

House Bill 2915

Sponsored by Representative PILUSO

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 **as introduced**.

Directs Department of Transportation to establish Oregon Yellow Dot Program. Directs department to issue yellow dot folders to participants in program. Authorizes emergency medical services provider, following motor vehicle accident or medical emergency, to access glove compartment of motor vehicle to which yellow dot decal is affixed for purpose of finding participant's yellow dot folder. Exempts property subject to forfeiture found incidental to emergency medical services provider's search of glove compartment for yellow dot folder from admissible evidence in court proceeding. Exempts participant's personally identifiable information from disclosure under public records laws.

Establishes Oregon Yellow Dot Program Account.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to critical medical information; and prescribing an effective date.

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

4 **SECTION 1. (1) As used in sections 1 to 3 of this 2019 Act:**

5 (a) "Emergency care" has the meaning given that term in ORS 682.025.

6 (b) "Emergency medical services provider" has the meaning given that term in ORS
7 **682.025.**

8 (c) "Glove compartment" has the meaning prescribed by rule by the Department of
9 **Transportation.**

10 (d) "Motorcycle" has the meaning given that term in ORS 801.365.

11 (e) "Motor vehicle" has the meaning given that term in ORS 801.360.

12 (f) "Participant" means a person who has elected to participate in the Oregon Yellow Dot
13 **Program established under this section.**

14 (2)(a) **The Department of Transportation shall establish and administer the Oregon Yellow Dot Program to ensure that emergency medical services providers have access to a participant's critical medical information form in the event emergency care is required following a motor vehicle accident or a medical emergency involving a motor vehicle to which a yellow dot decal is affixed.**

15 (b) **The critical medical information form must include, at a minimum:**

16 (A) **The participant's critical medical information, including the participant's:**

17 (i) **Name.**

18 (ii) **Photograph.**

19 (iii) **Emergency contact information for no more than two persons.**

20 (iv) **Medical information, including medical conditions, recent surgeries, allergies and
21 medications being taken.**

22 (v) **Hospital preferences.**

23 (vi) **Contact information for no more than two of the participant's medical providers.**

24
25
26
27
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 **(B) The date on which the participant completed the form.**

2 **(C) A statement that the Oregon Yellow Dot Program acts as a facilitator only and that**
3 **the accuracy of the information supplied on the critical medical information form is the sole**
4 **responsibility of the participant.**

5 **(D) A statement that the participant supplies the critical medical information voluntarily**
6 **and that the participant authorizes emergency medical services providers to search the glove**
7 **compartment of the motor vehicle for the Oregon Yellow Dot Program materials and to use**
8 **the critical medical information for the purposes described in subsection (4) of this section.**

9 **(c) The department shall adopt rules for the administration of the Oregon Yellow Dot**
10 **Program, including:**

11 **(A) The procedure for a person to become a participant in the program;**

12 **(B) Rules for emergency medical services providers to access and use participants' crit-**
13 **ical medical information that ensure, at a minimum, compliance with the federal Health In-**
14 **surance Portability and Accountability Act of 1996 (P.L. 104-191) and regulations adopted**
15 **under that law, including 45 C.F.R. parts 160 and 164, federal alcohol and drug treatment**
16 **confidentiality laws and regulations adopted under those laws, including 42 C.F.R. part 2, and**
17 **state health and mental health confidentiality laws, including ORS 179.505, 192.517 and 192.553**
18 **to 192.581; and**

19 **(C) The design of the Oregon Yellow Dot Program materials, taking into consideration**
20 **similar program materials in neighboring states to the extent practicable.**

21 **(3)(a) The department shall issue a yellow dot folder to each participant in the Oregon**
22 **Yellow Dot Program. The yellow dot folder must include, at a minimum, a yellow dot decal**
23 **and a critical medical information form.**

24 **(b) The participant shall:**

25 **(A) Place the yellow dot folder containing the critical medical information form in the**
26 **glove compartment of the motor vehicle; and**

27 **(B) Affix the yellow dot decal to the lower left corner of the rear window of a motor ve-**
28 **hicle other than a motorcycle. On motorcycles, the participant shall affix the yellow dot**
29 **decal in a secure, visible location on the rear of the motorcycle.**

30 **(c) The department shall determine the form, size and content of the yellow dot decals.**

31 **(d) The department may not charge any fee for the yellow dot folder, including the yellow**
32 **dot decal and critical medical information form.**

33 **(4)(a) If a driver or passenger of a motor vehicle becomes involved in a motor vehicle**
34 **accident or an emergency situation and a yellow dot decal is affixed to the motor vehicle,**
35 **an emergency medical services provider may search the glove compartment of the motor**
36 **vehicle for the participant's yellow dot folder.**

37 **(b) An emergency medical services provider may use the information contained on the**
38 **participant's critical medical information form to:**

39 **(A) Identify a participant in the Oregon Yellow Dot Program;**

40 **(B) Ascertain whether the participant has a medical condition that may impede commu-**
41 **nications with the emergency medical services provider;**

42 **(C) Communicate with the participant's emergency contacts about the location and gen-**
43 **eral condition of the participant;**

44 **(D) Consider the participant's current medications and preexisting medical conditions**
45 **when emergency care is administered to the participant; or**

1 (E) Any other permissible use prescribed by the department by rule under subsection
2 (2)(c) of this section.

3 (c) Property subject to forfeiture found in the glove compartment of a motor vehicle is
4 not admissible as evidence in any court proceeding if:

5 (A) The driver or passenger of the motor vehicle becomes involved in a motor vehicle
6 accident or an emergency situation;

7 (B) A yellow dot decal is affixed to the motor vehicle;

8 (C) An emergency medical services provider accesses the glove compartment of the mo-
9 tor vehicle to find a participant's yellow dot folder; and

10 (D) The emergency medical services provider finds property subject to forfeiture in the
11 glove compartment of the motor vehicle.

12 SECTION 2. All information collected or developed by the Oregon Yellow Dot Program
13 that identifies or could be used to identify a participant, health care provider or facility is
14 confidential and exempt from disclosure under public records law, and is not subject to civil
15 or administrative subpoena or to discovery in a civil action, including but not limited to a
16 judicial, administrative, arbitration or mediation proceeding.

17 SECTION 3. Any person reporting information to the Oregon Yellow Dot Program or
18 acting on information obtained from the Oregon Yellow Dot Program in good faith is immune
19 from any civil or criminal liability that might otherwise be incurred or imposed with respect
20 to the reporting of information to the Oregon Yellow Dot Program or acting on information
21 obtained from the Oregon Yellow Dot Program.

22 SECTION 4. The Oregon Yellow Dot Program Account is established in the State Treas-
23 ury separate and distinct from the General Fund. The Oregon Yellow Dot Program Account
24 consists of all gifts, grants, donations and moneys appropriated, allocated deposited or
25 transferred to the account by the Legislative Assembly or otherwise. The moneys in the ac-
26 count are continuously appropriated to the Department of Transportation for the purposes
27 specified in sections 1 to 3 of this 2019 Act.

28 SECTION 5. This 2019 Act takes effect on the 91st day after the date on which the 2019
29 regular session of the Eightieth Legislative Assembly adjourns sine die.

30