

HB 2812 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Meeting Dates: 2/10

WHAT THE MEASURE DOES:

The measure exempts individually identifiable health information of individuals under the Psychiatric Security Review Board's jurisdiction from disclosure under public records laws except in limited circumstances.

Detailed Summary

Exempts a "client's" "individually identifiable health information" from public records disclosure under ORS 192.311 to 192.478. Defines "client" as a person who is or was previously under the jurisdiction of the Psychiatric Security Review Board ("the board") pursuant to ORS 161.315 to 161.351. Defines "individually identifiable health information" the same as it is defined in ORS 179.505: health information created by a health care services provider, identifiable to an individual, and relating to their health or health care. Prohibits the disclosure and use of the information except as authorized or permitted by the board. Authorizes the board to use or disclose the information under various circumstances:

- To meet statutory obligations;
- For criminal background checks related to firearms;
- To meet judicial or administrative proceeding requirements;
- For law enforcement purposes;
- In emergencies; or
- For purposes relating to a deceased client.

Requires the board to adopt rules specifying the circumstances when the above exceptions apply. Provides that a client's "personal representative," that is, a person who may legally make decisions or communicate the client's decisions on their behalf, cannot be denied access to the information due to nonpayment. Clarifies that individuals other than the client or their personal representative who are given access to the information under the section cannot disclose the information to others except as described in the section.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon Psychiatric Security Review Board is established by ORS 161.385 and is made up of two five-member panels whose duties include the oversight of people who have been found guilty except for insanity, responsible except for insanity (for juveniles), or who have been committed as extremely dangerous persons under ORS 426.701 and 426.702. The board's members are appointed by the Governor and confirmed by the Oregon Senate and include psychiatrists, psychologists, lawyers, parole and probation employees, and members of the general public. ORS sections 192.311 to 192.478 provide for the rights to inspect the public records of public institutions in Oregon. Under those statutes, "every person has a right to inspect any public record of a public body" in Oregon except under limited exceptions, such as advisory communications within a public body, images of a dead body that are part of a law enforcement investigation, or information barred from disclosure by federal law or regulations.