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**Exemption Statute and Title:** [ORS 3.450\(3\)](#) Drug Court Programs

**Summary:** Makes confidential the records maintained by a circuit court for the purpose of a drug court program.

**Relevant Text:** [3.450](#)

(3) Records that are maintained by the circuit court specifically for the purpose of a drug court program must be maintained separately from other court records. Records maintained by a circuit court specifically for the purpose of a drug court program are confidential and may not be disclosed except in accordance with regulations adopted under 42 U.S.C. 290dd-2, including under the circumstances described in subsections (4) to (7) of this section.

**Enumerated Exceptions or Public Interest Balancing Test?** Exceptions listed in subsections (4) to (7), but none permit disclosure to the general public.

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

**Exemption Statute and Title: [ORS 9.568\(3\)](#) State Lawyers Assistance Committee**

**Summary:** Makes confidential and exempt any information submitted to the State Lawyers Assistance Committee about a lawyer who may be suffering from impairment or other circumstances adversely affecting professional competence or conduct.

**Relevant Text: [9.568](#)**

(3) Any information provided to or obtained by the state lawyers assistance committee or any personal and practice management assistance committee, or provided to or obtained by any agent of those committees, is:

- (a) Confidential;
- (b) Exempt from the provisions of [ORS 192.311](#) to [192.478](#);
- (c) Not discoverable or admissible in any civil proceeding without the written consent of the lawyer to whom the information pertains; and
- (d) Not discoverable or admissible in any disciplinary proceeding except to the extent provided by rules of procedure adopted pursuant to [ORS 9.542](#).

**Enumerated Exceptions or Public Interest Balancing Test?**

[9.568\(4\)](#). The limitations placed on the disclosure and admissibility of information in this section shall not apply to information relating to a lawyer's noncooperation with the state lawyers assistance committee or any agent of the committee, or to information otherwise obtained by the bar from any other source.

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

**Exemption Statute and Title: [ORS 40.230\(2\)](#) Psychotherapist-Patient Privilege**

**Summary:** Establishes a privilege against the disclosure of confidential communications made for the purposes of diagnosis or treatment of a patient's mental or emotional condition.

**Relevant Text: [40.230](#)**

(2) A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purposes of diagnosis or treatment of the patient's mental or emotional condition among the patient, the patient's psychotherapist or persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family.

**Enumerated Exceptions or Public Interest Balancing Test?** Several exceptions for various court-related matters, but none that permit disclosure to the general public.

[ORS 40.280](#): privileges are waived if the holder of the privilege voluntarily discloses or consent to disclosure of any significant part of the matter or communication.

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

-[PRO Matteo-Boehm](#) (9/2/05) (denying petition seeking DHS medical and mental health records pertaining to a patient)

-[PRO Wright](#) (2/5/96) (denying petition requesting, in part, that the Oregon State Hospital disclose deceased mother's mental health records)

-[PRO Smith](#) (2/7/94) (denying petition seeking, in part, the mental health records of patients who died at Dammasch State Hospital; also concluding that the privilege survives the death of the patient).

**Exemption Statute and Title: [ORS 40.262](#) Counselor-Client Privilege**

**Summary:** Prohibits the examination of professional counselors and therapists in civil or criminal proceedings about communications enabling aid to the client.

**Relevant Text: [40.262](#)**

A professional counselor or a marriage and family therapist licensed by the Oregon Board of Licensed Professional Counselors and Therapists under [ORS 675.715 \(Application\)](#) shall not be examined in a civil or criminal court proceeding as to any communication given the counselor or therapist by a client in the course of a noninvestigatory professional activity when such communication was given to enable the counselor or the therapist to aid the client, except \*\*\*

**Enumerated Exceptions or Public Interest Balancing Test?**

Under [ORS 40.262](#), covered communications are not exempt:

- (1) When the client or those persons legally responsible for the affairs of the client give consent to the disclosure. \*\*\*
- (2) When the client initiates legal action or makes a complaint against the licensed professional counselor or licensed marriage and family therapist to the board;
- (3) When the communication reveals the intent to commit a crime or harmful act; or
- (4) When the communication reveals that a minor is or is suspected to be the victim of crime, abuse or neglect.

