

AUTHORITY TO REVIEW, USE OR DISCLOSE
INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION
AS A HEALTH OVERSIGHT AGENCY

The Oregon Board of Nursing is responsible for exercising general supervision over the practice of nursing in the State of Oregon. Pursuant to ORS 678.150, the Board is authorized to issue subpoenas and to compel the production of records and testimony, including patient and other medical records and any other relevant information relating to board investigations and to compel the attendance of witnesses for the purpose of protecting the public from conduct that would violate ORS 678.010 – 678.990.

Consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-91 (HIPAA) and 45 CFR Parts 160 and 164, the Board and/or representatives identified below are authorized to review, use, or disclose individually identifiable health information as a Health Oversight Agency for oversight activities. These oversight activities, authorized by law, include audits; civil, administrative or criminal investigations; inspections; licensure or disciplinary actions; civil; administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight of the health care system and individuals or entities subject to government regulation to determine compliance with program standards, 45 C.F.R. Sec. 164.512(d). The information requested constitutes the minimum necessary information for the health oversight purpose, function, or activity described above. This statement provides the authority for the Board of Nursing’s staff and/or representatives identified below to review, use, or disclose this information, pursuant to 45 C.F.R. Sec. 164.514(h)(1).

(If the space below is marked, then the law requires you to observe the following statutory requirement. *)

X Notice of Confidential Investigation: The Board requires that you temporarily suspend an individual's right to receive an accounting of disclosures made to the Board as a Health Oversight Agency. Revealing the protected health information that has been disclosed to the Board would be reasonably likely to impede the Board's investigation. This right to disclosure should be suspended from the date of receipt of this notice until one year from disclosure. As a covered entity, you must comply with this request, 45 CFR Sec. 164.528(a)(2)(i).

*HIPAA provides that individuals generally have a right to receive an accounting of disclosure of protected health information made by the covered entity. A covered entity, however, must temporarily suspend giving an individual an accounting of disclosures to health oversight agencies or law enforcement officials when such agency or official provides the covered entity with an oral or written statement that such an accounting would impede the agency's activities, 45 CFR 164.528(a)(2)(i). It should also be noted that investigatory information obtained by the Board in the course of conducting an investigation that includes review of patient records constitutes information that is exempt from public disclosure pursuant to ORS 676.165(5) and ORS 676.175(1).