

## HB 3057 STAFF MEASURE SUMMARY

### Senate Committee On Health Care

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**Prepared By:** Oliver Droppers, LPRO Analyst

**Meeting Dates:** 4/21, 4/28

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#### 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.

*House Vote: Passed. Ayes, 35; Nays, 12; Excused, 11; Excused for Business of the House, 2.*

*FISCAL: Minimal fiscal impact.*

*REVENUE: No revenue impact.*

#### ISSUES DISCUSSED:

- Impact of COVID-19 pandemic
- Electronic availability of patient health data to support care coordination
- Data use agreements
- Future legislative report on the effectiveness of the program

#### 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.