

SB 438 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 2/8, 3/10

WHAT THE MEASURE DOES:

Allows physician assistants to receive test results of an inmate tested for a communicable disease under limited circumstances. Takes effect on the 91st day following adjournment sine die.

REVENUE: No revenue impact.

FISCAL: No fiscal impact.

ISSUES DISCUSSED:

- Barriers to accessing timely, urgent care among first responders
- Law enforcement officers exposure to a person's bodily fluids
- Ability for physician assistants to access test results

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Privacy and security laws require health care providers to protect a patient's protected health information (PHI). Oregon law does permit, under limited circumstances, certain disclosures without a patient's authorization. For example, a correctional facility may disclose a patient's PHI without their authorization to provide health care to the inmate or for the health and safety of the inmate, other inmates, or employees of the facility. In 2017, Senate Bill 1025 expanded the list of communicable diseases that law enforcement and public safety personnel must seek voluntary consent from a person to be tested. Senate Bill 1025 maintains the confidentiality of the test results and prohibits the subsequent use of test material in a civil or criminal investigation or proceeding.

Senate Bill 438 expands the list of health care providers authorized to receive an inmate's protected health information when court-ordered to include physician assistants.