

**PRELIMINARY STAFF MEASURE SUMMARY**

**Senate Committee On Education**

**Fiscal:** May have fiscal impact, but no statement yet issued

**Revenue:** No Revenue Impact

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**Action Date:**

**Action:**

**Meeting Dates:** 02/03

**Prepared By:** Richard Donovan, Committee Administrator

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**WHAT THE MEASURE DOES:**

Prohibits disclosure of records of college or university student health center, mental health center or counseling center, or records of health professional retained by college or university to provide health care, mental health care or counseling services to students, to other individuals, offices or entities within, affiliated with or acting on behalf of college or university. Provides exceptions. Declares that health records, mental health records or counseling records of students may not be considered student records by college or university. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Privacy of student medical information as fundamental concern
- Statistic around college student vulnerability, frequency of need for treatment
- Low rate at which students seek treatment; privacy concerns as one cited reason
- Support for measure from all seven public universities

**EFFECT OF COMMITTEE AMENDMENT:**

Modifies bill language to correctly ensure that student health records are not disclosed to other offices of a college or university or other entities, except in appropriate circumstances. FISCAL: No fiscal impact REVENUE: No revenue impact

**BACKGROUND:**

Merriam Webster defines "Medical Record" as, "a record of a patient's medical information (as medical history, care or treatments received, test results, diagnoses, and medications taken)." Oregon has a variety of laws governing the collection, maintenance of, and access to patient medical records. In Oregon law, ORS 192, titled "Records, Reports and Meetings; Miscellaneous Matters; Public Records Policy," governs medical records generally, but there are many other sections of statute that apply. There are also extensive Oregon Administrative Rules governing medical records, with titles such as: "Right to access to medical records (Access by representative or other person authorized by the patient through informed consent; copying fees, or other requirements (e.g., requirement to give patient access in electronic format)," "Required maintenance of medical records," and "Content of medical record." There is also extensive federal law and rule regulating medical records, most notable the Health Insurance Portability and Accountability Act of 1996, commonly referred to as "HIPAA."