

STAFF MEASURE SUMMARY

House Committee On Higher Education, Innovation, and Workforce Development

Fiscal: No fiscal impact

Revenue: No Revenue Impact

Action Date: 02/19/16

Action: Do Pass The A-Eng Bill.

Meeting Dates: 02/19

Vote:

Yeas: 5 - Gallegos, McKeown, Read, Reardon, Whisnant

Exc: 4 - Hayden, Hoyle, Johnson, Nearman

Prepared By: Victoria Cox, Committee Administrator

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:

- Need to identify who has authority over health records of college students
- Expectations of privacy regardless of where student seeks care
- Clarification that counseling and health centers are separate entities from college or university
- Affirmative obligation of clinicians to disclose suspicion a student may harm self or others

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Oregon has a variety of laws governing the collection, maintenance of and access to patient medical records. ORS 192, titled "Records, Reports and Meetings; Miscellaneous Matters; Public Records Policy," governs medical records generally, but there are many other applicable statutes as well. Oregon Administrative Rules governing medical records include the following titles: "Right to access medical records;" "Access by representative or other person authorized by the patient through informed consent; copying fees, or other requirements;" "Required maintenance of medical records;" and "Content of medical record." Extensive federal laws and rules also govern the handling of medical records, most notably the Health Insurance Portability and Accountability Act of 1996, commonly referred to as "HIPAA."

Senate Bill 1558-A prohibits disclosure of student medical records by a student health center, mental health center or counseling center.