

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

**MINORITY REPORT**  
**MEASURE:** HB 2758 MRB  
**CARRIER:** Sen. Kruse

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

**Action Date:** 05/27/15

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng Minority)

**Meeting Dates:** 05/18, 05/27

**Signers of the Report:** Sen. Tim Knopp, Sen. Jeff Kruse

**Prepared By:** Zena Rockowitz, Committee Administrator

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**WHAT THE MEASURE DOES:**

Prohibits carriers and third-party administrators from disclosing to anyone other than the enrollee receiving services, personal information about an enrollee, upon the request of the dependent enrollee. Specifies procedure for enrollees making a confidential communication request. Allows carrier or third-party administrator to not comply with confidential request to withhold communications to a parent or guardian of person 18 years of age or younger, unless the request is accompanied by the enrollee's statement of reasonable belief that disclosure of specific information will subject the enrollee to unlawful conduct, or federal law requires the insurer to comply with confidential communications request. Requires Department of Consumer and Business Services to submit report no later than December 1, 2016 on the effectiveness of the process. Changes the definition of personal health information to protected health information. Protects confidential communication in appeal of adverse benefit determination. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Parental rights with regards to minors and their health care
- Federal Patient Protection and Affordable Care Act's provision for patients to specify who can receive records
- Privacy and safety concerns for survivors of domestic violence
- Contents of explanation of benefits by health insurer and who should receive the statement
- Willingness of patient to share information with the provider

**EFFECT OF MINORITY AMENDMENT:**

Allows carrier or third-party administrator to not comply with confidential request to withhold communications to a parent or guardian of person under age 18, unless the request is accompanied by the enrollee's statement of reasonable belief that disclosure of specific information will subject the enrollee to unlawful conduct, or federal law requires the insurer to comply with confidential communications request.

**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 health care 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.