

A-Engrossed
Senate Bill 397

Ordered by the Senate February 20
Including Senate Amendments dated February 20

Sponsored by Senator STEINER HAYWARD (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Human Services to convene work group to develop common client confidentiality release form to be used by public bodies and community organizations to enable and facilitate appropriate sharing of confidential information. Requires department to report to Legislative Assembly in 2018 regular session and to have release form available for use by July 1, 2018.

Directs Department of Justice to study state laws and make recommendations on modification of statutes to facilitate communication of presently confidential information between public bodies and community organizations. Requires department to make legislative proposals for modification of statutes for consideration in 2019 regular session of Legislative Assembly. Requires department to develop information sharing guide detailing laws governing release of certain information.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the sharing of information between social services providers; and declaring an emer-
3 gency.

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

7 Whereas providing an integrated and coordinated delivery system requires the sharing of infor-
8 mation between programs, agencies, local government entities and service providers to the greatest
9 extent practicable; and

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

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

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

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

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

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

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

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

23 **(A) Health care services;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(B) Mental health services;**
- 2 **(C) Substance abuse treatment services;**
- 3 **(D) Educational services;**
- 4 **(E) Juvenile justice services;**
- 5 **(F) Adult correctional services;**
- 6 **(G) Employment services; and**
- 7 **(H) Human services.**

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

13 **(3) Members of the work group shall include:**

14 **(a) Representatives from the Department of Justice;**

15 **(b) Representatives from other public bodies that receive, create or use confidential in-**
16 **formation relating to the provision of social services;**

17 **(c) Representatives of community organizations that receive, create or use confidential**
18 **information relating to the provision of social services;**

19 **(d) Representatives of law enforcement;**

20 **(e) Representatives of civil liberty interest organizations; and**

21 **(f) Other interested stakeholders.**

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

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

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

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

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

40 **SECTION 3.** **(1) The Department of Justice shall develop and maintain an information**
41 **sharing guide setting forth the applicable state and federal laws governing the release of**
42 **educational, juvenile justice, adult correctional, mental health treatment, substance abuse**
43 **treatment and health care information. The guide must set forth the applicable laws ac-**
44 **ording to discipline, including but not limited to the release of information by child welfare**
45 **agencies, law enforcement, juvenile justice agencies, schools, mental health treatment pro-**

1 **viders, health care providers, substance abuse treatment providers and human services pro-**
2 **viders.**

3 **(2) The guide must be made available on the Department of Justice website by December**
4 **31, 2018, and must be updated annually in accordance with changes in the law.**

5 **(3) The Department of Justice shall make efforts to notify affected entities of the avail-**
6 **ability of the guide by January 1, 2019.**

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

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

15 (2) The guide must be made available on the Department of Justice website [*by December 31,*
16 *2018, and must be*] **and** updated annually in accordance with changes in the law.

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

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

20 **SECTION 6. The amendments to section 3 of this 2017 Act by section 4 of this 2017 Act**
21 **and the repeal of sections 1 and 2 of this 2017 Act by section 5 of this 2017 Act become op-**
22 **erative on January 2, 2019.**

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