

Senate Bill 841

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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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would allow tribes and health centers in the state to enter an agreement with the OHA to take actions related to reportable diseases. The Act would allow tribes and health centers in the state to enter an agreement with the OHA to get and use some health data about tribes in the state. (Flesch Readability Score: 60.5).

Authorizes the Oregon Health Authority to enter into an agreement with a federally recognized Indian tribe in Oregon or a tribal epidemiology center in Oregon to allow the tribe or center to accept reports of reportable diseases and investigate cases of reportable diseases.

Authorizes the authority to enter into an agreement with a federally recognized Indian tribe in Oregon or a tribal epidemiology center in Oregon to allow the tribe or center to access and use tribal data under the prescription monitoring program.

A BILL FOR AN ACT

1
2 Relating to tribal public health data; amending ORS 431A.850, 431A.869, 433.001, 433.004, 433.006 and
3 433.008.

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

5 **SECTION 1.** ORS 433.001 is amended to read:

6 433.001. As used in ORS 433.001 to 433.045 and 433.110 to 433.770 unless the context requires
7 otherwise:

8 (1) "Communicable disease" has the meaning given that term in ORS 431A.005.

9 (2) "Control" means a person without a reportable disease about whom information is collected
10 for purposes of comparison to a person or persons with the reportable disease.

11 (3) "Disease outbreak" has the meaning given that term in ORS 431A.005.

12 (4) "Epidemic" has the meaning given that term in ORS 431A.005.

13 (5) "Health care provider" has the meaning given that term in ORS 433.443.

14 (6) "Individually identifiable health information" has the meaning given that term in ORS
15 433.443.

16 (7) "Isolation" means the physical separation and confinement of a person or group of persons
17 who are infected or reasonably believed to be infected with a communicable disease or possibly
18 communicable disease from nonisolated persons to prevent or limit the transmission of the disease
19 to nonisolated persons.

20 (8) "Local public health administrator" has the meaning given that term in ORS 431.003.

21 (9) "Property" means animals, inanimate objects, vessels, public conveyances, buildings and all
22 other real or personal property.

23 (10) "Public health measure" has the meaning given that term in ORS 431A.005.

24 (11) "Quarantine" means the physical separation and confinement of a person or group of per-
25 sons who have been or may have been exposed to a communicable disease or possibly communicable

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 disease and who do not show signs or symptoms of a communicable disease, from persons who have
 2 not been exposed to a communicable disease or possibly communicable disease, to prevent or limit
 3 the transmission of the disease to other persons.

4 (12) "Reportable disease" has the meaning given that term in ORS 431A.005.

5 (13) "Simultaneous electronic transmission" means transmission by television, telephone or any
 6 other electronic or digital means if the form of transmission allows:

7 (a) The court and the person making the appearance to communicate with each other during the
 8 proceeding; and

9 (b) A person who is represented by legal counsel to consult privately with the person's attorney
 10 during the proceeding.

11 (14) "Toxic substance" has the meaning given that term in ORS 431A.005.

12 (15) "**Tribe**" means:

13 (a) **Any of the nine federally recognized Indian tribes in this state; or**

14 (b) **Any tribal epidemiology center in this state operating under 25 U.S.C. 1621m for the**
 15 **benefit of any of the nine federally recognized Indian tribes in this state.**

16 **SECTION 2.** ORS 433.004 is amended to read:

17 433.004. (1) The Oregon Health Authority shall by rule:

18 (a) Specify reportable diseases and when the diseases must be reported under this section;

19 (b) Identify those categories of persons who must report reportable diseases and the circum-
 20 stances under which the reports must be made;

21 (c) Prescribe the procedures and forms for making such reports and transmitting the reports to
 22 the authority; and

23 (d) Prescribe measures and methods for investigating the source and controlling reportable dis-
 24 eases.

25 (2) Persons required under the rules to report reportable diseases shall report to the authority
 26 [or], the local public health administrator **or the tribe, upon entering an agreement under sub-**
 27 **section (7) of this section**, as specified by the authority by rule. A local public health administra-
 28 tor **or tribe** that receives a report under this subsection shall transmit the report to the authority
 29 as specified by the authority by rule.

30 (3) The authority [or], local public health administrator **or tribe, upon entering an agreement**
 31 **under subsection (7) of this section**, may investigate a case of a reportable disease, disease out-
 32 break or epidemic. The investigation may include, but is not limited to:

33 (a) Interviews of:

34 (A) The subject of a reportable disease report;

35 (B) Controls;

36 (C) Health care providers; or

37 (D) Employees of a health care facility.

38 (b) Requiring a health care provider, any public or private entity, or an individual who has in-
 39 formation necessary for the investigation to:

40 (A) Permit inspection of the information by the authority [or], local public health administrator
 41 **or tribe**; and

42 (B) Release the information to the authority [or], local public health administrator **or tribe**.

