

A-Engrossed
House Bill 2551

Ordered by the House April 13
Including House Amendments dated April 13

Sponsored by Representative GREENLICK; Representatives FREDERICK, READ (Pre-session filed.)

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.

Requires covered entities to report annually on system safeguards for protecting confidentiality of [*individually*] **personally identifiable and protected** health information.
[Sunsets on January 2, 2020.]

A BILL FOR AN ACT

1
2 Relating to individually identifiable health information.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Insurance Code.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Covered entity" has the meaning given that term in ORS 192.556 but excludes state
7 agencies.

8 (b) "Protected health information" has the meaning given that term in ORS 192.556.

9 (2) A covered entity that is required to file an annual financial statement under ORS
10 731.574 shall file with the Department of Consumer and Business Services, along with the
11 financial statement, a protection of health information report. The report may be in the
12 form of a letter, must be signed by the chief executive officer of the covered entity and must:

13 (a) State the responsibility of the covered entity's management to establish and maintain
14 adequate safeguards and procedures for protecting the confidentiality of personally identifi-
15 able and protected health information that the covered entity retains in electronic and hard
16 copy form;

17 (b) Contain assurances that the signing officer has disclosed to the governing board of
18 the covered entity:

19 (A) All significant deficiencies in the design or operation of recordkeeping systems or
20 controls that could adversely affect the covered entity's ability to protect the confidentiality
21 of personally identifiable and protected health information;

22 (B) Any breaches of the security of personally identifiable and protected health informa-
23 tion, whether material or not, that involve management or other employees who have a
24 significant role in the covered entity's recordkeeping systems or controls; and

25 (C) All necessary steps that have been taken to address deficiencies in the design or op-
26 eration of recordkeeping systems or controls and to resolve any material weaknesses iden-
27 tified to or by the covered entity's auditors; and

28 (c) Contain assurances that the signing officer has identified for the governing board of

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 the covered entity any material weaknesses in the recordkeeping systems or controls.

2 (3) The protection of health information report is confidential and not subject to disclo-
3 sure under ORS 192.410 to 192.505.

4 **SECTION 3.** Section 4 of this 2015 Act is added to and made a part of ORS chapter 441.

5 **SECTION 4.** (1) As used in this section, “protected health information” has the meaning
6 given that term in ORS 192.556.

7 (2) A health care facility shall file with the Oregon Health Authority a protection of
8 health information report no later than 120 days following the close of each fiscal year. The
9 report may be in the form of a letter, must be signed by the chief executive officer of the
10 facility and must:

11 (a) State the responsibility of the health care facility’s management to establish and
12 maintain adequate safeguards and procedures for protecting the confidentiality of personally
13 identifiable and protected health information that the facility retains in electronic and hard
14 copy form;

15 (b) Contain an assurance that there is ongoing evaluation and monitoring of the effec-
16 tiveness of the safeguards and procedures in protecting the confidentiality of personally
17 identifiable and protected health information;

18 (c) Contain assurances that the signing officer has disclosed to the board of directors of
19 the facility:

20 (A) All significant deficiencies in the design or operation of recordkeeping systems or
21 controls that could adversely affect the facility’s ability to protect the confidentiality of
22 personally identifiable and protected health information;

23 (B) Any breaches of the security of personally identifiable and protected health informa-
24 tion, whether material or not, that involve management, staff or employees of the facility
25 who have a significant role in the facility’s recordkeeping systems or controls; and

26 (C) All necessary steps that have been taken to address deficiencies in the design or op-
27 eration of recordkeeping systems or controls and to resolve any material weaknesses iden-
28 tified by the facility; and

29 (d) Contain assurances that the signing officer has identified for the board any material
30 weaknesses in the recordkeeping systems or controls.

31 (3) The authority may adopt all rules necessary to carry out the provisions of this sec-
32 tion.

33 (4) The protection of health information report is confidential and not subject to disclo-
34 sure under ORS 192.410 to 192.505.

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