

A-Engrossed Senate Bill 617

Ordered by the Senate April 30
Including Senate Amendments dated April 30

Sponsored by Senator MORRISETTE, Representative BOQUIST; Senators DECKERT, MONNES ANDERSON, WALKER, Representatives BOONE, CAMERON, DALLUM, FLORES, GILLIAM, HUNT, KRIEGER, MAURER, NELSON, OLSON, ROSENBAUM, SCHAUFLEER, THATCHER, WHISNANT (at the request of Brain Injury Association of Oregon)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Department of Human Services to establish traumatic brain injury registry system and to collect data regarding traumatic brain injuries.

[Requires department to expand housing opportunities for individuals with traumatic brain injuries.]

[Requires department to provide community mental health services to individuals with traumatic brain injuries.]

Requires department to contract, for specified purposes, with nonprofit organization with experience and expertise in providing assistance and services to individuals with traumatic brain injuries.

A BILL FOR AN ACT

1
2 Relating to individuals with traumatic brain injuries.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 7 of this 2007 Act:**

5 (1) **"Health care facility" means a hospital or an ambulatory surgical center as those**
6 **terms are defined in ORS 442.015.**

7 (2) **"Practitioner" means a person who has a professional license and who is qualified by**
8 **training to diagnose or treat traumatic brain injury in patients.**

9 (3) **"Traumatic brain injury" means an injury to the brain caused by extrinsic forces that**
10 **results in the loss of cognitive, psychological, social, behavioral or physiological function for**
11 **a sufficient time to affect that person's ability to perform activities of daily living.**

12 **SECTION 1a. (1) The Department of Human Services shall establish a uniform,**
13 **population-based, statewide traumatic brain injury registry system for the collection of data**
14 **to determine the incidence of traumatic brain injury and related data.**

15 (2) **The purpose of the registry is to provide data to design, target, monitor, facilitate and**
16 **evaluate efforts to determine the causes or sources of traumatic brain injury among resi-**
17 **dents of Oregon and to reduce the burden of traumatic brain injury in Oregon. The efforts**
18 **may include, but are not limited to:**

19 (a) **Targeting populations to evaluate the need for screening or other traumatic brain**
20 **injury control services;**

21 (b) **Contacting individuals with traumatic brain injuries to assess care needs and to pro-**
22 **vide referrals, information and support;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Supporting the operation of health care facility registries in monitoring and upgrading
2 traumatic brain injury care and the end results of treatment for traumatic brain injuries;

3 (d) Investigating suspected clusters or excesses of traumatic brain injury both in occu-
4 pational settings and in the state's environment generally;

5 (e) Conducting studies to identify traumatic brain injury hazards to the public health and
6 traumatic brain injury hazard remedies; and

7 (f) Projecting the benefits or costs of alternative policies regarding traumatic brain in-
8 jury prevention or treatment.

9 (3) The department shall adopt rules necessary to carry out the purposes of this section,
10 including but not limited to methods for collecting the data and procedures for accessing the
11 data. When adopting rules under this subsection, the department shall consider the defi-
12 nitions, standards and procedures established by the Centers for Disease Control and Pre-
13 vention National Center for Injury Prevention and Control, with the goal of achieving
14 uniformity in the collection and reporting of data.

15 (4) The department shall:

16 (a) Conduct a program of epidemiologic analyses of traumatic brain injury registry data
17 collected under subsection (1) of this section to assess traumatic brain injury control, pre-
18 vention, treatment and causation in Oregon; and

19 (b) Utilize the data to promote, facilitate and evaluate programs designed to reduce the
20 burden of traumatic brain injury among the residents of Oregon.

21 (5) The department shall:

22 (a) Collaborate in traumatic brain injury studies with practitioners, epidemiologists and
23 health care facilities and publish reports on the results of the studies; and

24 (b) Cooperate with the Centers for Disease Control and Prevention in providing traumatic
25 brain injury incidence data.

26 **SECTION 2.** (1) Any health care facility in which traumatic brain injury patients are di-
27 agnosed or provided treatment for traumatic brain injury shall provide the Department of
28 Human Services with access to traumatic brain injury patient case data within a time period
29 and in a process prescribed by the department by rule.

