

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 0 - 1
Yeas:	Carter, Kruse, President Courtney, Monnes Anderson
Nays:	0
Exc.:	Gordly
Prepared By:	Shannon Strumpfer, Administrator
Meeting Dates:	1/17

WHAT THE MEASURE DOES: Requires Department of Human Services to disclose information to the public regarding cremated remains in its possession. Declares emergency. Takes effect upon passage.

ISSUES DISCUSSED:

- Health Insurance Portability and Accountability Act (HIPAA) and other privacy issues.
- Death certificates available as public documents 50 years after person's death.

EFFECT OF COMMITTEE AMENDMENT: No amendments

BACKGROUND: The Oregon State Hospital (OSH) is in possession of the cremated remains of persons who died from 1914-1971 while in state custody and were never claimed by family members. Proponents assert that the measure would facilitate the process of family members claiming the remains of their deceased relatives.

The federal HIPAA and current state law (ORS 179.505) prohibit OSH from disclosing the names of patients, even deceased patients, unless requirements are met or state law requires it. The HIPAA Privacy Rule permits a state agency to use and disclose protected health information as required by state law (45 CFR 164.512(a)). Where a state law mandates that an agency disclose protected health information, the agency is permitted by the HIPAA Privacy Rule to make the disclosure.