

Senate Joint Memorial 4

Sponsored by Senator STEINER HAYWARD (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to enact legislation to update 42 C.F.R. part 2 to allow health care providers for same patient to share treatment information while maintaining appropriate levels of confidentiality and protections against disclosure.

JOINT MEMORIAL

1
2 To the President of the United States and the Senate and the House of Representatives of the United
3 States of America, in Congress assembled:

4 We, your memorialists, the Seventy-eighth Legislative Assembly of the State of Oregon, in leg-
5 islative session assembled, respectfully represent as follows:

6 Whereas the State of Oregon has begun transforming its health care delivery model to improve
7 access to health care and provide Oregonians with better health care and better health outcomes
8 at a lower cost; and

9 Whereas focusing on prevention of chronic diseases is a key strategy to improving health out-
10 comes; and

11 Whereas the State of Oregon has invested in a coordinated care model that is community-based
12 and designed to coordinate services to improve patient care while also achieving economies of scale
13 and scope; and

14 Whereas the ability to share client information among state agency programs and local gov-
15 ernment and nonprofit providers is critical to providing better health services and outcomes effi-
16 ciently; and

17 Whereas federal and state regulations governing client confidentiality and the sharing of health
18 records impact the state's ability to maximize the efforts of the coordinated care model; and

19 Whereas 42 C.F.R. part 2 prohibits sharing of information among health care providers of per-
20 sons undergoing treatment for substance abuse; and

21 Whereas 42 C.F.R. part 2, which has served as a cornerstone of this state's publicly funded
22 treatment service system since 1975, recognizes that patients may be afraid to enter into treatment
23 without privacy guarantees due to intense and entrenched discrimination; and

24 Whereas current privacy protections contained in 42 C.F.R. part 2 help prevent patients from
25 losing their jobs, from being evicted from public housing and from losing custody of their children,
26 as well as from other forms of discrimination; and

27 Whereas the rapid pace of health reform, coupled with ongoing state and federal initiatives to
28 implement health information technology systems, presents exciting opportunities for the prevention,
29 treatment and recovery fields as efforts are made to increase communication and collaboration
30 within the health care system; now, therefore,

31 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

SJM 4

1 That we, the members of the Seventy-eighth Legislative Assembly, respectfully urge Congress
2 to pass legislation that would better align 42 C.F.R. part 2 with the Health Insurance Portability
3 and Accountability Act by allowing health care providers for a patient to share treatment informa-
4 tion while maintaining protections against disclosure and discrimination; and be it further

5 Resolved, That such legislation would allow states to maintain strong confidentiality protections
6 and still deliver coordinated care and administer electronic health records; and be it further

7 Resolved, That a copy of this memorial shall be sent to the President of the United States, to
8 the Senate Majority Leader, to the Speaker of the House of Representatives and to each member
9 of the Oregon Congressional Delegation.

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