents;
11 limiting certain files that are required to be
12 maintained to those related to health insurers;
 requiring compliance with certain federal law;
 requiring certain health insurer related files and
 records be open public records; and providing an
 effective date.

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

16 SECTION 1. AMENDATORY 36 O.S. 2011, Section 306, is
17 amended to read as follows:

18 Section 306. A. The records, books, and papers pertaining to
19 the official transactions, filings, examinations, investigations,
20 and proceedings of the Insurance Department only as they relate to
21 health insurers shall be maintained by the Department until
22 disposition thereof has been approved by the Archives and Records
23 Commission. These records, books, and papers shall be public
24 records of the state. However, reports of examinations of insurers

1 shall be filed and made public only as provided in Section 309.4 of
2 this title. Open and ongoing investigative and disciplinary files
3 shall not be made public until their completion or unless they are
4 ordered to be made public by the proper judicial official. Files
5 related to health insurers of the claims division of the office of
6 the Commissioner, including but not limited to complaints and
7 requests for assistance from insureds, and insurance agency and
8 company records, shall ~~not~~ be open public records ~~and shall not be~~
9 ~~disclosed except in connection with disciplinary proceedings by the~~
10 ~~Commissioner~~. Final market conduct orders shall be open public
11 records.

12 B. Any document or other information related to health insurers
13 denial and complain data shall comply dissemination of information
14 shall be made available and include the numbers of complaints
15 against a health insurer and numbers of denials by a health insurer
16 and sorted by disease type with the federal Health Insurance
17 Portability and Accountability Act (HIPAA).

18 C. Any document or other information generated by the Insurance
19 Department or received by the Insurance Department from a
20 governmental agency or any other public body of any kind, including
21 an insurance guaranty fund or risk pool board, that has a protection
22 from disclosure under any statute or evidentiary privilege from
23 disclosure, while in the possession of the body that generated or
24 received the information, shall retain its confidential character

1 while in the possession of the Insurance Department. The Insurance
2 Department may require that any agency or public body providing a
3 document or other information, if it expects the information to be
4 treated confidentially by the Insurance Department, to also provide
5 simultaneously an express reference to the claimed protection from
6 disclosure.

7 ~~E.~~ D. A court shall quash any subpoena commanding the
8 disclosure of confidential information or closed records of the
9 Insurance Department absent a showing of justification for the
10 disclosure.

11 SECTION 2. This act shall become effective November 1, 2019.

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13 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 02/11/2020 - DO
14 PASS, As Coauthored.

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