

Oregon Health Plan (OHP) Data Sharing and Privacy

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September 11, 2025 update

- Oregon Health Authority (OHA) remains steadfast in its commitment to protecting health information and privacy for the people it serves. In light of growing national concerns about data misuse by the federal government, we want to reaffirm that OHA respects every individual's right to care and privacy, and we are committed to transparency and accountability in how OHA handles data.
- On September 9, OHA released previously requested data to the Centers for Medicare & Medicaid Services (CMS) that included some personally identifiable information (PII) for a small group of adult members who used emergency Medicaid services during the time period of review (April – June 2025).
- **The file did not include any new information to CMS**, as CMS already had access to all the information across multiple data sources. This request required the State to pull that information together into one set of reports.

The data submission comprised claims information from all adults in Oregon that used emergency Medicaid services from the months of April – June 2025. It included Medicaid identification (ID), date of birth and Medicaid eligibility categories based on citizenship status for these members only. It did not include immigration status or addresses.

- As part of a multistate lawsuit seeking to prevent CMS sharing this data for immigration enforcement purposes, CMS is prohibited from providing this data to Immigration and Customs Enforcement/ U.S. Department of Homeland Security (ICE/DHS) under the lawsuit's injunction.
- This submission is part of the ongoing financial management review (FMR), and OHA was legally required to provide this data to ensure that no federal resources were paid for services that were not covered under federal law.
- OHA's failure to comply with CMS's request could result in denial of federal funding in for services properly provided to eligible Medicaid recipients in Oregon. This loss of funding would greatly impact available health care resources for families, communities, providers, and partners throughout Oregon.
- OHA continues to advocate for the dignity, safety, and health of all people in Oregon.

Background and timeline

- On June 6, 2025, the Centers for Medicare & Medicaid Services (CMS) requested information about Oregon Medicaid members who benefit from federally funded services. CMS has stated the purpose of this financial management review is to ensure that claims for federal financial participation meet all applicable statutory requirements for individuals who are not eligible for full Medicaid services due to immigration status, but are lawfully eligible for limited federally funded services.
- On July 1, Oregon quickly joined a multistate lawsuit about the sharing of health data with immigration enforcement authorities. A press release about the litigation can be found [here](#). The lawsuit seeks to prevent CMS from continuing to share protected Medicaid information with the Department of Homeland Security and also seeks to prevent such data from being used for immigration enforcement purposes. A judge has issued a preliminary injunction that will remain in place until 14 days after HHS and DHS complete a reasoned decision-making process in accordance with the Administrative Procedures Act.
 - The preliminary injunction does not mean OHA can stop sharing required information with CMS.
- OHA takes the privacy and security of our members' and applicants' personal health information very seriously. Over the course of the CMS financial management review period, OHA responded to requests from CMS carefully and methodically in accordance with federal regulations.
- On July 30, 2025, OHA submitted initial narrative responses to CMS describing how OHA appropriately spends federal dollars on Medicaid services. This submission did not include Personally Identifiable Information (PII).

- Over the course of the financial management review process, CMS reiterated the need for eligibility information, including some PII, in order to complete the review process. CMS informed OHA that the state could face significant financial penalties for withholding specific elements of data that CMS deemed necessary to complete its analysis.
- During each meeting with CMS, the State asked CMS to confirm that the data provided in response to the financial management review would not be used for DHS/ICE and immigration enforcement purposes.
- On September 5, the State again asked if CMS would be using data provided in response to the FMR in accordance with HIPAA, to which CMS stated it was abiding by the injunction in place in the federal litigation concerning this subject. It is the State's understanding that under the injunction, **CMS is prohibited from sharing this information with DHS/ICE for the purposes of immigration enforcement.** CMS has stated the purpose of this FMR is to ensure that claims for federal financial participation meet all applicable legal requirements for individuals who are not eligible for full Medicaid services due to immigration status, but are lawfully eligible for limited federally funded services.
- On September 9, OHA released previously requested data to CMS that included some PII of a small group of adult members who used emergency Medicaid services during the time period of review (April – June 2025). This submission is part of the ongoing financial management review and OHA was legally required to provide this data to ensure that no federal resources were paid for services that were not covered under federal law.
- The data submission included claims information from all adults in Oregon that used emergency Medicaid services from the months of April 2025 – June 2025.
- The file didn't include any new information to CMS, as CMS already had access to all the information due to routine monthly required data submissions. The submission included Medicaid ID, date of birth and citizenship status (Medicaid eligibility category) for these members only. It did not include addresses.
- OHA continues to stand with immigrant communities and all 1.4 million Oregonians who rely on Medicaid and who are worried about their personal information at this time. Our mission is to ensure access to care, and we oppose all efforts to thwart it.
- We will continue to keep the public and Oregon Health Plan members informed about data sharing and privacy and through partner convenings and through our OHA Federal Response Page: <https://www.oregon.gov/oha/pages/federal-changes.aspx>

