

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1014

By: Roe

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5  
6 AS INTRODUCED

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

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

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

Section 1-502.2 A. Unless otherwise provided by law, all  
information and records created, received, investigated, held, or  
maintained by the State Department of Health, concerning any person  
who has participated in a public health investigation or who may

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

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

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

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

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

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

23 7. Release is made of medical information among health care  
24 providers, their agents or employees, within the continuum of care

1 for the purpose of diagnosis and treatment of the person whose  
2 information is released whether within the State of Oklahoma or  
3 throughout the United States; or

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

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

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

17 B. For the purposes of this section only, "written consent"  
18 means that the person whose information is required to be kept  
19 confidential by this section or the person legally authorized to  
20 consent to release by this section has been informed of all persons  
21 or organizations to whom such information may be released or  
22 disclosed by the specific release granted. Consent obtained for  
23 release of information, pursuant to paragraph 2 of subsection A of  
24 this section, shall not be considered valid unless, prior to

1 consent, the person consenting to the release was given notice of  
2 the provisions for release of confidential information pursuant to  
3 this section. The provisions of this subsection shall not apply to  
4 written authorizations to disclose information to the Social  
5 Security Administration.

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

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

19 Each member of the team shall be responsible for protecting the  
20 confidentiality of the student and any information made available to  
21 such person as a member of the team. The multidisciplinary team  
22 shall be exempt from the requirements of Sections 301 through 314 of  
23 Title 25 of the Oklahoma Statutes and Sections 24A.1 through 24A.19  
24 of Title 51 of the Oklahoma Statutes.

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

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

- 12        1. The State Commissioner of Health or designee;
- 13        2. Legal counsel to the State Commissioner of Health;
- 14        3. The state epidemiologist or designee;
- 15        4. An infectious disease specialist with expertise in HIV/HBV  
16 infection; and
- 17        5. Two practicing health care workers from the same discipline  
18 as the HIV/HBV-infected health care worker.

19        In addition, the health care worker being discussed, and/or an  
20 advocate, and the personal physician of the health care worker being  
21 discussed shall be invited to the multidisciplinary advisory  
22 committee meeting. Discussion of the case shall be made without  
23 using the actual name of the health care worker. Each member of the  
24 multidisciplinary advisory committee shall be responsible for

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

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

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

23 F. If the HIV/HBV-infected health care worker fails or refuses  
24 to comply with the recommendations of the multidisciplinary advisory

1 committee, the State Commissioner of Health or designee may take  
2 such actions as may be required to perform the duties imposed by the  
3 laws of the State of Oklahoma, and may advise the appropriate  
4 licensing board.

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

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

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

21 Section 1-507. No person having or suspected of having a  
22 communicable disease shall be permitted to attend a private or  
23 public school, and it shall be the duty of the parent or guardian ~~of~~  
24 ~~any such person,~~ and the ~~teacher~~ school of such person, to exclude



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

5 SECTION 3. This act shall become effective November 1, 2021.

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7 58-1-6145 AB 12/22/20

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