[ORS 40.280](#): privileges are waived if the holder of the privilege voluntarily discloses or consent to disclosure of any significant part of the matter or communication.

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

**Exemption Statute and Title:** [ORS 426.160](#) **Disclosure of Record of Commitment Proceeding**

**Summary:** Prohibits the disclosure of any part of the record of commitment proceedings.

**Relevant Text:** [ORS 426.160](#)

(1) The court having jurisdiction over any proceeding conducted pursuant to [ORS 426.005](#), [426.060](#) to [426.170](#), [426.217](#), [426.228](#), [426.255](#) to [426.292](#), [426.300](#) to [426.309](#), [426.385](#), [426.395](#), [426.701](#) and [426.702](#) may not disclose any part of the record of the proceeding or commitment to any person except \*\*\*

**Enumerated Exceptions or Public Interest Balancing Test?** Several exceptions for various official purposes, but none that permit disclosure to the general public.

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

-[PRO van der Voo](#) (3/23/12) (denying petition seeking disclosure of circuit court commitment records regarding three individuals)

**Exemption Statute and Title: [ORS 426.370](#) – Withholding Information Obtained in Certain Commitment or Admission Investigations**

**Summary:** Permits community mental health officials to withhold information obtained during commitment investigations, but only if the information is not used in a material way and if disclosure would constitute a clear and immediate danger to any person.

**Relevant Text:** [ORS 426.370](#)

A community mental health program director or designee may withhold information obtained during an investigation under [ORS 426.070](#), [426.228](#), [426.232](#), [426.233](#) or [426.234](#) if the community mental health program director determines:

- (1) That information was not included in its investigation report or otherwise used in a material way to support a determination by the community mental health program director that there was probable cause to believe a person was a person with mental illness; and
- (2) Release of the information would constitute a clear and immediate danger to any person.

**Enumerated Exceptions or Public Interest Balancing Test?** No, but the statute would not exempt from disclosure any information obtained during such investigations that does not meet the 2-part test above.

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

**Exemption Statute and Title: [ORS 430.399](#) When Person Must be Taken to Treatment Facility or Sobering Facility**

**Summary:** Prohibits, without consent, the disclosure of records relating to a person at a treatment facility or sobering facility.

**Relevant Text:** [ORS 430.399](#)

(6) The records of a person at a treatment facility or sobering facility may not, without the person's consent, be revealed to any person other than the director and staff of the treatment facility or sobering facility. A person's request that no disclosure be made of admission to a treatment facility or sobering facility shall be honored unless the person is incapacitated or disclosure of admission is required by [ORS 430.397](#).

**Enumerated Exceptions or Public Interest Balancing Test?**

Notwithstanding the consent requirement, [ORS 430.397](#) requires disclosure to parents or guardians if the admittee is under 18 years of age.

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

**Exemption Statute and Title: [ORS 430.475](#) Evaluation Results as Evidence**

**Summary:** For arrested persons suspected of being drug dependent, the results of the evaluation or information voluntarily provided by the person are confidential. Also makes communications between persons participating in a related diversion plan privileged.

**Relevant Text: [ORS 430.475](#)**

(2) Except as provided in subsection (1) of this section, results of evaluation or information voluntarily provided to evaluation or treatment personnel by a person under [ORS 430.450](#) to [430.555](#) shall be confidential and shall not be admitted as evidence in criminal proceedings. Reports submitted to the court or the prosecutor by the diversion coordinator shall consist solely of matters required to be reported by the terms of the diversion plan, together with an assessment of the person's progress toward achieving the goals set forth in the plan. Communications between the person participating in the plan and the diversion coordinator shall be privileged unless they relate directly to the elements required to be reported under the diversion plan.

