

An Act

ENROLLED HOUSE
BILL NO. 3323

By: Pittman and Tibbs of the
House

and

Anderson, Eason McIntyre
and Johnson (Constance) 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:

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

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

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

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

2. As otherwise authorized by law.

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

B- C. The Developmental Disabilities Services Division of the Department of Human Services shall require all authorized persons accessing service recipient information within a home record to sign a form certifying that they have been informed and understand the penalties for misuse of confidential and protected information within the home record. The form shall include criminal penalties related to identity theft.

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

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.

Passed the House of Representatives the 1st day of March, 2010.

Chris Steele

Presiding Officer of the House of Representatives

Passed the Senate the 6th day of April, 2010.

Angela Lamberti

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 7th
day of April, 2010,
at 3:52 o'clock P M.

By: *[Signature]*

Approved by the Governor of the State of Oklahoma the 12th day of
April, 2010, at 7:01 o'clock P M.

Bond Olson
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
13th day of April, 2010,
at 7:22 o'clock P M.

By: *M. Susan Love*