

Senate Bill 670

Sponsored by Senators STEINER HAYWARD, WINTERS; Senators BATES, BURDICK, DEVLIN, MONNES ANDERSON, ROSENBAUM, SHIELDS, Representative REARDON

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**.

Directs Department of Justice to develop training curriculum and provide training to public employees, community providers and others on confidentiality requirements, privacy laws and sharing of information in order to consistently facilitate sharing of information between programs and entities wherever feasible. Requires training to be offered beginning no later than January 1, 2017, and requires public employees who receive, create or use confidential information related to provision of health care, human services or housing assistance to receive training every two years, beginning January 1, 2017.

Directs Department of Human Services to convene work group to develop common client confidentiality release form to be used by public bodies to enable and facilitate appropriate sharing of confidential information. Requires department to report to Legislative Assembly in 2016 regular session and to have release form available for use by July 1, 2016.

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. Requires department to make legislative proposals for modification of statutes for consideration in 2017 regular session of Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the sharing of information between public bodies; and declaring an emergency.

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

Whereas providing an integrated and coordinated delivery system requires the sharing of information between programs, agencies, local government entities and service providers to the greatest extent practicable; and

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

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

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

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

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

SECTION 1. (1) The Department of Justice, in consultation with the Department of Human Services, the Oregon Health Authority, the Housing and Community Services Department, the Employment Department, the Department of Revenue and other state agencies and local governments, as defined in ORS 174.116, shall develop and implement a common

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 training program regarding confidentiality requirements and the sharing of information.

2 (2) The training curriculum shall be developed to provide for the training and education
3 of state and local government employees, community providers and others who receive,
4 create or use confidential information relating to the provision of health care, human ser-
5 vices or housing assistance, on confidentiality and privacy laws and security requirements
6 associated with those laws. The training shall also reflect the policy of the State of Oregon
7 to share as much data as possible.

8 (3) The goals of the training program include, but are not limited to:

9 (a) Developing consistent application and interpretation of state and federal laws across
10 different programs, agencies and providers;

11 (b) Educating employees about available service programs outside of their particular di-
12 vision, jurisdiction or area of expertise;

13 (c) Ensuring a high level of understanding among employees and providers concerning
14 the sharing of information to facilitate the timely, coordinated and efficient provision of
15 services to the public; and

16 (d) Educating employees and providers on techniques, methodologies and practices for
17 facilitating the efficient sharing of information among entities to achieve desired outcomes
18 while remaining compliant with applicable confidentiality, privacy and security requirements.

19 **SECTION 2.** (1) All employees of public bodies, as defined in ORS 174.109, who receive,
20 create or use information that is confidential or subject to privacy restrictions under state
21 or federal law and that is related to the provision of health care, human services or housing
22 assistance shall receive the training offered by the Department of Justice under section 1
23 of this 2015 Act at least once every two years.

24 (2) Any other individual who provides professional or voluntary health care, human ser-
25 vices or housing assistance in this state may receive the training offered by the department
26 under section 1 of this 2015 Act.

27 **SECTION 3.** (1) The Department of Justice shall develop the training curriculum de-
28 scribed in section 1 of this 2015 Act and begin offering the training to employees on or after
29 January 1, 2017.

30 (2) Each employee described in section 2 (1) of this 2015 Act shall first receive the
31 training described in section 1 of this 2015 Act on the later of within two years after January
32 1, 2017, or within six months following employment in, or appointment to, a position de-
33 scribed in section 2 (1) of this 2015 Act.

34 **SECTION 4.** (1) The Department of Human Services shall convene a work group to study
35 and develop a common and comprehensive client confidentiality release form to be used by
36 public bodies, as defined in ORS 174.109, to enable and facilitate the appropriate sharing of
37 confidential information to enhance the delivery of services.

38 (2) Members of the work group shall include:

39 (a) Representatives from the Department of Justice;

40 (b) Representatives from other public bodies that receive, create or use confidential in-
41 formation relating to the provision of health care, human services or housing assistance to
42 the public;

43 (c) Representatives of community providers;

44 (d) Representatives of civil liberty interest organizations; and

45 (e) Other interested stakeholders.

1 **(3) The Department of Human Services shall convene the work group as soon as practi-**
2 **cable after the effective date of this 2015 Act and shall develop the release form for adoption**
3 **and use by public bodies in this state by July 1, 2016.**

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

6 **(5) The Department of Human Services shall report to those committees of the 2016**
7 **regular session of the Legislative Assembly having jurisdiction over human services and**
8 **health care on the progress of the work group in the development of the release form.**

9 **SECTION 5.** **(1) During 2015 and 2016, the Department of Justice, in consultation with the**
10 **Department of Human Services and other public bodies, as defined in ORS 174.109, that re-**
11 **ceive, create or use confidential information related to the provision of health care, human**
12 **services or housing assistance, shall review state laws and identify those state statutes that**
13 **could be modified to better facilitate communication between public bodies.**

14 **(2) The Department of Justice shall submit any legislative proposals for modifications**
15 **described in subsection (1) of this section in the manner prescribed in ORS 171.130 for in-**
16 **roduction in the 2017 regular session of the Legislative Assembly.**

17 **SECTION 6.** **This 2015 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
19 **on its passage.**

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