

Enrolled Senate Bill 221

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 432.060 is amended to read:

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

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

(c) As used in this subsection, "information" includes, but is not limited to, written reports, notes, records, statements and studies.

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

(3) Subsection (1) of this section does not prevent the department or a health agency from publishing:

(a) Statistical compilations and reports relating to special **epidemiologic** morbidity and mortality studies, if such compilations and reports do not identify individual cases and sources of information.

(b) General morbidity and mortality studies customarily and continuously conducted by the department or health agency that do not involve patient identification.

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

Passed by Senate May 12, 2005

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Secretary of Senate

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President of Senate

Passed by House June 3, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State