

D R A F T

SUMMARY

Digest: The Act would allow tribes and health centers in the state to enter an agreement with the OHA to take actions related to reportable diseases. The Act would allow tribes and health centers in the state to enter an agreement with the OHA to get and use some health data about tribes in the state. (Flesch Readability Score: 60.5).

Authorizes the Oregon Health Authority to enter into an agreement with a federally recognized Indian tribe in Oregon or a tribal epidemiology center in Oregon to allow the tribe or center to accept reports of reportable diseases and investigate cases of reportable diseases.

Authorizes the authority to enter into an agreement with a federally recognized Indian tribe in Oregon or a tribal epidemiology center in Oregon to allow the tribe or center to access and use tribal data under the prescription monitoring program.

A BILL FOR AN ACT

1
2 Relating to tribal public health data; amending ORS 431A.850, 431A.869,
3 433.001, 433.004, 433.006 and 433.008.

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

5 **SECTION 1.** ORS 433.001 is amended to read:

6 433.001. As used in ORS 433.001 to 433.045 and 433.110 to 433.770 unless
7 the context requires otherwise:

8 (1) “Communicable disease” has the meaning given that term in ORS
9 431A.005.

10 (2) “Control” means a person without a reportable disease about whom
11 information is collected for purposes of comparison to a person or persons
12 with the reportable disease.

13 (3) “Disease outbreak” has the meaning given that term in ORS 431A.005.

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 (4) “Epidemic” has the meaning given that term in ORS 431A.005.

2 (5) “Health care provider” has the meaning given that term in ORS
3 433.443.

4 (6) “Individually identifiable health information” has the meaning given
5 that term in ORS 433.443.

6 (7) “Isolation” means the physical separation and confinement of a person
7 or group of persons who are infected or reasonably believed to be infected
8 with a communicable disease or possibly communicable disease from noniso-
9 lated persons to prevent or limit the transmission of the disease to noniso-
10 lated persons.

11 (8) “Local public health administrator” has the meaning given that term
12 in ORS 431.003.

13 (9) “Property” means animals, inanimate objects, vessels, public
14 conveyances, buildings and all other real or personal property.

15 (10) “Public health measure” has the meaning given that term in ORS
16 431A.005.

17 (11) “Quarantine” means the physical separation and confinement of a
18 person or group of persons who have been or may have been exposed to a
19 communicable disease or possibly communicable disease and who do not
20 show signs or symptoms of a communicable disease, from persons who have
21 not been exposed to a communicable disease or possibly communicable dis-
22 ease, to prevent or limit the transmission of the disease to other persons.

23 (12) “Reportable disease” has the meaning given that term in ORS
24 431A.005.

25 (13) “Simultaneous electronic transmission” means transmission by tele-
26 vision, telephone or any other electronic or digital means if the form of
27 transmission allows:

28 (a) The court and the person making the appearance to communicate with
29 each other during the proceeding; and

30 (b) A person who is represented by legal counsel to consult privately with
31 the person’s attorney during the proceeding.

1 (14) “Toxic substance” has the meaning given that term in ORS 431A.005.

2 (15) “Tribe” means:

3 (a) Any of the nine federally recognized Indian tribes in this state;

4 or

5 (b) Any tribal epidemiology center in this state operating under 25
6 U.S.C. 1621m for the benefit of any of the nine federally recognized
7 Indian tribes in this state.

8 **SECTION 2.** ORS 433.004 is amended to read:

9 433.004. (1) The Oregon Health Authority shall by rule:

10 (a) Specify reportable diseases and when the diseases must be reported
11 under this section;

12 (b) Identify those categories of persons who must report reportable dis-
13 eases and the circumstances under which the reports must be made;

14 (c) Prescribe the procedures and forms for making such reports and
15 transmitting the reports to the authority; and

16 (d) Prescribe measures and methods for investigating the source and
17 controlling reportable diseases.

18 (2) Persons required under the rules to report reportable diseases shall
19 report to the authority [*or*], the local public health administrator **or the**
20 **tribe, upon entering an agreement under subsection (7) of this section,**
21 as specified by the authority by rule. A local public health administrator **or**
22 **tribe** that receives a report under this subsection shall transmit the report
23 to the authority as specified by the authority by rule.

24 (3) The authority [*or*], local public health administrator **or tribe, upon**
25 **entering an agreement under subsection (7) of this section,** may inves-
26 tigate a case of a reportable disease, disease outbreak or epidemic. The in-
27 vestigation may include, but is not limited to:

28 (a) Interviews of:

29 (A) The subject of a reportable disease report;

30 (B) Controls;

31 (C) Health care providers; or

1 (D) Employees of a health care facility.

2 (b) Requiring a health care provider, any public or private entity, or an
3 individual who has information necessary for the investigation to:

4 (A) Permit inspection of the information by the authority [*or*], local pub-
5 lic health administrator **or tribe**; and

6 (B) Release the information to the authority [*or*], local public health ad-
7 ministrator **or tribe**.

