

**Enrolled**  
**Senate Bill 397**

Sponsored by Senator STEINER HAYWARD (Presession filed.)

CHAPTER .....

AN ACT

Relating to the sharing of information between social services providers; and declaring an emergency.

Whereas it is the policy of the State of Oregon to provide an integrated and coordinated delivery system to most efficiently provide the services necessary to assist Oregonians in achieving self-sufficiency; and

Whereas providing an integrated and coordinated delivery system requires the sharing of information between programs, agencies, local government entities and service providers to the greatest extent practicable; and

Whereas streamlined information sharing results in better coordination of services and timely provision of services to individuals; and

Whereas streamlined information sharing allows for providers to spot trends and identify those at risk so that intervention can take place before greater help is needed; and

Whereas there are often misperceptions regarding the protection of individuals' privacy that lead to inconsistent application and interpretation of state and federal privacy laws; and

Whereas this inconsistency highlights a need for coordinated policies regarding confidentiality and privacy that reflect the policy of the State of Oregon to share as much data and information as possible; now, therefore,

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section and section 2 of this 2017 Act:**

**(a) "Public body" has the meaning given that term in ORS 174.109, excluding courts.**

**(b) "Social services" means:**

- (A) Health care services;**
- (B) Mental health services;**
- (C) Substance abuse treatment services;**
- (D) Educational services;**
- (E) Juvenile justice services;**
- (F) Adult correctional services;**
- (G) Employment services; and**
- (H) Human services.**

**(2) The Department of Human Services shall convene a work group to study and develop a common and comprehensive client confidentiality release form that may be used by public bodies and community organizations that provide social services to enable and facilitate the appropriate sharing of confidential information to enhance the delivery of social services in this state.**

- (3) **Members of the work group shall include:**
- (a) **Representatives from the Department of Justice;**
  - (b) **Representatives from other public bodies that receive, create or use confidential information relating to the provision of social services;**
  - (c) **Representatives of community organizations that receive, create or use confidential information relating to the provision of social services;**
  - (d) **Representatives of law enforcement;**
  - (e) **Representatives of civil liberty interest organizations; and**
  - (f) **Other interested stakeholders.**

(4) **The Department of Human Services shall convene the work group as soon as practicable after the effective date of this 2017 Act and shall develop the release form for adoption and use by public bodies and community organizations in this state that provide social services by July 1, 2018.**

(5) **The Department of Human Services shall provide facilities and administrative support for meetings of the work group.**

(6) **The Department of Human Services shall report to those committees of the 2018 regular session of the Legislative Assembly having jurisdiction over human services and health care on the progress of the work group in the development of the release form.**

**SECTION 2.** (1) **During 2017 and 2018, the Department of Justice, in consultation with the Department of Human Services and other public bodies and community organizations that receive, create or use confidential information related to the provision of social services, shall review state laws and identify those state statutes that could be modified to better facilitate communication between and among public bodies and community organizations engaged in the provision of social services.**

(2) **The Department of Justice shall submit any legislative proposals for modifications described in subsection (1) of this section in the manner prescribed in ORS 171.130 for introduction in the 2019 regular session of the Legislative Assembly.**

**SECTION 3.** (1) **The Department of Justice shall develop and maintain an information sharing guide setting forth the applicable state and federal laws governing the release of educational, juvenile justice, adult correctional, mental health treatment, substance abuse treatment and health care information. The guide must set forth the applicable laws according to discipline, including but not limited to the release of information by child welfare agencies, law enforcement, juvenile justice agencies, schools, mental health treatment providers, health care providers, substance abuse treatment providers and human services providers.**

(2) **The guide must be made available on the Department of Justice website by December 31, 2018, and must be updated annually in accordance with changes in the law.**

(3) **The Department of Justice shall make efforts to notify affected entities of the availability of the guide by January 1, 2019.**

**SECTION 4.** Section 3 of this 2017 Act is amended to read:

**Sec. 3.** (1) **The Department of Justice shall [*develop and*] maintain an information sharing guide setting forth the applicable state and federal laws governing the release of educational, juvenile justice, adult correctional, mental health treatment, substance abuse treatment and health care information. The guide must set forth the applicable laws according to discipline, including but not limited to the release of information by child welfare agencies, law enforcement, juvenile justice agencies, schools, mental health treatment providers, health care providers, substance abuse treatment providers and human services providers.**

(2) **The guide must be made available on the Department of Justice website [*by December 31, 2018, and must be*] and updated annually in accordance with changes in the law.**

**[*(3) The Department of Justice shall make efforts to notify affected entities of the availability of the guide by January 1, 2019.*]**

**SECTION 5.** **Sections 1 and 2 of this 2017 Act are repealed.**

**SECTION 6.** The amendments to section 3 of this 2017 Act by section 4 of this 2017 Act and the repeal of sections 1 and 2 of this 2017 Act by section 5 of this 2017 Act become operative on January 2, 2019.

**SECTION 7.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

**Passed by Senate June 28, 2017**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House July 6, 2017**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Dennis Richardson, Secretary of State