

February 22, 2016

Oregon State Legislature
Senate Committee on Judiciary
900 Court St. NE
Salem Oregon 97301

Re: *House Bill 4067A*

Dear Chair Prozanski and Members of the Committee:

On behalf of Oregon's 58 non-profit hospitals, health care systems, and the patients they serve, the Oregon Association of Hospitals and Health Systems (OAHHS) appreciates the opportunity to comment on House Bill 4067A.

OAHHS is generally supportive of HB 4067A. However, we ask that you carefully consider amending the bill to note that the disclosure of protected health information continues to be subject to federal law.

As you know, the Health Insurance Portability and Accountability Act, or HIPAA, requires health care entities and their employees to maintain certain privacy and security protections, and subjects those entities to liability if personal health information is shared without authorization. The law contains a number of exceptions, including one for whistleblower activities. However, the persons to whom disclosure is allowed under HIPAA is narrower than what is currently proposed in HB 4067A. Since states may not enact more lenient privacy standards than what is allowed under federal law, the current bill would leave a subset of employees in a confusing space where something allowable under state law conflicts with federal law; and where something intended to be helpful may result in personal liability.

To avoid confusion OAHHS respectfully asks the committee to adopt the amendment proposed which will ensure that employees remain aware of their ongoing obligation to comply with federal law.

Thank you for your consideration. For more information please contact Andi Easton at 503-559-1059 or Drew Hagedorn at 503-380-1075.