8 (c) Inspection, sampling and testing of real or personal property with
9 consent of the owner or custodian of the property or with an administrative
10 warrant.

11 (4)(a) The authority shall establish by rule the manner in which infor-
12 mation may be requested and obtained under subsection (3) of this section.

13 (b) Information requested may include, but is not limited to, individually
14 identifiable health information related to:

15 (A) The case;

16 (B) An individual who may be the potential source of exposure or in-
17 fection;

18 (C) An individual who has been or may have been exposed to or affected
19 by the disease;

20 (D) Policies, practices, systems or structures that may have affected the
21 likelihood of disease transmission; and

22 (E) Factors that may influence an individual's susceptibility to the dis-
23 ease or likelihood of being diagnosed with the disease.

24 (5) In addition to other grounds for which a state agency may exercise
25 disciplinary action against its licensees or certificate holders, the substantial
26 or repeated failure of a licensee or certificate holder to report when required
27 to do so under subsection (2) or (3) of this section shall be cause for the
28 exercise of any of the agency's disciplinary powers.

29 (6) Any person making a report or providing information under this sec-
30 tion is immune from any civil or criminal liability that might otherwise be
31 incurred or imposed with respect to the making of a report or providing in-

1 formation under this section.

2 **(7) The authority may enter into an agreement under ORS 190.110**
3 **with a tribe for the purpose of receiving reports of reportable diseases**
4 **under subsection (2) of this section and investigating cases of report-**
5 **able diseases under subsection (3) of this section. If a tribe enters into**
6 **an agreement, the tribe shall carry out subsections (2) and (3) of this**
7 **section.**

8 **SECTION 3.** ORS 433.006 is amended to read:

9 433.006. (1) Except as provided in subsection (2) **or (3)** of this section, in
10 response to each report of a reportable disease, the local public health ad-
11 ministrator shall ensure that investigations and control measures, as pre-
12 scribed by Oregon Health Authority rule, are conducted.

13 (2) If there has been a transfer of responsibility from a local public health
14 authority to the Oregon Health Authority under ORS 431.382, the Oregon
15 Health Authority shall ensure that investigations and control measures are
16 conducted, as funding allows, pursuant to rules adopted by the Oregon
17 Health Authority.

18 **(3) If the Oregon Health Authority enters into an agreement with**
19 **a tribe under ORS 433.004, the tribe shall ensure that investigations**
20 **and control measures are conducted pursuant to the agreement.**

21 **SECTION 4.** ORS 433.008 is amended to read:

22 433.008. (1)(a) Except as provided in subsection (2) of this section, infor-
23 mation obtained by the Oregon Health Authority [*or*], a local public health
24 administrator **or a tribe** in the course of an investigation of a reportable
25 disease or disease outbreak is confidential and is exempt from disclosure
26 under ORS 192.311 to 192.478.

27 (b) Except as required for the administration or enforcement of public
28 health laws or rules, a state or local public health official or employee **or**
29 **a tribal official or employee** may not be examined in an administrative or
30 judicial proceeding about the existence or contents of a reportable disease
31 report or other information received by the authority [*or*], **a local public**

1 health administrator **or a tribe** in the course of an investigation of a re-
2 reportable disease or disease outbreak.

3 (2) The authority [*or*], a local public health administrator **or a tribe** may
4 release information obtained during an investigation of a reportable disease
5 or disease outbreak to:

6 (a) State, local [*or*], federal **or tribal** agencies authorized to receive the
7 information under state or federal law;

8 (b) Health care providers if necessary for the evaluation or treatment of
9 a reportable disease;

10 (c) Law enforcement officials to the extent necessary to carry out the
11 authority granted to the Public Health Director and local public health ad-
12 ministrators under ORS 433.121, 433.128, 433.131, 433.138 and 433.142;

13 (d) A person who may have been exposed to a communicable disease;

14 (e) A person with information necessary to assist the authority [*or*], local
15 public health administrator **or tribe** in identifying an individual who may
16 have been exposed to a communicable disease; and

17 (f) The individual who is the subject of the information or the legal rep-
18 resentative of that individual.

19 (3) The authority [*or*], local public health administrator **or tribe** may re-
20 lease individually identifiable information under subsection (2)(d) or (e) of
21 this section only if there is clear and convincing evidence that the release
22 is necessary to avoid an immediate danger to other individuals or to the
23 public.

24 (4) The authority [*or*], local public health administrator **or tribe** may re-
25 lease only the minimum amount of information necessary to carry out the
26 purpose of the release pursuant to subsection (2) of this section.

27 (5) A decision not to disclose information under this subsection, if made
28 in good faith, shall not subject the entity or person withholding the infor-
29 mation to any liability.

