

SB 1570 -2, -5 STAFF MEASURE SUMMARY

Senate Committee On Health Care

Prepared By: Daniel Dietz, LPRO Analyst

Meeting Dates: 2/4, 2/9, 2/16

WHAT THE MEASURE DOES:

Directs the Oregon Health Authority to study protections in health care facilities.

Fiscal impact: Minimal fiscal impact.

Revenue impact: No revenue impact.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Prohibits hospitals from allowing federal immigration authorities to enter or access an area not open to the public except by law or court order.

- Directs hospitals to designate nonpublic areas, where access is controlled or patients receive care.
- Prohibits hospitals from disclosing information about a person's health or immigration status unless required by law or court order.
- Requires hospitals to designate an administrator and adopt written policies to respond if federal immigration authorities arrive at the hospital, including documentation of the visit, consultation with legal counsel when feasible, review of credentials and/or warrant, monitoring of the federal immigration authority's visit to the hospital.
- Requires hospitals to post where employment notices are customarily displayed a summary of individual rights guaranteed under the constitution and information on available legal services.
- Prohibits hospitals from retaliating or taking adverse action against any worker who provides a patient with information about constitutional rights or legal services.
- Allows the Oregon Health Authority to revoke the license of a hospital that fails to comply with provisions of the measure.
- Requires a health care provider within a hospital to treat information about citizenship or immigration status as protected health information under state law.

-5 Replaces the measure. Prohibits hospitals from allowing federal immigration authorities to enter or access an area not open to the public except by law or court order. Takes effect on the 91st day after sine die.

- Directs hospitals to designate nonpublic areas, where access is controlled or patients receive care.
- Prohibits hospitals from disclosing information about a person's health or immigration status unless required by law or court order.
- Requires hospitals to designate an administrator to respond when a law enforcement officer arrives at the hospital.
- Prohibits hospitals and federally qualified health centers from retaliating or taking adverse action against any worker who provides a patient with information about constitutional rights or legal services. An employee who alleges a violation may file a complaint with the Bureau of Labor and Industries (BOLI).
- Requires a health care provider within a hospital to treat information about citizenship or immigration status as protected health information under state law.

BACKGROUND:

Federal immigration laws are primarily enforced by the Department of Homeland Security (DHS), which oversees U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). The primary

SB 1570 -2, -5 STAFF MEASURE SUMMARY

legal foundation for U.S. immigration enforcement is the Immigration and Nationality Act (INA), at [8 U.S.C. § 1357](#).

Hospitals and federally qualified health centers are licensed under [ORS Chapter 441](#), which provides state agencies with authority to approve, deny, suspend, or revoke facility licenses. State protections for health information are established in ORS 192.553.

Senate Bill 1570-5 establishes requirements for hospitals when federal immigration authorities arrive at these facilities.

PRELIMINARY