Overview

- The Oregon Health Authority (OHA) is steadfast in its commitment to protecting health information and privacy for the people it serves. In light of growing national concerns about data misuse by the federal government, we want to reaffirm that OHA respects every individual's right to care and privacy, and we are committed to transparency and accountability in how OHA handles data.
- State and federal laws concerning data privacy have not changed. OHA will continue to follow federal and Oregon state laws to protect people's private health information for all 1.4 million Oregonians who rely on Medicaid. We also want to acknowledge federal misuse of Oregonian's data is creating fear and difficult choices for individuals and families.
- Medicaid is administered by the Centers for Medicare & Medicaid Services (CMS), an agency overseen by the U.S. Department of Health and Human Services (HHS), as a partnership between the federal government and Oregon. CMS requires OHA to submit many reports as a condition of receiving federal funding for Oregon Health Plan (OHP) programs and health care services, including Medicaid and the Children's Health Insurance Program (CHIP). If the state uses federal funding for a program or for a service, the state is required to provide data to CMS about the health care services members receive.
- Protecting the dignity, privacy, and access to care for all Oregonians remains OHA's priority, and the agency is exploring all available options that allow OHA to appropriately meet its federal reporting obligations to CMS, while to the greatest extent possible protecting the privacy of individuals in Oregon who are eligible for and receive Medicaid.
- OHA understands that recent federal requests for Medicaid data have caused deep fear, frustration, and anger across our communities.

Key facts about data sharing

- As required by federal law, OHA must submit certain data to CMS to validate that it is using federal funds for allowable program purposes. This information is provided monthly to CMS. These mandatory monthly reports include individually identifiable eligibility and demographic information. Reports over time may include some or all demographic information necessary to maintain Oregon's compliance requirements for data completeness.
- CMS is legally required to protect and limit use of this data for the administration of the Medicaid program, and to protect against unauthorized disclosure. Oregon has joined a multistate lawsuit about the sharing of health data with immigration enforcement authorities. A press release about the litigation can be found [here](#).

- While the requirements for the protection of Medicaid data have not changed, new concerns have emerged about data sharing practices among federal agencies for purposes beyond administration of the Medicaid program, including immigration enforcement. It is not clear to OHA what legal basis CMS could have for sharing Medicaid data for immigration enforcement purposes.
- Some Oregonians who are not eligible for full Medicaid due to immigration status are lawfully eligible for limited services paid for with federal funding, such as emergency medical services and labor and delivery medical services. These individuals may also access services through the state funded Healthier Oregon program which provides coverage for medical and some other services.
- When a service or program receives federal dollars, OHA is required to share payment, enrollment, and health care visit information with CMS. This information contains two separate datasets, one for claims and health care visits, and one for enrollment and eligibility. OHA submits monthly reports including federally required demographic and eligibility information, such as name, address, date of birth, Medicaid ID number, social security number if provided, and citizenship status. This monthly report includes all 1.4 million Oregon Health Plan members.
- OHA regularly reviews data sharing requirements and systems, continuously working to balance compliance obligations with reducing unnecessary disclosure of personally identifiable data where possible.

What new information requests has OHA received from CMS?

