

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2948 – A5

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)

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 – A5 amendment establishes the “Susanna Blake Gaby Act,” clarifying 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 to the Information Security and Privacy Office (ISPO) is indeterminate. ISPO is a shared service of the Oregon Health Authority (OHA) and the Department of Human Services (DHS).

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 health care providers may need clarification, OHA is concerned that passage of the bill might require more consultations with partners, increasing the workload for ISPO.

If this bill passes, OHA will monitor the workload created by the requirements of this bill, and if it is determined that there is a material increase in workload and to the expenditures associated with these requirements, the agency may need to request additional staffing and resources.