

**HB 2836 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Greenlick

**House Committee On Health Care**

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**Action Date:** 04/14/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 9-0-0-0

**Yeas:** 9 - Alonso Leon, Buehler, Greenlick, Hack, Hayden, Kennemer, Keny-Guyer, Malstrom, Nosse

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Clarifies that all medical records and written accounts of a person committed to the jurisdiction of the Psychiatric Security Review Board (PSRB) and the Oregon State Hospital (OSH) are not accessible for public inspection.

**ISSUES DISCUSSED:**

- PSRB jurisdiction and responsibilities
- Recent appellate opinion relating to Health Insurance Portability and Accountability Act (HIPAA) and public agencies
- Current confidentiality laws
- Importance of OSH and PSRB responding to public records requests
- Risk assessment process for guilty except for insanity patients

**EFFECT OF AMENDMENT:**

Replaces original measure.

**BACKGROUND:**

Psychiatric health records are protected from disclosure by HIPAA. The Oregon Health Authority (OHA) and Oregon State Hospital (OSH) rely on HIPAA to protect their patients' health information. OHA and OSH provide patient records for official purposes in various administrative, criminal and appellate proceedings. Psychiatric health records are used during PSRB risk assessment hearings, which are based on a review of the patient's records, detailed interviews and an assessment. OHA and OSH have relied on the transferred record exemption [ORS 192.502(10)], to ensure that protected records transferred to another public body for official purposes would retain their protection under HIPAA.

House Bill 2836-A extends the privacy protection to the health information in the PSRB exhibits.