

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 ENGROSSED HOUSE  
4 BILL NO. 1014

By: Roe of the House

and

Simpson of the Senate

8 An Act relating to public health; amending 63 O.S.  
9 2011, Section 1-502.2, as amended by Section 1,  
10 Chapter 118, O.S.L. 2020 (63 O.S. Supp. 2020, Section  
11 1-502.2), which relates to confidentiality of certain  
12 information; including certain records; excluding  
13 information and records held by certain entities;  
14 removing reference; requiring release of certain  
15 information in accordance with federal law; removing  
16 certain identification requirements; updating  
17 reference; amending 63 O.S. 2011, Section 1-507,  
18 which relates to schools and the attendance of  
19 diseased pupils; including people suspected of having  
20 a communicable disease; transferring responsibility  
21 from teachers to schools; updating permission-  
22 granting entities; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-502.2, as  
20 amended by Section 1, Chapter 118, O.S.L. 2020 (63 O.S. Supp. 2020,  
21 Section 1-502.2), is amended to read as follows:

22 Section 1-502.2. A. Unless otherwise provided by law, all  
23 information and records created, received, investigated, held or  
24 maintained by the State Department of Health, concerning any person

1 who has participated in a public health investigation or who may  
2 have any communicable or noncommunicable disease which is required  
3 to be reported pursuant to Sections 1-501 through 1-532.1 of this  
4 ~~title or information and records of any disease which are held or~~  
5 ~~maintained by any state agency, health care provider or facility,~~  
6 ~~physician, health professional, laboratory, clinic, blood bank,~~  
7 ~~funeral director, third party payer, or any other agency, person, or~~  
8 ~~organization in the state,~~ shall be confidential. ~~Any information~~  
9 ~~obtained pursuant to the requirements of Sections 1-501 through 1-~~  
10 ~~532.1 of this title~~ records of the Department and shall not be  
11 required to be produced pursuant to the Oklahoma Open Records Act.  
12 ~~Any information authorized to be released pursuant to paragraphs 1~~  
13 ~~through 8 of this subsection shall be released in such a way that no~~  
14 ~~person can be identified unless otherwise provided for in such~~  
15 ~~paragraph or by law.~~ Such information shall not be released except  
16 under the following circumstances:

- 17 1. Release is made upon court order;
- 18 2. Release is made in writing, by or with the written consent  
19 of the person whose information is being kept confidential or with  
20 the written consent of the legal guardian or legal custodian of such  
21 person, or if such person is a minor, with the written consent of  
22 the parent or legal guardian of such minor;
- 23 3. Release is necessary as determined by the State Department  
24 of Health to protect the health and well-being of the general public

1 and such release is authorized or required under and released in  
2 accordance with the Health Insurance Portability and Accountability  
3 Act of 1996. ~~Any such order for release by the Department and any~~  
4 ~~review of such order shall be in accordance with the procedures~~  
5 ~~specified in Sections 309 through 323 of Title 75 of the Oklahoma~~  
6 ~~Statutes. Only the initials of the person whose information is~~  
7 ~~being kept confidential shall be on public record for such~~  
8 ~~proceedings unless the order by the Department specifies the release~~  
9 ~~of the name of such person and such order is not appealed by such~~  
10 ~~person or such order is upheld by the reviewing court;~~

11 4. Release is made of medical or epidemiological information to  
12 those persons who have had risk exposures pursuant to Section 1-  
13 502.1 of this title;

14 5. Release is made of medical or epidemiological information to  
15 health professionals, appropriate state or federal agencies, or  
16 district courts to enforce the provisions of Sections 1-501 through  
17 1-532.1 of this title and related rules and regulations concerning  
18 the control and treatment of communicable or noncommunicable  
19 diseases;

20 6. Release is made of specific medical or epidemiological  
21 information for statistical purposes whether within the ~~State of~~  
22 ~~Oklahoma~~ state or throughout the United States, in such a way that  
23 no person can be identified;

1        7. Release is made of medical information among health care  
2 providers, their agents or employees, within the continuum of care  
3 for the purpose of diagnosis and treatment of the person whose  
4 information is released whether within the ~~State of Oklahoma~~ state  
5 or throughout the United States; or

6        8. When the patient is an inmate in the custody of the  
7 Department of Corrections or a private prison or facility under  
8 contract with the Department of Corrections, and the release of the  
9 information is necessary:

10            a. to prevent or lessen a serious and imminent threat to  
11 the health or safety of a person or the public, and it  
12 is to a person or persons reasonably able to prevent  
13 or lessen the threat, including the target of the  
14 threat, or

15            b. for law enforcement authorities to identify or  
16 apprehend an individual where it appears from all the  
17 circumstances that the individual has escaped from a  
18 correctional institution or from lawful custody.

19        B. For the purposes of this section only, "written consent"  
20 means that the person whose information is required to be kept  
21 confidential by this section or the person legally authorized to  
22 consent to release by this section has been informed of all persons  
23 or organizations to whom such information may be released or  
24 disclosed by the specific release granted. Consent obtained for

1 release of information, pursuant to paragraph 2 of subsection A of  
2 this section, shall not be considered valid unless, prior to  
3 consent, the person consenting to the release was given notice of  
4 the provisions for release of confidential information pursuant to  
5 this section. The provisions of this subsection shall not apply to  
6 written authorizations to disclose information to the Social  
7 Security Administration.

