

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended, Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means
Vote:	7 - 0 - 0
Yeas:	Cowan, Gelser, Gilliam, Kotek, Maurer, Olson, Tomei
Nays:	0
Exc.:	0
Prepared By:	Andy Smith, Administrator
Meeting Dates:	3/29, 4/18

WHAT THE MEASURE DOES: Creates a 13-member task force to identify issues, explore solutions, and make recommendations about the possible use of a mental health database to aid law enforcement officers in assisting mentally ill individuals to obtain medical, mental health and social services. Requires the task force to submit a report to 75th Legislature later than October 1, 2008.

ISSUES DISCUSSED:

- How to handle consent for those under age 18
- Crisis intervention training
- Extending consent requirement to family members
- Option for expanding who can satisfy of witness requirement
- Similarities to health care advanced directive
- Other person at risk who might also benefit from option, e.g. diabetics

EFFECT OF COMMITTEE AMENDMENT: Deletes provisions of measure which would have implemented use of law enforcement data system (LEDS) to assist mentally ill individuals. Adds provision creating a 13-member task force to identify issues, explore solutions, and make recommendation regarding use of LEDS to assist mentally ill individuals. Requires the task force to submit a report to 75th Legislature no later than October 1, 2008.

BACKGROUND: Under ORS 192.518, individuals have the right to safeguard their personal health information from unlawful use or disclosure and to access and review their protected health information. As a general rule, medical records cannot be given to third parties without written consent of the patient or guardian. The law does allow release of medical records without consent in some circumstances such as in cases of medical emergency, to other service providers for treatment purposes and to governmental agencies to receive payment for services [ORS 179.505(4)]. Each person has the right to see all of his or her medical records, except parts that the doctor believes would constitute an immediate and grave detriment to the treatment of the individual [ORS 179.505(9)].