

HOUSE AMENDMENTS TO HOUSE BILL 2733

By COMMITTEE ON HEALTH CARE

May 8

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”
2 and after “ORS” insert “442.445.”.

3 On page 2, line 31, after “entity’s” insert “record-keeping”.

4 In line 33, after “systems” insert “or controls”.

5 On page 3, after line 21, insert:

6 **“SECTION 3. Section 4 of this 2007 Act is added to and made a part of ORS chapter 441.**

7 **“SECTION 4. (1) A health care facility shall file with the Administrator of the Office for**
8 **Oregon Health Policy and Research a protection of health information report no later than**
9 **120 days following the close of the fiscal year. The report shall be on a form prescribed by**
10 **the administrator, shall be signed by the chief executive officer of the facility and must:**

11 **“(a) State the responsibility of the health care facility’s management for establishing and**
12 **maintaining adequate safeguards and procedures for protecting the confidentiality of indi-**
13 **vidually identifiable health information that the facility retains in electronic and hard copy**
14 **form;**

15 **“(b) Contain assurances that the signing officer has disclosed to the board of directors**
16 **of the facility:**

17 **“(A) All significant deficiencies in the design or operation of record-keeping systems or**
18 **controls that could adversely affect the facility’s ability to protect the confidentiality of in-**
19 **dividually identifiable health information;**

20 **“(B) Any breaches of the security of individually identifiable health information, whether**
21 **material or not, that involve management, staff or employees of the facility who have a sig-**
22 **nificant role in the facility’s record-keeping systems or controls; and**

23 **“(C) All necessary steps that have been taken to address deficiencies in the design or**
24 **operation of record-keeping systems or controls and to resolve any material weaknesses**
25 **identified by the facility; and**

26 **“(c) Contain assurances that the signing officer has identified for the board any material**
27 **weaknesses in the record-keeping systems or controls.**

28 **“(2) The administrator may adopt all rules necessary to carry out the provisions of this**
29 **section.**

30 **“(3) As used in this section, ‘individually identifiable health information’ has the meaning**
31 **given that term in ORS 192.519.**

32 **“SECTION 5. ORS 442.445 is amended to read:**

33 **“442.445. (1) Any health care facility that fails to perform as required in ORS 442.400 to 442.463**
34 **and section 4 of this 2007 Act and rules of the Office for Oregon Health Policy and Research may**
35 **be subject to a civil penalty.**

1 “(2) The Administrator of the Office for Oregon Health Policy and Research shall adopt a
2 schedule of penalties not to exceed \$500 per day of violation, determined by the severity of the vi-
3 olation.

4 “(3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

5 “(4) Civil penalties imposed under this section may be remitted or mitigated upon such terms
6 and conditions as the administrator considers proper and consistent with the public health and
7 safety.

8 “(5) Civil penalties incurred under any law of this state are not allowable as costs for the pur-
9 pose of rate determination or for reimbursement by a third-party payer.”.

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