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LC 386: Protecting Health Data from Misuse, Sale, or Improper Disclosure

Several changes to state law would better protect sensitive health data of people in Oregon, including addressing school-based health center (SBHC) clinic and client concerns about data privacy related to court subpoenas, exempting individual record-level patient health data from All Payer All Claims (APAC) and Hospital Discharge Data (HDD) public records requests, and limiting demographic data sharing with law enforcement.

Sensitive health data held by OHA remains vulnerable

School Based Health Centers: The Oregon SBHC Program requires all state certified SBHCs to collect and report information about the patients served by their clinics, including patient date of birth, race/ethnicity, gender, Medicaid ID number, and visit procedure codes, among others. This ensures SBHCs are meeting program requirements and informs annual reports that inform partners, legislators, and the public.

Although data collected by the SBHC Program must generally be kept private, Oregon law does not explicitly protect Oregon SBHC data from court subpoena. This means that the SBHC Program could be required to share an SBHC client's personal health information during a lawsuit, including a civil lawsuit where one party is searching for harmful information about the other.

All Payer All Claims (APAC) and Hospital Discharge Data (HDD): Record-level patient health care data in APAC and HDD can currently be requested through the public records process. While direct personal identifiers such as name and address are always removed before sharing, there is still risk that an individual could be re-identified using the indirect personal identifiers that remain in the dataset. Exempting these sensitive health records about individuals from public records requests would provide important protection for patients. Also, the HDD statute does not provide sufficient detail or guidance regarding data sharing.

Workforce Database: Survey data about health care providers in the Health Care Workforce Database is confidential but can be requested by law enforcement for investigations. These data include sensitive information about health care providers' racial ethnic background and gender identity, which could put providers from vulnerable demographic groups at higher risk.

Stronger protections for data are stronger protections for people

School Based Health Centers: This proposal updates OHA's responsibilities for Oregon's state certified SBHCs to prevent sharing protected health information, even under court subpoena. This statutory change will address recent SBHC clinic and client concerns about data privacy protections. OHA would still use and share SBHC client data as an appropriate part of its oversight of the SBHC Program.

All Payer All Claims (APAC) and Hospital Discharge Data (HDD): This proposal exempts record-level patient health data from public records requests and defines conditions for HDD data sharing.

Workforce Database: This proposal limits demographic data sharing with law enforcement.

For more information:

Marybeth Mealue

Senior Policy Analyst

503-490-8100

Marybeth.Mealue@oha.oregon.gov