- OHA is aware of reports that CMS or the U.S. Department of Health and Human Services is sharing Medicaid data with immigration enforcement officials. OHA is carefully considering how to respond to CMS requests, given the lack of trust that CMS will appropriately protect the data. (See September 11 update above)
- On June 6, 2025, CMS requested additional information about Oregon Medicaid members who benefit from federally funded services. CMS has stated the purpose of this financial data review is to ensure that claims for federal financial participation meet all applicable statutory requirements for individuals who are not eligible for full Medicaid services due to immigration status but are lawfully eligible for limited federally funded services.
- OHA has not yet responded to CMS' request for additional information. The request is currently being reviewed by the agency. OHA continues to look at all policy and legal options available while maintaining requirements to the federal government pertaining to the administration of federal programs and federal funding. ([See September 11 update above](#))

- Due to the scale of the request and the need for thorough review to ensure discretionary elements are not provided, it is unlikely that OHA will complete the request by July 30th. We commit to keeping the public informed if and as new threats to data privacy arise. ([See September 10 update above](#))
- Oregon quickly joined a multistate lawsuit about the sharing of health data with immigration enforcement authorities. A press release about the litigation can be found [here](#). The lawsuit seeks to prevent CMS from continuing to share protected Medicaid information with the Department of Homeland Security and also seeks to prevent such data from being used for immigration enforcement purposes. Joining this lawsuit does not mean OHA can stop sharing required information with CMS.

What is the state doing to protect client information?

- In Oregon, both federal and state laws provide broad confidentiality protections for the health information of individuals accessing Medicaid services.
- Federal and state law provide that Medicaid information is confidential and may only be used for purposes related to the administration of the Medicaid program.
- The State of Oregon is required to share certain data with CMS. Oregon is suing HHS to try to ensure that CMS protects Medicaid data from inappropriate uses such as immigration enforcement.
- The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) generally prohibits the sharing of any personal data without the consent of the member, unless a specific exception applies. This promotes the handling of records with the highest standards of data security and confidentiality.
- When data is shared as required by law or contract, the data is sent securely. Oregon has additional privacy laws that further safeguard health information including comprehensive Oregon consumer protection laws (ORS 646A.570 to 646A.589) which went into effect on July 1, 2024.
- For more information about how and when data is shared by OHA or ODHS, review [OHA's Notice of Privacy Practices](#).
- While OHA follows all state and federal laws related to data privacy, OHA cannot guarantee information that the federal government requires OHA share as a condition of receiving federal funding will not be used for immigration purposes or other abuses of information by the federal government.

Frequently asked questions from members, community partners, and providers

How is OHA protecting personal health information data in response to increased or shifting federal requests?

- OHA understands that recent federal requests for Medicaid data have caused deep fear, frustration, and anger across our communities.
- While complex legal and operational factors shape what data is collected and how it is used, OHA's core commitment does not change: we prioritize privacy as a fundamental element of public health and community safety.
- OHA is continuously reviewing systems and data requirements internally and will continue to share updates transparently as they become available. In the meantime, we invite you to engage with us directly: share your questions, participate in upcoming webinars, and let OHA know how we can work together to best serve your communities.
- OHA is committed to partnering with health care providers and other partners to continue to protect and strengthen the health of every Oregonian, no matter the challenges ahead.
- However, OHA cannot guarantee the federal government will not abuse or misuse data for immigration purposes.
- We understand that enrollees may choose to disenroll from services or may not seek health care services due to risk of the federal government abusing their personal data, including for immigration enforcement, even as they are eligible for services and coverage.
- If you are afraid to access health care services while using insurance, OHA encourages you to consult with your health care provider about your health care needs and options for care.

What data is OHA required to share with CMS?

- Because OHA submits information monthly, if you are or have been a member on the Oregon Health Plan, your data is a part of this monthly submission. OHA has not provided CMS with any additional or new information beyond what is routinely reported. ([See September 11 update above](#))
- When a service or program receives federal dollars, OHA is required to share payment, enrollment, and health care visit information with CMS. This information contains two separate datasets, one for claims and health care visits, and one for enrollment and eligibility.

