

Enrolled House Bill 2551

Sponsored by Representative GREENLICK; Representatives FREDERICK, READ (Presession filed.)

CHAPTER

AN ACT

Relating to individually identifiable health information.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Insurance Code.

SECTION 2. (1) As used in this section:

(a) "Covered entity" has the meaning given that term in ORS 192.556 but excludes state agencies.

(b) "Protected health information" has the meaning given that term in ORS 192.556.

(2) A covered entity that is required to file an annual financial statement under ORS 731.574 shall file with the Department of Consumer and Business Services, along with the financial statement, a protection of health information report. The report may be in the form of a letter, must be signed by the chief executive officer of the covered entity and must:

(a) State the responsibility of the covered entity's management to establish and maintain adequate safeguards and procedures for protecting the confidentiality of personally identifiable and protected health information that the covered entity retains in electronic and hard copy form;

(b) Contain assurances that the signing officer has disclosed to the governing board of the covered entity:

(A) All significant deficiencies in the design or operation of recordkeeping systems or controls that could adversely affect the covered entity's ability to protect the confidentiality of personally identifiable and protected health information;

(B) Any breaches of the security of personally identifiable and protected health information, whether material or not, that involve management or other employees who have a significant role in the covered entity's recordkeeping systems or controls; and

(C) All necessary steps that have been taken to address deficiencies in the design or operation of recordkeeping systems or controls and to resolve any material weaknesses identified to or by the covered entity's auditors; and

(c) Contain assurances that the signing officer has identified for the governing board of the covered entity any material weaknesses in the recordkeeping systems or controls.

(3) The protection of health information report is confidential and not subject to disclosure under ORS 192.410 to 192.505.

SECTION 3. Section 4 of this 2015 Act is added to and made a part of ORS chapter 441.

SECTION 4. (1) As used in this section, "protected health information" has the meaning given that term in ORS 192.556.

(2) A health care facility shall file with the Oregon Health Authority a protection of health information report no later than 120 days following the close of each fiscal year. The report may be in the form of a letter, must be signed by the chief executive officer of the facility and must:

(a) State the responsibility of the health care facility's management to establish and maintain adequate safeguards and procedures for protecting the confidentiality of personally identifiable and protected health information that the facility retains in electronic and hard copy form;

(b) Contain an assurance that there is ongoing evaluation and monitoring of the effectiveness of the safeguards and procedures in protecting the confidentiality of personally identifiable and protected health information;

(c) Contain assurances that the signing officer has disclosed to the board of directors of the facility:

(A) All significant deficiencies in the design or operation of recordkeeping systems or controls that could adversely affect the facility's ability to protect the confidentiality of personally identifiable and protected health information;

(B) Any breaches of the security of personally identifiable and protected health information, whether material or not, that involve management, staff or employees of the facility who have a significant role in the facility's recordkeeping systems or controls; and

(C) All necessary steps that have been taken to address deficiencies in the design or operation of recordkeeping systems or controls and to resolve any material weaknesses identified by the facility; and

(d) Contain assurances that the signing officer has identified for the board any material weaknesses in the recordkeeping systems or controls.

(3) The authority may adopt all rules necessary to carry out the provisions of this section.

(4) The protection of health information report is confidential and not subject to disclosure under ORS 192.410 to 192.505.

Passed by House April 15, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 12, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State