43 (c) Inspection, sampling and testing of real or personal property with consent of the owner or
 44 custodian of the property or with an administrative warrant.

45 (4)(a) The authority shall establish by rule the manner in which information may be requested

1 and obtained under subsection (3) of this section.

2 (b) Information requested may include, but is not limited to, individually identifiable health in-
3 formation related to:

4 (A) The case;

5 (B) An individual who may be the potential source of exposure or infection;

6 (C) An individual who has been or may have been exposed to or affected by the disease;

7 (D) Policies, practices, systems or structures that may have affected the likelihood of disease
8 transmission; and

9 (E) Factors that may influence an individual's susceptibility to the disease or likelihood of being
10 diagnosed with the disease.

11 (5) In addition to other grounds for which a state agency may exercise disciplinary action
12 against its licensees or certificate holders, the substantial or repeated failure of a licensee or cer-
13 tificate holder to report when required to do so under subsection (2) or (3) of this section shall be
14 cause for the exercise of any of the agency's disciplinary powers.

15 (6) Any person making a report or providing information under this section is immune from any
16 civil or criminal liability that might otherwise be incurred or imposed with respect to the making
17 of a report or providing information under this section.

18 **(7) The authority may enter into an agreement under ORS 190.110 with a tribe for the**
19 **purpose of receiving reports of reportable diseases under subsection (2) of this section and**
20 **investigating cases of reportable diseases under subsection (3) of this section. If a tribe en-**
21 **ters into an agreement, the tribe shall carry out subsections (2) and (3) of this section.**

22 **SECTION 3.** ORS 433.006 is amended to read:

23 433.006. (1) Except as provided in subsection (2) **or (3)** of this section, in response to each report
24 of a reportable disease, the local public health administrator shall ensure that investigations and
25 control measures, as prescribed by Oregon Health Authority rule, are conducted.

26 (2) If there has been a transfer of responsibility from a local public health authority to the
27 Oregon Health Authority under ORS 431.382, the Oregon Health Authority shall ensure that inves-
28 tigations and control measures are conducted, as funding allows, pursuant to rules adopted by the
29 Oregon Health Authority.

30 **(3) If the Oregon Health Authority enters into an agreement with a tribe under ORS**
31 **433.004, the tribe shall ensure that investigations and control measures are conducted pur-**
32 **suant to the agreement.**

33 **SECTION 4.** ORS 433.008 is amended to read:

34 433.008. (1)(a) Except as provided in subsection (2) of this section, information obtained by the
35 Oregon Health Authority [*or*], a local public health administrator **or a tribe** in the course of an
36 investigation of a reportable disease or disease outbreak is confidential and is exempt from disclo-
37 sure under ORS 192.311 to 192.478.

38 (b) Except as required for the administration or enforcement of public health laws or rules, a
39 state or local public health official or employee **or a tribal official or employee** may not be ex-
40 amined in an administrative or judicial proceeding about the existence or contents of a reportable
41 disease report or other information received by the authority [*or*], **a local public health administra-**
42 **tor or a tribe** in the course of an investigation of a reportable disease or disease outbreak.

43 (2) The authority [*or*], a local public health administrator **or a tribe** may release information
44 obtained during an investigation of a reportable disease or disease outbreak to:

45 (a) State, local [*or*], federal **or tribal** agencies authorized to receive the information under state

1 or federal law;

2 (b) Health care providers if necessary for the evaluation or treatment of a reportable disease;

3 (c) Law enforcement officials to the extent necessary to carry out the authority granted to the
4 Public Health Director and local public health administrators under ORS 433.121, 433.128, 433.131,
5 433.138 and 433.142;

6 (d) A person who may have been exposed to a communicable disease;

7 (e) A person with information necessary to assist the authority *[or]*, local public health admin-
8 istrator **or tribe** in identifying an individual who may have been exposed to a communicable disease;
9 and

10 (f) The individual who is the subject of the information or the legal representative of that indi-
11 vidual.

12 (3) The authority *[or]*, local public health administrator **or tribe** may release individually iden-
13 tifiable information under subsection (2)(d) or (e) of this section only if there is clear and convincing
14 evidence that the release is necessary to avoid an immediate danger to other individuals or to the
15 public.

16 (4) The authority *[or]*, local public health administrator **or tribe** may release only the minimum
17 amount of information necessary to carry out the purpose of the release pursuant to subsection (2)
18 of this section.

19 (5) A decision not to disclose information under this subsection, if made in good faith, shall not
20 subject the entity or person withholding the information to any liability.