30 (6) Nothing in this section:

31 (a) Prevents the authority [*or*], a local public health administrator **or a**

1 **tribe** from publishing statistical compilations and reports relating to re-
2 portable disease investigations if the compilations and reports do not identify
3 individual cases or sources of information;

4 (b) Affects the confidentiality or admissibility into evidence of informa-
5 tion not otherwise confidential or privileged that is obtained from sources
6 other than the authority; or

7 (c) Prevents dispositions of information pursuant to ORS 192.105.

8 **SECTION 5.** ORS 431A.850, as amended by section 3, chapter 438, Oregon
9 Laws 2023, is amended to read:

10 431A.850. As used in ORS 431A.855 to 431A.900:

11 (1) “Dental director” means a dentist, as defined in ORS 679.010, employed
12 by a coordinated care organization, dental clinic or office, or a system of
13 dental clinics or offices, for the purpose of overseeing the operations of the
14 dental clinic or office, or the system of dental clinics or offices, and ensuring
15 the delivery of quality dental care within the clinic, office or system.

16 (2) “Dispense” and “dispensing” have the meanings given those terms in
17 ORS 689.005.

18 (3) “Drug outlet” has the meaning given that term in ORS 689.005.

19 (4) “Health professional regulatory board” means a health professional
20 regulatory board, as defined in ORS 676.160, the Long Term Care Adminis-
21 trators Board, the Board of Licensed Dietitians and the Behavior Analysis
22 Regulatory Board.

23 (5) “Medical director” means a physician employed by a coordinated care
24 organization, hospital, health care clinic or system of hospitals or health
25 care clinics for the purposes of overseeing the operations of the coordinated
26 care organization, hospital, clinic or system and ensuring the delivery of
27 quality health care within the coordinated care organization, hospital, clinic
28 or system.

29 (6) “Patient” means:

30 (a) The individual to whom the prescription drug is prescribed; or

31 (b) If the prescription drug is prescribed by a veterinarian for an animal,

1 the individual to whom the prescription drug is dispensed on behalf of the
2 animal.

3 (7) "Pharmacist" means:

4 (a) A pharmacist as defined in ORS 689.005; or

5 (b) An individual licensed to practice pharmacy in another state, if the
6 requirements for licensure are similar, as determined by the Oregon Health
7 Authority, to the requirements for being licensed as a pharmacist as defined
8 in ORS 689.005.

9 (8) "Pharmacy director" means a pharmacist employed by a coordinated
10 care organization, pharmacy or system of pharmacies for the purposes of
11 overseeing the operations of the coordinated care organization, pharmacy or
12 system and ensuring the delivery of quality pharmaceutical care within the
13 coordinated care organization, pharmacy or system.

14 (9) "Practitioner" means:

15 (a) A practitioner as defined in ORS 689.005; or

16 (b) An individual licensed to practice a profession in another state, if the
17 requirements for licensure are similar, as determined by the authority, to the
18 requirements for being licensed as a practitioner as defined in ORS 689.005.

19 (10) "Prescription" has the meaning given that term in ORS 475.005.

20 (11) "Prescription drug" has the meaning given that term in ORS 689.005.

21 (12) "Tribe" means:

22 (a) **Any of the nine federally recognized Indian tribes in this state;**

23 **or**

24 (b) **Any tribal epidemiology center in this state operating under 25**
25 **U.S.C. 1621m for the benefit of any of the nine federally recognized**
26 **Indian tribes in this state.**

27 [(12)] (13) "Veterinarian" means a person licensed to practice veterinary
28 medicine under ORS chapter 686.

29 **SECTION 6.** ORS 431A.869 is amended to read:

30 431A.869. (1) The Oregon Health Authority may enter into agreements
31 *[governing the sharing and use of information described in ORS 431A.860*

1 (1) with the authorities of other states that administer prescription moni-
2 toring programs **to share and use information described in ORS 431A.860**

3 (1). An agreement entered into under this section must adhere to the dis-
4 closure limitations listed under ORS 431A.865 (3). An agreement entered into
5 under this section may:

6 [(1)] (a) Provide for the transmission of information between electronic
7 systems, provided that any electronic system to which the Oregon Health
8 Authority transmits information meets the confidentiality, security and pri-
9 vacy standards adopted by the authority under ORS 431A.855; or

10 [(2)] (b) Provide for the transmission of information to practitioners or
11 pharmacists licensed to practice in another state.

12 (2) **The Oregon Health Authority may enter into an agreement with**
13 **a tribe to share and use information described in ORS 431A.860 (1) for**
14 **the purpose of:**

15 (a) **Aiding the tribe in identifying patients that are affiliated with**
16 **the tribe in the electronic system; or**

17 (b) **Transmitting aggregated data on tribal affiliation of patients to**
18 **the tribe.**

19 (3) **An agreement entered into under subsection (2) of this section:**

20 (a) **Must permit only the minimum transmission of information**
21 **necessary to fulfill the intended purpose; and**

22 (b) **May apply subsection (1)(a) of this section to the transmission**
23 **of information between electronic systems.**

24