

HOUSE AMENDMENTS TO HOUSE BILL 3692

By COMMITTEE ON HUMAN SERVICES

February 10

1 On page 6 of the printed bill, after line 17, insert:

2 **“SECTION 12. As used in sections 12 to 19 of this 2010 Act:**

3 **“(1) ‘Health care facility’ means a hospital or an ambulatory surgical center as those**
4 **terms are defined in ORS 442.015.**

5 **“(2) ‘Practitioner’ means a person who has a professional license and who is qualified by**
6 **training to diagnose or treat traumatic brain injury in patients.**

7 **“SECTION 13. (1) The Oregon Health Authority may establish a uniform, population-**
8 **based, statewide traumatic brain injury registry system for the collection of data to deter-**
9 **mine the incidence of traumatic brain injury and related data.**

10 **“(2) The purpose of the registry is to provide data to design, target, monitor, facilitate**
11 **and evaluate efforts to determine the causes or sources of traumatic brain injury among**
12 **residents of Oregon and to reduce the burden of traumatic brain injury in Oregon. The ef-**
13 **forts may include, but are not limited to:**

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

16 **“(b) Contacting individuals with traumatic brain injuries to assess care needs and to**
17 **provide referrals, information and support;**

18 **“(c) Supporting the operation of health care facility registries in monitoring and up-**
19 **grading traumatic brain injury care and the outcomes of treatment for traumatic brain in-**
20 **juries;**

21 **“(d) Investigating suspected clusters or excesses of traumatic brain injury both in occu-**
22 **ptional settings and in the state’s environment generally;**

23 **“(e) Conducting studies to identify traumatic brain injury hazards to the public health**
24 **and to identify traumatic brain injury hazard remedies; and**

25 **“(f) Projecting the benefits and costs of alternative policies regarding traumatic brain**
26 **injury prevention or treatment.**

27 **“(3) The authority shall:**

28 **“(a) Adopt rules necessary to carry out the purposes of this section, including but not**
29 **limited to methods for collecting the data and procedures for accessing the data. When**
30 **adopting rules under this paragraph, the authority shall consider the definitions, standards**
31 **and procedures established by the Centers for Disease Control and Prevention’s National**
32 **Center for Injury Prevention and Control, with the goal of achieving uniformity in the col-**
33 **lection and reporting of data.**

34 **“(b) Conduct a program of epidemiologic analyses of traumatic brain injury registry data**
35 **collected under subsection (1) of this section to assess traumatic brain injury control, pre-**

1 vention, treatment and causation in Oregon.

2 “(c) Utilize the data collected under subsection (1) of this section to promote, facilitate
3 and evaluate programs designed to reduce the burden of traumatic brain injury on residents
4 of Oregon.

5 “(d) Collaborate in traumatic brain injury studies with practitioners, epidemiologists and
6 health care facilities, and publish reports on the results of the studies.

7 “(e) Cooperate with the Centers for Disease Control and Prevention in providing trau-
8 matic brain injury incidence data.

9 “SECTION 14. (1) Any health care facility in which traumatic brain injury patients are
10 diagnosed or provided treatment for traumatic brain injury shall provide the Oregon Health
11 Authority with access to traumatic brain injury patient case data within a time period and
12 in a process prescribed by the authority by rule.

13 “(2) For the purpose of ensuring the accuracy and completeness of data collected under
14 section 13 of this 2010 Act, the authority may periodically review all records that identify
15 cases of traumatic brain injury, establish characteristics of traumatic brain injury, specify
16 treatment of the traumatic brain injury or indicate the medical status of any traumatic brain
17 injury patient.

18 “SECTION 15. The Oregon Health Authority may conduct special studies of traumatic
19 brain injury morbidity and mortality. As part of the studies, the authority may obtain in-
20 formation that applies to a patient’s traumatic brain injury and that may be in the medical
21 record of the patient. The record holder may either provide the requested information to the
22 authority or provide the authority access to the relevant portions of the patient’s medical
23 record. Neither the authority nor the record holder may bill the other for the cost of pro-
24 viding or obtaining this information.

25 “SECTION 16. (1) All identifying data regarding individual patients, health care facilities
26 and practitioners provided to the Oregon Health Authority under section 14 of this 2010 Act
27 is confidential and privileged. Except as required in connection with the administration or
28 enforcement of public health laws or rules, a public health official, employee or agent may
29 not be examined in an administrative or judicial proceeding as to the existence or contents
30 of data collected under the statewide traumatic brain injury registry system.

31 “(2) All identifying information obtained by the authority in connection with a special
32 study under section 15 of this 2010 Act is confidential and privileged and may be used solely
33 for the purposes of the study, as provided in ORS 432.060.

34 “(3) This section does not prohibit the authority from publishing statistical compilations
35 relating to morbidity and mortality studies under section 15 of this 2010 Act that do not
36 identify individual cases or prevent use of this information by third parties to conduct re-
37 search as provided by section 17 of this 2010 Act.

38 “SECTION 17. (1) The Oregon Health Authority shall adopt rules under which confidential
39 data may be used by third parties to conduct research and studies for the public good. Re-
40 search and studies conducted using confidential data from the statewide traumatic brain in-
41 jury registry system must be reviewed and approved as provided in 45 C.F.R. 46.

42 “(2) The authority may enter into agreements to exchange information with other trau-
43 matic brain injury registries in order to obtain complete reports of Oregon residents diag-
44 nosed or treated in other states and to provide information to other states regarding the
45 residents of other states diagnosed or treated in Oregon. Prior to providing information to

1 any other registry, the authority shall ensure that the recipient registry has comparable
2 confidentiality protections.

3 **“SECTION 18. (1) An action for damages arising from the disclosure of confidential or**
4 **privileged information may not be maintained against any person, or the employer or em-**
5 **ployee of any person, who participates in good faith in providing data or information to the**
6 **Oregon Health Authority or providing access to traumatic brain injury registry data or in-**
7 **formation for traumatic brain injury morbidity or mortality studies in accordance with sec-**
8 **tion 14 or 15 of this 2010 Act.**

9 **“(2) A license of a health care facility or practitioner may not be denied, suspended or**
10 **revoked for the good faith disclosure of confidential or privileged information in accordance**
11 **with section 13, 14 or 15 of this 2010 Act.**

12 **“(3) This section does not apply to the unauthorized disclosure of confidential or privi-**
13 **leged information when the disclosure is due to gross negligence or willful misconduct.**

14 **“SECTION 19. Section 13 of this 2010 Act does not prohibit a health care facility from**
15 **operating its own traumatic brain injury registry or require a health care facility to operate**
16 **its own traumatic brain injury registry.”.**

17 In line 18, delete “12” and insert “20”.

18 In line 19, delete “13” and insert “21”.

19 In line 22, delete “14” and insert “22”.

20 In line 23, delete “15” and insert “23”.

21 In line 25, delete “16” and insert “24”.

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