

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2948 - 3

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Specifies additional conditions under which protected health information may be disclosed by health care provider that do not subject health care provider to civil liability.

Government Unit(s) Affected:

Oregon Health Authority (OHA, Department of Human Services (DHS)

Summary of Expenditure Impact:

	2015-17 Biennium	2017-19 Biennium
Personal Services	\$172,593	\$172,577
Services and Supplies	38,085	12,829
Total Funds	\$210,678	\$185,406
Positions	1	1
FTE	1.00	1.00

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 2948 with the -3 amendment clarifies additional conditions under which a health care provider may disclose protected health information for an individual being treated for mental illness without obtaining an authorization from the individual or a personal representative. The bill declares an emergency and is effective on passage.

The fiscal impact of this bill on the Information Security and Privacy Office (ISPO) is estimated at \$210,602 General Fund and 1.00 FTE for the 2015-17 biennium, and \$185,406 and 1.00 FTE for the 2017-19 biennium. ISPO is a shared service of the Oregon Health Authority (OAH) and the Department of Human Services (DHS).

This amount reflects the Person Services and related Services & Supplies for one Operations & Policy Analyst 3 position to work with the Department of Justice and consult with OHA partners. The Oregon Health Authority reports that this bill leaves decision making for disclosure up to the discretion of the health care provider. ISPO currently consults with partners, including Coordinated Care Organizations (CCOs) on answering questions regarding disclosure of protected health information. Because the disclosure permitted by this bill is an exception to current provisions of the Health Insurance Portability and Accountability Act (HIPAA), OHA predicts that passage of the bill will require more consultations with partners, increasing the workload for ISPO.