21 (6) Nothing in this section:

22 (a) Prevents the authority *[or]*, a local public health administrator **or a tribe** from publishing
23 statistical compilations and reports relating to reportable disease investigations if the compilations
24 and reports do not identify individual cases or sources of information;

25 (b) Affects the confidentiality or admissibility into evidence of information not otherwise confi-
26 dential or privileged that is obtained from sources other than the authority; or

27 (c) Prevents dispositions of information pursuant to ORS 192.105.

28 **SECTION 5.** ORS 431A.850, as amended by section 3, chapter 438, Oregon Laws 2023, is
29 amended to read:

30 431A.850. As used in ORS 431A.855 to 431A.900:

31 (1) “Dental director” means a dentist, as defined in ORS 679.010, employed by a coordinated care
32 organization, dental clinic or office, or a system of dental clinics or offices, for the purpose of
33 overseeing the operations of the dental clinic or office, or the system of dental clinics or offices, and
34 ensuring the delivery of quality dental care within the clinic, office or system.

35 (2) “Dispense” and “dispensing” have the meanings given those terms in ORS 689.005.

36 (3) “Drug outlet” has the meaning given that term in ORS 689.005.

37 (4) “Health professional regulatory board” means a health professional regulatory board, as de-
38 fined in ORS 676.160, the Long Term Care Administrators Board, the Board of Licensed Dietitians
39 and the Behavior Analysis Regulatory Board.

40 (5) “Medical director” means a physician employed by a coordinated care organization, hospital,
41 health care clinic or system of hospitals or health care clinics for the purposes of overseeing the
42 operations of the coordinated care organization, hospital, clinic or system and ensuring the delivery
43 of quality health care within the coordinated care organization, hospital, clinic or system.

44 (6) “Patient” means:

45 (a) The individual to whom the prescription drug is prescribed; or

1 (b) If the prescription drug is prescribed by a veterinarian for an animal, the individual to whom
2 the prescription drug is dispensed on behalf of the animal.

3 (7) "Pharmacist" means:

4 (a) A pharmacist as defined in ORS 689.005; or

5 (b) An individual licensed to practice pharmacy in another state, if the requirements for
6 licensure are similar, as determined by the Oregon Health Authority, to the requirements for being
7 licensed as a pharmacist as defined in ORS 689.005.

8 (8) "Pharmacy director" means a pharmacist employed by a coordinated care organization,
9 pharmacy or system of pharmacies for the purposes of overseeing the operations of the coordinated
10 care organization, pharmacy or system and ensuring the delivery of quality pharmaceutical care
11 within the coordinated care organization, pharmacy or system.

12 (9) "Practitioner" means:

13 (a) A practitioner as defined in ORS 689.005; or

14 (b) An individual licensed to practice a profession in another state, if the requirements for
15 licensure are similar, as determined by the authority, to the requirements for being licensed as a
16 practitioner as defined in ORS 689.005.

17 (10) "Prescription" has the meaning given that term in ORS 475.005.

18 (11) "Prescription drug" has the meaning given that term in ORS 689.005.

19 (12) "Tribe" means:

20 (a) **Any of the nine federally recognized Indian tribes in this state; or**

21 (b) **Any tribal epidemiology center in this state operating under 25 U.S.C. 1621m for the**
22 **benefit of any of the nine federally recognized Indian tribes in this state.**

23 [(12)] (13) "Veterinarian" means a person licensed to practice veterinary medicine under ORS
24 chapter 686.

25 **SECTION 6.** ORS 431A.869 is amended to read:

26 431A.869. (1) The Oregon Health Authority may enter into agreements [*governing the sharing*
27 *and use of information described in ORS 431A.860 (1)*] with the authorities of other states that ad-
28 minister prescription monitoring programs **to share and use information described in ORS**
29 **431A.860 (1)**. An agreement entered into under this section must adhere to the disclosure limitations
30 listed under ORS 431A.865 (3). An agreement entered into under this section may:

31 [(1)] (a) Provide for the transmission of information between electronic systems, provided that
32 any electronic system to which the Oregon Health Authority transmits information meets the
33 confidentiality, security and privacy standards adopted by the authority under ORS 431A.855; or

34 [(2)] (b) Provide for the transmission of information to practitioners or pharmacists licensed to
35 practice in another state.

36 (2) **The Oregon Health Authority may enter into an agreement with a tribe to share and**
37 **use information described in ORS 431A.860 (1) for the purpose of:**

38 (a) **Aiding the tribe in identifying patients that are affiliated with the tribe in the elec-**
39 **tronic system; or**

40 (b) **Transmitting aggregated data on tribal affiliation of patients to the tribe.**

41 (3) **An agreement entered into under subsection (2) of this section:**

42 (a) **Must permit only the minimum transmission of information necessary to fulfill the**
43 **intended purpose; and**

44 (b) **May apply subsection (1)(a) of this section to the transmission of information between**
45 **electronic systems.**