**Enumerated Exceptions or Public Interest Balancing Test? No.**

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

**Exemption Statute and Title: [ORS 675.390](#) Confidentiality of Communication By Clients**

**Summary:** Generally prohibits the disclosure of client communications with a certified sexual offense therapist.

**Relevant Text: [ORS 675.390](#)**

A certified sexual offense therapist, or any employee of a certified sexual offense therapist, may not disclose any communication made by a client during the course of noninvestigatory professional treatment or rehabilitation, except \*\*\*

**Enumerated Exceptions or Public Interest Balancing Test?** Under [ORS 675.390](#), disclosure is permitted:

- (1) When the client or a person authorized to act on behalf of the client gives consent to the disclosure;
- (2) When the client initiates legal action or makes a complaint against a sexual offense therapist to the Sexual Offense Treatment Board;
- (3) When the communication reveals the intent to commit a crime harmful to the client or others;
- (4) When the communication reveals that a minor may have been a victim of a crime or physical, sexual or emotional abuse or neglect; or
- (5) To juvenile and adult parole and probation officers supervising the client under a mandated sex offender treatment condition imposed by a court or releasing authority.

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

**Exemption Statute and Title: [ORS 675.583](#) Duty to Report Evidence of Impairment or Unprofessional or Prohibited Conduct**

**Summary:** Information in reports to the Board of Licensed Social Workers that a social worker is impaired or may have engaged in unprofessional conduct is confidential.

**Relevant Text:** [ORS 675.583](#)

(1) Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, a regulated social worker shall report to the State Board of Licensed Social Workers any information the regulated social worker has that appears to show that a regulated social worker is or may be an impaired professional as defined in [ORS 676.185](#), or may have engaged in unprofessional conduct according to the guidelines of the code of ethics, to the extent that disclosure does not conflict with the requirements of [ORS 675.580](#).

\*\*\*

(3) Notwithstanding [ORS 676.175](#), any information that the board obtains pursuant to subsection (1) of this section is confidential and may not be disclosed except as provided by the board by rule.

**Enumerated Exceptions or Public Interest Balancing Test? No**

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

**Exemption Statute and Title:** [ORS 675.765](#) Confidentiality of Information

**Summary:** Restricts the disclosure communications from a client to a licensed counselor or a licensed marriage and family therapist.

**Relevant Text:** [ORS 675.765](#)

A licensee or any employee of the licensee shall not disclose any communication given the licensee by a client in the course of noninvestigatory professional activity when such communication was given to enable the licensee to aid the client, except:

- (1) When the client or those persons legally responsible for the affairs of the client give consent to the disclosure;
- (2) When the client initiates legal action or makes a complaint against the licensed professional counselor or licensed marriage and family therapist to the Oregon Board of Licensed Professional Counselors and Therapists;
- (3) When the communication reveals the intent to commit a crime or harmful act;
- (4) When the communication reveals that a minor is or is suspected to be the victim of a crime, abuse or neglect; or
- (5) When responding to an inquiry by the board made during the course of an investigation into the conduct of the licensee under [ORS 676.165](#) to [676.180](#).

**Enumerated Exceptions or Public Interest Balancing Test?** Exceptions listed above, but none that permit disclosure to the general public.

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

**Exemption Statute and Title: [ORS 676.190\(3\)](#) Establishment of Program**

**Summary:** Makes lists of impaired healthcare providers submitted to the impaired health professional program exempt from disclosure.

**Relevant Text: [ORS 676.190](#)**

(1) The health profession licensing boards may establish or contract to establish an impaired health professional program.

\*\*\*

(2)(f) At least weekly, submit to licensees' boards:

(A) A list of licensees who were referred to the program by a health profession licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health profession licensing board and who successfully complete the program.

(3) The lists submitted under subsection (2)(f) of this section are exempt from disclosure as a public record under [ORS 192.311](#) to [192.478](#).

**Key Terms:**

“Impaired professional” means a licensee who is unable to practice with professional skill and safety by reason of habitual or excessive use or abuse of drugs, alcohol or other substances that impair ability or by reason of a mental health disorder. [ORS 676.185\(3\)](#)

“Licensee” means a health professional licensed or certified by or registered with a health profession licensing board. [ORS 676.185\(4\)](#)

**Enumerated Exceptions or Public Interest Balancing Test? No.**

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

**Statutory changes effective 1/1/26:**

(2) (f) At least weekly, submit to licensees' health professional licensing boards:

(A) A list of licensees who were referred to the program by a health professional licensing board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by a health professional licensing board and who successfully complete the program.