- OHA currently submits monthly reports that include demographic and eligibility information, such as name, address, date of birth, Medicaid ID number, social security number if provided, and citizenship status, but not immigration status. This monthly report includes all Oregon Health Plan members. These elements may change over time as OHA balances compliance requirements with minimizing the amount of demographic information provided.
- Most services for members not eligible for Medicaid due to immigration status are funded by the state, however, federal dollars are used to deliver the cost of emergency health care visits provided to people enrolled in the Healthier Oregon Program. When the Healthier Oregon Program was first implemented eligibility for Healthier Oregon and emergency services was tied together to create a seamless experience for patients to navigate care. As a result, all people enrolled in Healthier Oregon were included in the enrollment files submitted to CMS. (Updated September 11, 2025)
- OHA is continuously evaluating and reviewing ways to maintain compliance with federal requirements while protecting members' privacy to the fullest extent possible. The Governor has directed the agency to evaluate system changes to decouple Healthier Oregon from federally-funded emergency services. This is currently underway.

What is OHA doing to protect privacy?

- The agency only shares personally identifiable OHP information with federal agencies when required by law for the purpose of eligibility. Every time an individual enrolls in OHP or Healthier Oregon, the federal government requires that individual's personal data to be submitted. That practice is routine and has gone on for many years through previous federal administrations.
- While balancing requirements for compliance, in January 2025 OHA stopped sharing data that could be used to identify immigration status through program eligibility. OHA is continuing to assess how to best meet its CMS data sharing requirements, while protecting personally identifiable information to the greatest extent possible. If there are elements of the CMS request that Oregon must reply to under agreement or law, then the state will comply to the degree that is possible and appropriate. OHA commits to keeping the public informed as new threats to data privacy arise.
- Access to data is controlled carefully based on federal and state confidentiality protections related to health information. When data is shared as required by law or contract, the data is sent via secure file transfer or encrypted during the act of sharing.
- If you have any concerns or questions about your data privacy, you can ask your doctor or provider about privacy protections and request a copy of their notice of privacy practices. For more information about how and when data is shared by

OHA, review [OHA's Notice of Privacy Practices](#). The state recognizes that there is heightened fear and uncertainty; OHA cannot control the abuse of information by the federal government. Some patients may choose to delay or forgo care in fear of the federal government abusing their personal health information, including for immigration enforcement; providers, patients, and community navigators should prepare for these conversations.

What is OHA doing to support partners and providers to share accurate, timely information with partners?

- OHA is developing updated talking points, and direct support materials to help providers feel confident and deliver accurate information during conversations with OHP members about data privacy. OHA is also partnering with ODHS and community-based organizations to offer shared webinars focused on data privacy and updates related to shifting federal policy that may impact operations.
- Providers and partners are encouraged to share clear, consistent messages by joining partner briefings to stay informed and help shape the approach. Providers can reassure patients that privacy is a core value of the agency, and that OHA is actively working to clarify data use.
- OHP members, providers, and partners are encouraged to visit the [OHA Notice of Privacy Practices](#) and reach out to OHA directly for specific concerns here: Ask.OHP@odhsoha.oregon.gov
- Trusted providers and community partners can direct OHP members to the [OHP website](#) and federal response monitoring page: <https://www.oregon.gov/oha/pages/federal-changes.aspx>
- OHA encourages all clinic and health system administrators to have in place a procedure regarding response to federal immigration agent inquiries. They should ensure staff know this procedure and where to find guidance.

Resources

- The Oregon Department of Human Services Office of [Immigrant and Refugee Advancement](#) provides resources, fact sheets, news, and updates.
- The Immigrant Refugee Community Organization compiled this resource: ["Know Your Rights"](#)
- Oregon residents might be eligible for free legal counsel through [Equity Corps of Oregon](#).
- If ICE activity is witnessed in an Oregon community, people are encouraged to reach out to [Portland Immigrant Rights Coalition](#).
- The Oregon Law Center and Latino Network developed a [packet](#) to help families prepare for emergencies, including immigration detention.

- The National Immigration Law Center developed a [resource library](#) including guides, toolkits, policy briefs and more.
- The Oregon Department of Justice developed the [Sanctuary Promise Community Toolkit](#) covering essential information needed to understand Oregon's Sanctuary Law and report violations.

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact the Office of Community Health and Engagement at community.outreach@oha.oregon.gov or 800-699-9075. We accept all relay calls.

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