8 C. 1. The State Department of Health may convene a  
9 confidential meeting of a multidisciplinary team for recommendation  
10 on school placement of a student who is infected with the human  
11 immunodeficiency virus. The multidisciplinary team shall include,  
12 but not be limited to, the following:

- 13 a. the parent, parents, legal representative, or legal  
14 guardian or legal custodian of the student,
- 15 b. the physician of the student,
- 16 c. a representative from the superintendent's office of  
17 the affected school district,
- 18 d. a representative from the State Department of  
19 Education, and
- 20 e. a representative from the State Department of Health.

21 Each member of the team shall be responsible for protecting the  
22 confidentiality of the student and any information made available to  
23 such person as a member of the team. The multidisciplinary team  
24 shall be exempt from the requirements of Sections 301 through 314 of

1 Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.19  
2 of Title 51 of the Oklahoma Statutes.

3 2. Each member of the local school board having jurisdiction  
4 over the student shall also be responsible for protecting the  
5 confidentiality of the student and any information made available to  
6 such person as a school board member.

7 D. The State Department of Health may convene a confidential  
8 meeting of a multidisciplinary advisory committee to make  
9 recommendations regarding the practice of health care workers who  
10 are infected with the human immunodeficiency virus (HIV) or  
11 hepatitis B virus (HBV), who may be performing exposure-prone  
12 procedures. The membership of the multidisciplinary advisory  
13 committee shall include, but not be limited to, the following:

14 1. The State Commissioner of Health or designee;

15 2. Legal counsel to the State Commissioner of Health;

16 3. The state epidemiologist or designee;

17 4. An infectious disease specialist with expertise in HIV/HBV  
18 infection; and

19 5. Two practicing health care workers from the same discipline  
20 as the HIV/HBV-infected health care worker.

21 In addition, the health care worker being discussed, and/or an  
22 advocate, and the personal physician of the health care worker being  
23 discussed shall be invited to the multidisciplinary advisory  
24 committee meeting. Discussion of the case shall be made without

1 using the actual name of the health care worker. Each member of the  
2 multidisciplinary advisory committee shall be responsible for  
3 protecting the confidentiality of the HIV/HBV-infected health care  
4 worker and the confidentiality of any information made available to  
5 such person as a member of the multidisciplinary advisory committee.  
6 The multidisciplinary advisory committee shall be exempt from the  
7 requirements of the Oklahoma Open Meeting Act and the Oklahoma Open  
8 Records Act.

9 E. Upon advice of the multidisciplinary advisory committee, the  
10 State Commissioner of Health or designee may notify an appropriate  
11 official at the health care facility where the HIV/HBV-infected  
12 health care worker practices that the health care worker is  
13 seropositive for HIV and/or HBV. Notification shall be made only  
14 when necessary to monitor the ability of the HIV/HBV-infected health  
15 care worker to comply with universal precautions and appropriate  
16 infection control practices, and/or to monitor the ongoing  
17 functional capacity of the health care worker to perform his or her  
18 duties. Notification shall occur through one of the following  
19 officials:

- 20 1. The facility administrator;
- 21 2. The hospital epidemiologist;
- 22 3. The chair of the infection control committee of the  
23 facility; or
- 24 4. The medical chief of staff of the facility.

1 F. If the HIV/HBV-infected health care worker fails or refuses  
2 to comply with the recommendations of the multidisciplinary advisory  
3 committee, the State Commissioner of Health or designee may take  
4 such actions as may be required to perform the duties imposed by the  
5 laws of ~~the State of Oklahoma~~, this state and may advise the  
6 appropriate licensing board.

7 G. Any person who negligently, knowingly or intentionally  
8 discloses or fails to protect medical or epidemiological information  
9 classified as confidential pursuant to this section, upon  
10 conviction, shall be guilty of a misdemeanor punishable by the  
11 imposition of a fine of not less than One Thousand Dollars  
12 (\$1,000.00) or by imprisonment in the county jail for not more than  
13 thirty (30) days, or by both such fine and imprisonment.

14 H. Any person who negligently, knowingly or intentionally  
15 discloses or fails to protect medical or epidemiological information  
16 classified as confidential pursuant to this section shall be civilly  
17 liable to the person who is the subject of the disclosure for court  
18 costs, attorney fees, exemplary damages and all actual damages,  
19 including damages for economic, bodily or psychological harm which  
20 ~~is~~ are proximately caused by the disclosure.

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-507, is  
22 amended to read as follows:

23 Section 1-507. No person having a communicable disease shall be  
24 permitted to attend a private or public school, and it shall be the



1 duty of the parent or guardian ~~of any such person,~~ and the ~~teacher~~  
2 school of such person, to exclude from the school such person until  
3 the expiration of the period of isolation or quarantine ordered for  
4 the case, or until permission to do so shall have been given by the  
5 local ~~health officer~~ county health department or the State  
6 Department of Health.

7 SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
12 April 5, 2021 - DO PASS  
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