

HB 3057 STAFF MEASURE SUMMARY

House Committee On Health Care

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 2/8, 2/22

WHAT THE MEASURE DOES:

Defines "COVID-19" and "health care provider." Authorizes Oregon Health Authority (OHA) to disclose protected health information (PHI) related to COVID-19 if disclosure is required for evaluation, treatment, or care coordination of individuals tested for, or exposed to, COVID-19. Specifies permitted recipients of PHI disclosure to include: American Indian tribe or agencies, health care providers, organizations providing care coordination, or entities that administer or operate health information technology. Grants OHA authority to enter into agreements to disclose with specified entities. Specifies any PHI that may lead to identification of an individual is confidential and exempt from disclosure based on Oregon law. Sunsets OHA's authority to disclose COVID-19 related PHI on June 30, 2022. Declares emergency, effective on passage.

REVENUE: No revenue impact.

FISCAL: No fiscal impact.

ISSUES DISCUSSED:

- Provider notifications if a patient has a positive test for COVID-19
- Use of protected health information; data use agreements among provider and health information exchange (HIE) entities
- Individual information compared to aggregate information with respect to Health Insurance Portability and Accountability Act (HIPAA)
- Definition of "substantial" exposure to COVID-19
- Database for mandatory reporting of communicable diseases

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the United States Department of Health and Human Services Office of Civil Rights (OCR), the federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule allows law enforcement, paramedics, and public health authorities to disclose protected health information (PHI) of an individual infected with, or exposed to, COVID-19. For public health purposes, federal law allows covered entities such as hospitals to disclose PHI with federal, state, and local health departments, if authorized to collect or receive PHI for public health surveillance and investigations. On Dec. 18, 2020, OCR issued [guidance](#) to clarify HIPAA and disclosure of PHI during the COVID-19 pandemic through health information exchanges (HIEs). HIEs allow organizations to share information electronically, often through electronic health record systems (EHRs). OCR's guidance clarifies that certain health care entities may disclose PHI to an HIE organization if reporting is for public health activities and disclosure is required by federal, state, or local law.

House Bill 3057 allows the Oregon Health Authority to disclose protected health information for public health purposes during the COVID-19 pandemic.