

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Health Care

MINORITY REPORT
MEASURE: HB 2758 MRA
CARRIER: Rep. Hayden

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/20/15

Action: Do Pass With Amendments And Be Printed A-Engrossed.

Meeting Dates: 02/25, 04/08, 04/20

Signers of the Report: Rep. Cedric Hayden, Rep. Jim Weidner

Prepared By: Sandy Thiele-Cirka, Committee Administrator

WHAT THE MEASURE DOES:

Prohibits carriers and third-party administrators from disclosing to anyone, other than the enrollee receiving services, personal health information about an enrollee, upon the request of the enrollee if enrollee states that disclosure may lead to abuse of enrollee. Defines personal health information. Specifies procedures that carriers and third-party administrators follow for enrollee to request to have their personal information confidential. Requires Department of Consumer and Business Services to submit report no later than February 1, 2017 on the effectiveness of the process. Permits a healthcare provider to report abuse if the provider receives from a patient a confidential communication request and the patient is an unemancipated minor under 19 years of age and states in the confidential communication that disclosure of all or part of a communication regarding the patient may lead to abuse of the patient.

ISSUES DISCUSSED:

- Patient privacy and sensitive medical services
- Young adult children on parents health insurance plan
- Explanation of benefits form
- Personal health information and confidentiality
- Issues between parent and children
- Concerns associated with spouses and domestic violence
- Concerns relating to the age requirement

EFFECT OF MINORITY AMENDMENT:

Prohibits carriers and third-party administrators from disclosing to anyone, other than the enrollee receiving services, personal health information about an enrollee, upon the request of the enrollee if enrollee states that disclosure may lead to abuse of enrollee. Defines personal health information. Specifies procedures that carriers and third-party administrators follow for enrollee to request to have their personal information confidential. Requires Department of Consumer and Business Services to submit report no later than February 1, 2017 on the effectiveness of the process. Permits a healthcare provider to report abuse if the provider receives from a patient a confidential communication request and the patient is an unemancipated minor under 19 years of age and states in the confidential communication that disclosure of all or part of a communication regarding the patient may lead to abuse of the patient.

BACKGROUND:

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides federal protections for individually identifiable health information held by covered entities and their business associates and gives patients' rights with respect to that information. Confidentiality is a fundamental role in accessing healthcare services. Disclosure of information through certain insurance communications can create a barrier to those services.

Currently, health information through insurance communication (explanation of benefits) affects individuals as a dependent in a health plan, especially minors, and young adults insured on their parents' plan. House Bill 2758-MRA requires carriers to

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send any insurance information directly to the member receiving the services, not the policyholder under specific circumstances and permits a healthcare provider to report abuse if the provider receives a request from the patient.