

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 823**

1 On page 2 of the printed A-engrossed bill, line 14, after “subsection” in-
2 sert “and subsection (5) of this section”.

3 Delete lines 24 through 36 and insert:

4 “(C) A person 18 years of age or older who received or is receiving ser-
5 vices at the state-authorized program at which the alleged abuse occurred,
6 if the person:

7 “(i) Experienced an unexplained physical injury while receiving services
8 from the state-authorized program;

9 “(ii) Was the subject of an abuse investigation at the state-authorized
10 program;

11 “(iii) Disclosed that abuse occurred at the state-authorized program and
12 the disclosure was reported to the department, a law enforcement agency, a
13 court appointed special advocate, a physician or any other mandatory re-
14 porter of child abuse under ORS 419B.005 to 419B.050; or

15 “(iv) Requests the information for a reasonable purpose, as determined
16 by the department by rule, related to the person’s legitimate interests in the
17 person’s safety, the safety of other children or youth or the effective regu-
18 lation, oversight and improvement of services.

19 “(D) An attorney or guardian ad litem for a person under 18 years of age
20 who received or is receiving services at the state-authorized program where
21 the alleged abuse occurred.

1 “(E) A parent or guardian of a person who is under 18 years of age or
2 deceased if the person is receiving or received services from the state-
3 authorized program at which the alleged abuse occurred and the person:

4 “(i) Experienced an unexplained physical injury or died while receiving
5 services from the state-authorized program;

6 “(ii) Was the subject of an abuse investigation at the state-authorized
7 program; or

8 “(iii) Disclosed that abuse occurred at the state-authorized program and
9 the disclosure was reported to the department, a law enforcement agency, a
10 court appointed special advocate, a physician or any other mandatory re-
11 porter of child abuse under ORS 419B.005 to 419B.050.

12 “(F) The Secretary of State or a designee of the Secretary of State for the
13 purposes of an audit.

14 “(G) A professional licensing board for the purpose of assessing compli-
15 ance with rules and standards adopted by the licensing board.

16 “(H) An attorney representing a person for the purposes of evaluating the
17 proposed placement of the person in the state-authorized program at which
18 the alleged abuse occurred.”.

19 Delete lines 42 through 44 and insert:

20 “(B) If the person who reported or witnessed the alleged abuse is not al-
21 leged to have committed the abuse, the person’s name, contact information
22 and any other personally identifying information, including any information
23 that could cause a reasonable inference to be made about the person’s iden-
24 tity, the person’s occupation or the person’s relationship with the child or
25 with the state-authorized program.”.

26 On page 3, after line 4, insert:

27 “(F) Any specific references to the alleged victim’s mental health care or
28 other individually identifiable health information, as defined in ORS 192.556,
29 including any indication of the types of mental health care providers inter-
30 viewed during the abuse investigation or referenced in the completed abuse

1 investigation report.”.

2 After line 15, insert:

3 “(5)(a) Upon written request, the department shall provide the victim or
4 alleged victim with information regarding any access to the completed abuse
5 investigation report the department has provided under subsection (4)(b) of
6 this section, including the name of the person who requested to inspect the
7 report, the date or dates the person was allowed to inspect the report and
8 the information the department redacted under subsection (4)(c) of this sec-
9 tion from the report the person was allowed to inspect.

10 “(b)(A) If the victim is under 18 years of age, upon the request of the
11 victim’s attorney, the department shall provide a copy of a completed abuse
12 investigation report to the victim’s attorney.

13 “(B) If the victim is at least 18 years of age, upon the request of the
14 victim, the department shall provide a copy of a completed abuse investi-
15 gation report to the victim.

16 “(C) The department may not redact a copy of the completed abuse in-
17 vestigation report provided under this subsection except as required to pro-
18 tect the confidentiality of individually identifiable health information, as
19 defined in ORS 192.556, of an individual other than the victim.

20 “(c) A victim or victim’s representative is not subject to the
21 confidentiality provisions under subsection (4)(f) of this section. However, a
22 victim or victim’s representative may not:

23 “(A) Redisclose information from the completed abuse investigation report
24 that would reveal the identity of any person, other than the victim, who was
25 under 18 years of age at the time of the incident resulting in the abuse in-
26 vestigation; or

27 “(B) Redisclose or publicly disseminate the completed abuse investigation
28 report, including on social media, for the purpose of harassing, annoying or
29 intimidating a person referenced in the completed abuse investigation report
30 if the person was under 18 years of age at the time of the incident that re-

1 sulted in the abuse investigation.

2 “(6) The department shall adopt rules for the administration of subsection
3 (4) of this section. At a minimum, the rules must:

4 “(a) Establish processes and procedures to ensure that the completed
5 abuse investigation report is maintained by the requester in a secure manner
6 and that the report is not rereleased by a person not otherwise authorized
7 to rerelease the report.

8 “(b) Allow the department to require that the inspection take place in a
9 controlled environment if the department determines that a person other
10 than an involved party could reasonably ascertain the identity of the victim
11 or alleged victim, despite redactions of personally identifiable information,
12 and:

13 “(A) The report relates to an incident that occurred at a program that is
14 licensed by the Oregon Health Authority as a psychiatric residential treat-
15 ment center or a substance use disorder program; or

16 “(B) The report includes sensitive information, including explicit de-
17 scriptions of the details of a sexual assault or sexual abuse or specific in-
18 formation about a victim’s or alleged victim’s medical condition, other than
19 information describing an injury or condition resulting from the abuse.

20 “(c) Ensure that the method by which records may be inspected is not
21 unduly burdensome for the requester to inspect the materials, taking into
22 consideration the person’s circumstances and the sensitivity of the completed
23 abuse investigation report.

24 “(7) A person who violates subsection (4)(f) or (5)(c) of this section com-
25 mits a Class A violation.”.

26 In line 20, delete the boldfaced material.

27 In line 21, after “419B.050” insert “and section 1 of this 2023 Act”.

28 In line 22, after “section” insert “and section 1 of this 2023 Act”.

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