

**Index of Public Records Exemptions
Regulated Healthcare Professions
Health Licensing Office Complaints and Investigations**

[ORS 676.590](#) – investigatory info obtained by the Health Licensing Office for certain licensees

[ORS 676.595](#) – investigatory info obtained by the Health Licensing Office for other licensees

Exemption	Complaints Exempt?	Exceptions or Public Interest Balancing Test?	Other
<u>ORS 676.590</u>	No	Y – investigatory info shall be disclosed if clear and convincing evidence PI requires disclosure.	No distinction between substantiated and unsubstantiated complaints.
<u>ORS 676.595</u>	Yes	Y – if HLO does <u>not</u> impose discipline, investigatory info shall be disclosed if CCE that PI in disclosure outweighs PI in nondisclosure	If discipline imposed, requires disclosure of notice of intent, final orders, stipulations and consent orders, but investigatory info remains exempt.

Exemption Statute and Title: [ORS 676.590](#) Disclosure of Investigatory Information, Records

Summary: Except for complaints, exempts from public disclosure all investigatory information and reports obtained by the Health Licensing Office for investigations into licensees providing advanced nonablative esthetics, lactation consultants, music therapists, art therapists, barbers, hair stylists, cosmetologists, nail technologists, electrologists, tattooists, body piercing specialists, and hearing aid specialists.

Relevant Text: [ORS 676.590](#)

(1) Information obtained by the Health Licensing Office as part of an investigation conducted under the following laws and any reports issued by an investigator are exempt from public disclosure:

(a) [ORS 676.630](#) to [676.660](#), [676.665](#) to [676.689](#), [681.700](#) to [681.730](#), [681.740](#) to [681.758](#), [690.005](#) to [690.225](#), [690.350](#) to [690.410](#) or [694.015 \(694.170\)](#) to [694.170](#).

(b) [ORS 676.560](#) to [676.625](#) if the investigation is related to the regulation of:

(A) Advanced nonablative esthetics under [ORS 676.630](#) to [676.660](#);

(B) Lactation consultation under [ORS 676.665](#) to [676.689](#);

(C) Music therapy under [ORS 681.700](#) to [681.730](#);

(D) Art therapy under [ORS 681.740](#) to [681.758](#);

(E) Barbering, hair design, esthetics, nail technology or natural hair care under [ORS 690.005](#) to [690.225](#);

(F) Electrologists and body art practitioners under [ORS 690.350](#) to [690.410](#); or

(G) Dealing in hearing aids under [ORS 694.015](#) to [694.170](#).

(2) The office shall disclose information obtained as part of an investigation described in subsection (1) of this section to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

(3) A complaint that forms the basis for an investigation described in subsection (1) of this section shall not be considered information obtained as part of an investigation and is not exempt from public disclosure.

Enumerated Exceptions or Public Interest Balancing Test? Yes – HLO shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

ORS 676.590 Disclosure of Investigatory Information, Records (cont.)

Applied in Court Cases, AG Opinions and/or Public Records Orders?

PRO Goodwin-Ratzloff (7/1/19) (public interest did not require the disclosure of complaints against hearing aid specialists)

Exemption Statute and Title: [ORS 676.595](#) Disclosures of Certain Investigatory Information

Summary: Makes exempt from public disclosure all complaints investigatory information and reports obtained by the Health Licensing Office for investigations into licensee providing various health-related services, including: certain therapists, nursing home administration, denturists, midwives, athletic trainers, dieticians, and environmental or waste water sanitation.

Relevant Text: [ORS 676.595](#)

(2) Except to the extent that disclosure is necessary to conduct a full and proper investigation, the Health Licensing Office may not disclose information, including complaints and information identifying complainants, obtained by the office as part of an investigation conducted under:

(a) [ORS 675.365](#) to [675.410](#), [676.810](#) to [676.820](#), [676.825](#), [676.830](#), [678.710](#) to [678.820](#), [680.500](#) to [680.565](#), [687.405](#) to [687.495](#), [688.701](#) to [688.734](#), [688.800](#) to [688.840](#) or [691.405](#) to [691.485](#) or ORS chapter 700.

(b) [ORS 676.560](#) to [676.625](#) if the investigation is related to the regulation of:

(A) Sexual abuse specific treatment under [ORS 675.365](#) to [675.410](#);

(B) Applied behavior analysis under [ORS 676.810](#) to [676.820](#), [676.825](#) and [676.830](#);

(C) Nursing home administration and residential care facility administration under [ORS 678.710](#) to [678.820](#);

(D) The practice of denture technology under [ORS 680.500](#) to [680.565](#);

(E) Direct entry midwifery under [ORS 687.405](#) to [687.495](#);

(F) Athletic training under [ORS 688.701](#) to [688.734](#);

(G) Respiratory care and polysomnography under [ORS 688.800](#) to [688.840](#);

(H) Dietetics under [ORS 691.405](#) to [691.485](#); or

(I) Environmental or waste water sanitation under ORS chapter 700.

(3) Notwithstanding subsection (2) of this section, if the office or board decides not to impose a disciplinary sanction after conducting an investigation described in subsection (2) of this section:

(a) The office shall disclose information obtained as part of the investigation if the person requesting the information demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure.

ORS 676.595 Disclosures of Certain Investigatory Information (cont.)

(b) The office may disclose to a complainant who made a complaint related to the investigation a written summary of information obtained as part of the investigation to the extent that disclosure is necessary to explain the office's or board's decision. The person who is the subject of the investigation may review and obtain a copy of a written summary disclosed under this paragraph after the office has redacted any information identifying the complainant.

Enumerated Exceptions or Public Interest Balancing Test? Yes – in cases where HLO decides not to impose a disciplinary sanction, it shall disclose otherwise exempt information to a person who demonstrates by clear and convincing evidence that the public interest in disclosure outweighs other interests in nondisclosure, including the public interest in nondisclosure. If HLO decides to pursue a disciplinary sanction, it shall disclose the information listed in [ORS 676.595\(6\)](#).

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.

Exemption Statute and Title: [ORS 676.599](#)

Summary: Confidential information disclosed by the Health Licensing Office to another public body for regulatory or enforcement purposes is to remain confidential.

Relevant Text: [ORS 676.599](#)

(1) Notwithstanding [ORS 676.595](#), the Health Licensing Office, upon a determination by the office that it possesses information that reasonably relates to the regulatory or enforcement function of another public entity, may disclose information to the other public entity.

(2) A public entity that receives information pursuant to subsection (1) of this section must agree to take all reasonable steps to maintain the confidentiality of the information, except that the public entity may use or disclose the information to the extent necessary to carry out the regulatory or enforcement functions of the public entity.

Enumerated Exceptions or Public Interest Balancing Test? No.

Applied in Court Cases, AG Opinions and/or Public Records Orders? No.