

House Bill 2440

Sponsored by Representative SCHARF (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 **as introduced**.

Requires entity participating in community information exchange to access, use or disclose information consistent with authorization provided by individual or personal representative of individual. Prohibits use of general authorization.

Prohibits entity from retaining information obtained by means of community information exchange after period of time of authorization. Prohibits entity from conditioning referral for social services or support on provision of authorization. Prohibits entity from selling information obtained by means of community information exchange unless specifically authorized.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to access to information about community services; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Community information exchange” means a network of public or private health care**
6 **providers, human or social services providers and community-based organizations that part-**
7 **ner to use a technology platform with functions such as a shared resource directory, closed**
8 **loop referrals, reporting, social needs screening and other features to electronically connect**
9 **individuals and families to social services and supports and integrate the delivery of social**
10 **services and supports to individuals and families.**

11 (b) **“Community information exchange” does not include a health information exchange.**

12 (2) **An entity that is a participant in a community information exchange:**

13 (a) **May only access, use or disclose information of an individual by means of the com-**
14 **munity information exchange in a manner that is consistent with an authorization that is**
15 **provided by the individual or a personal representative of the individual.**

16 (b) **Shall provide a simple means for an individual or a personal representative of the**
17 **individual to withdraw an authorization that is provided under this section.**

18 (c) **May not retain information of an individual obtained by means of the community in-**
19 **formation exchange after a period of time for which an authorization is provided.**

20 (d) **May not condition a referral for social services or supports on whether an individual**
21 **or a personal representative of the individual provides authorization to access, use or dis-**
22 **close information of the individual.**

23 (e) **May not sell information of an individual obtained by means of the community infor-**
24 **mation exchange unless the individual or a personal representative of the individual specif-**
25 **ically authorizes the entity to sell the information.**

26 (3)(a) **An authorization provided under this section must specify:**

27 (A) **The entity that is authorized;**

28 (B) **The scope of information that is authorized;**

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 **(C) Whether the authorization is to access, use or disclose; and**

2 **(D) A period of time that is no more than one year for which the authorization is pro-**
3 **vided.**

4 **(b) A general authorization that does not specify the information required under para-**
5 **graph (a) of this subsection is invalid.**

6 **SECTION 2.** **This 2023 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
8 **on its passage.**

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