

A-Engrossed
Senate Bill 221

Ordered by the Senate May 10
Including Senate Amendments dated May 10

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes certain information obtained by Department of Human Services in connection with special **epidemiologic** morbidity and mortality studies confidential, nondiscoverable and inadmissible in any proceeding and exempt from disclosure under public records law.

A BILL FOR AN ACT

1
2 Relating to special study information obtained by Department of Human Services; amending ORS
3 432.060.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 432.060 is amended to read:

6 432.060. (1)(a) All [*records of interviews, reports, studies, and statements*] **information** procured
7 by or furnished to the Department of Human Services, any federal **public** health agency or any
8 nonprofit health agency that is exempt from taxation under the laws of this state or procured by
9 any agency, organization or person acting jointly with or at the request of the department [*or health*
10 *agency*], in connection with special **epidemiologic** morbidity and mortality studies, [*are confidential*
11 *insofar as the identity of an individual patient is concerned. Such records may be used solely for the*
12 *purpose of the studies*] **is confidential, nondiscoverable and inadmissible in any proceeding and**
13 **is exempt from disclosure under ORS 192.410 to 192.505. A person communicating information**
14 **in connection with special epidemiologic morbidity and mortality studies pursuant to this**
15 **subsection may not be examined about the communication or the information.**

16 **(b) Nothing in this subsection affects the confidentiality or admissibility into evidence of**
17 **data not otherwise confidential or privileged that is obtained from sources other than the**
18 **department.**

19 **(c) As used in this subsection, "information" includes, but is not limited to, written re-**
20 **ports, notes, records, statements and studies.**

21 (2) The furnishing of morbidity and mortality information to the department or health agency,
22 to its authorized representatives or to any other agency, organization or person cooperating in a
23 special **epidemiologic** study, does not subject any hospital, sanitarium, rest home, nursing home or
24 other organization or person furnishing such information to an action for damages.

25 (3) Subsection (1) of this section does not prevent the department or a health agency from pub-
26 lishing:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (a) Statistical compilations and reports relating to special **epidemiologic** morbidity and mortal-
2 ity studies, if such compilations and reports do not identify individual cases and sources of infor-
3 mation.

4 (b) General morbidity and mortality studies customarily and continuously conducted by the de-
5 partment or health agency that do not involve patient identification.

6 (4) Nothing in this section prevents disposition of records described in subsection (1) of this
7 section pursuant to ORS 192.105.

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