**Exemption Statute and Title:** [ORS 688.135](#) **Duties and Responsibilities of Physical Therapist**

**Summary:** Makes information relating to the physical therapist-patient relationship confidential.

**Relevant Text:** [ORS 688.135](#)

(2) Responsibility for patient care management shall include accurate documentation and billing of the physical therapy services provided. Information relating to the physical therapist-patient relationship is confidential and a physical therapist shall comply with the laws and rules governing the use and disclosure of a patient's protected health information as provided in [ORS 192.553](#) to [192.581](#).

**Enumerated Exceptions or Public Interest Balancing Test?** See [ORS 192.553](#) to [192.581](#) (Oregon's mini-HIPAA)

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

**Exemption Statute and Title:** [ORS 688.140](#) **Grounds for Discipline**

**Summary:** Prohibits the public disclosure of reports of a mental, physical, chemical dependency or competency evaluation of a physical therapist as part of a fitness determination.

**Relevant Text:** [ORS 688.140](#)

(3) To enforce the provisions of this section, the board is authorized to initiate an investigation and take the following actions:

(g) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the board has objectively reasonable grounds to believe that the person is or may be unable to practice physical therapy with reasonable skill and safety, with the results being reported to the board. The report shall not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

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

**Exemption Statute and Title: [ORS 688.600](#) Investigation of Alleged Violations**

**Summary:** Prohibits the public disclosure of reports of a mental, physical, chemical dependency or competency evaluation of a medical imaging practitioner prepared as part of a fitness determination.

**Relevant Text: [ORS 688.600](#)**

(1) Upon receipt of a complaint, or upon its own motion, the Board of Medical Imaging may investigate any alleged violation of [ORS 688.405](#) to [688.605](#).

(2) In the conduct of investigations, the board may:

(f) Require a person to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense when the board has reasonable grounds to believe that the person is or may be unable to practice a medical imaging modality with reasonable skill and safety or may constitute a risk to the public, with the results being reported to the board. The report may not be disclosed to the public but may be received into evidence in a proceeding between the board and the person when the mental, physical, chemical dependency or competency of the person is at issue, notwithstanding any claim of privilege by the person; and

**Enumerated Exceptions or Public Interest Balancing Test? No.**

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

**Exemption Statute and Title:** [ORS 802.202](#) Conditions for Disclosure of Drug Test Results

**Summary:** Restricts the disclosure of the results of drug tests conducted upon commercial motor carriers.

**Relevant Text:** [ORS 802.202](#)

The Department of Transportation shall disclose information about a drug test result that is made to the department under [ORS 825.410](#) or [825.415](#) only if the person who requests the information provides the department with written permission from the person who is the subject of the report.

**Enumerated Exceptions or Public Interest Balancing Test?** No.

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

**Exemption Statute and Title: [HB2812](#) Individually Identifiable Health Information if the Possession of the PSRB**

**Summary:** Restricts disclosure of individually identifiable health information of PSRB clients

**Relevant Text:** [HB2812](#)

(2) A client's individually identifiable health information is exempt from disclosure under ORS 192.311 to 192.478 and shall not be disclosed or used except as authorized or permitted by the board as follows:

- (a) To exercise, implement or discharge its statutory obligations;
- (b) To report to the National Instant Criminal Background Check System the identity of a client who is prohibited from possessing a firearm under 18 U.S.C. 922(g)(4);
- (c) As required by judicial or administrative proceedings;
- (d) As required for law enforcement purposes;
- (e) In emergency circumstances; or
- (f) For specific purposes related to a deceased client.

(1) As used in this section:

(a) "Client" means an individual whom the Psychiatric Security Review Board has or previously had jurisdiction over pursuant to ORS 161.315 to 161.351.

(b) "Individually identifiable health information" has the meaning given that term in [ORS 179.505](#).

(c) "Personal representative" means a person or entity who has the legal authority to make decisions for the client or to communicate the client's decisions to the board, including but not limited to a guardian, a parent of an unemancipated minor or the client's attorney.

**Enumerated Exceptions or Public Interest Balancing Test? None that allow release to the general public**

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