30 (2) For the purpose of ensuring the accuracy and completeness of reported data, the de-
31 partment may periodically review all records that would identify cases of traumatic brain
32 injury or would establish characteristics of traumatic brain injury, treatment of the trau-
33 matic brain injury or the medical status of any identified traumatic brain injury patient.

34 **SECTION 3.** The Department of Human Services may conduct special studies of trau-
35 matic brain injury morbidity and mortality. As part of the studies, the department may
36 obtain information that applies to a patient's traumatic brain injury and that may be in the
37 medical record of the patient. The record holder may either provide the requested informa-
38 tion to the department or provide the department access to the relevant portions of the pa-
39 tient's medical record. Neither the department nor the record holder may bill the other for
40 the cost of providing or obtaining this information.

41 **SECTION 4.** (1) All identifying data regarding individual patients, health care facilities
42 and practitioners provided to the Department of Human Services under section 2 of this 2007
43 Act is confidential and privileged. Except as required in connection with the administration
44 or enforcement of public health laws or rules, a public health official, employee or agent may
45 not be examined in an administrative or judicial proceeding as to the existence or contents

1 of data collected under the statewide traumatic brain injury registry system.

2 (2) All identifying information obtained by the department in connection with a special
3 study under section 3 of this 2007 Act is confidential and privileged and may be used solely
4 for the purposes of the study, as provided in ORS 432.060.

5 (3) This section does not prohibit the department from publishing statistical compilations
6 relating to morbidity and mortality studies under section 3 of this 2007 Act that do not
7 identify individual cases or prevent use of this information by third parties to conduct re-
8 search as provided by section 5 of this 2007 Act.

9 **SECTION 5.** (1) The Department of Human Services shall adopt rules under which confi-
10 dential data may be used by third parties to conduct research and studies for the public good.
11 Research and studies conducted using confidential data from the statewide traumatic brain
12 injury registry must be reviewed and approved as provided in 45 C.F.R. 46.

13 (2) The department may enter into agreements to exchange information with other
14 traumatic brain injury registries in order to obtain complete reports of Oregon residents
15 diagnosed or treated in other states and to provide information to other states regarding the
16 residents of other states diagnosed or treated in Oregon. Prior to providing information to
17 any other registry, the department shall ensure that the recipient registry has comparable
18 confidentiality protections.

19 **SECTION 6.** (1) An action for damages arising from the disclosure of confidential or
20 privileged information may not be maintained against any person, or the employer or em-
21 ployee of any person, who participates in good faith in providing data or information to the
22 Department of Human Services or access to traumatic brain injury registry data or infor-
23 mation for traumatic brain injury morbidity or mortality studies in accordance with sections
24 2 and 3 of this 2007 Act.

25 (2) A license of a health care facility or practitioner may not be denied, suspended or
26 revoked for the good faith disclosure of confidential or privileged information in providing
27 traumatic brain injury registry data or information for traumatic brain injury morbidity or
28 mortality studies in accordance with sections 1a, 2 and 3 of this 2007 Act.

29 (3) This section does not apply to the unauthorized disclosure of confidential or privileged
30 information when the disclosure is due to gross negligence or willful misconduct.

31 **SECTION 7.** Section 1a of this 2007 Act does not prohibit a health care facility from op-
32 erating its own traumatic brain injury registry or require a health care facility to operate
33 its own traumatic brain injury registry.

34 **SECTION 8.** The Department of Human Services shall enter into a contract with a
35 nonprofit organization with experience and expertise in providing assistance and services to
36 individuals with traumatic brain injuries, as defined in section 1 of this 2007 Act, to:

37 (1) Provide information to individuals on issues related to traumatic brain injuries;

38 (2) Enhance existing support systems for individuals with traumatic brain injuries by
39 referring those individuals to appropriate services and community resources;

40 (3) Provide active members and veterans of the Armed Forces of the United States and
41 their families with information about traumatic brain injuries and referrals to available
42 services and agencies; and

43 (4) Train providers of services to individuals with traumatic brain injuries.

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