

## SB 438 STAFF MEASURE SUMMARY

### House Committee On Health Care

---

**Prepared By:** Oliver Droppers, LPRO Analyst

**Meeting Dates:** 4/27, 5/11

---

#### **WHAT THE MEASURE DOES:**

Allows physician assistants to receive test results of an inmate tested for a communicable disease under limited circumstances.

**Senate Vote:** *Passed. Ayes, 27; Nays, 1; Excused, 2.*

**REVENUE:** *No revenue impact.*

**FISCAL:** *No fiscal impact.*

#### **ISSUES DISCUSSED:**

- Exposure to communicable diseases among first responders and public safety officers
- Inability for physician assistants to receive results of a court mandated laboratory test
- Nurse practitioners and physicians currently able to receive lab results

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

Privacy and security laws require health care providers to protect a patient's protected health information (PHI). Oregon law does permit, under limited circumstances, certain disclosures without a patient's authorization. For example, a correctional facility may disclose a patient's PHI without their authorization to provide health care to the inmate or for the health and safety of the inmate, other inmates, or employees of the facility. In 2017, Senate Bill 1025 expanded the list of communicable diseases that law enforcement and public safety personnel must seek voluntary consent from a person to be tested. Senate Bill 1025 maintains the confidentiality of the test results and prohibits the subsequent use of test material in a civil or criminal investigation or proceeding.

Senate Bill 438 expands the list of health care providers authorized to receive the results of an inmate's court-ordered communicable disease test to include physician assistants.