
SENATE BILL 6191

State of Washington 60th Legislature 2008 Regular Session

By Senators Keiser, Kohl-Welles, and Kline

Read first time 01/14/08. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to health care information maintained by a quality
2 improvement committee; amending RCW 42.56.360; reenacting and amending
3 RCW 42.56.360; providing an effective date; and providing an expiration
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 42.56.360 and 2007 c 261 s 4 and 2007 c 259 s 49 are
7 each reenacted and amended to read as follows:

8 (1) The following health care information is exempt from disclosure
9 under this chapter:

10 (a) Information obtained by the board of pharmacy as provided in
11 RCW 69.45.090;

12 (b) Information obtained by the board of pharmacy or the department
13 of health and its representatives as provided in RCW 69.41.044,
14 69.41.280, and 18.64.420;

15 (c) Information and documents created specifically for, and
16 collected and maintained by a quality improvement committee under RCW
17 43.70.510 or 70.41.200, or by a peer review committee under RCW
18 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640
19 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for

1 reporting of health care-associated infections under RCW 43.70.056,
2 (~~and notifications or reports of adverse events or incidents made~~
3 ~~under RCW 70.56.020 or 70.56.040,~~) regardless of which agency is in
4 possession of the information and documents;

5 (d)(i) Proprietary financial and commercial information that the
6 submitting entity, with review by the department of health,
7 specifically identifies at the time it is submitted and that is
8 provided to or obtained by the department of health in connection with
9 an application for, or the supervision of, an antitrust exemption
10 sought by the submitting entity under RCW 43.72.310;

11 (ii) If a request for such information is received, the submitting
12 entity must be notified of the request. Within ten business days of
13 receipt of the notice, the submitting entity shall provide a written
14 statement of the continuing need for confidentiality, which shall be
15 provided to the requester. Upon receipt of such notice, the department
16 of health shall continue to treat information designated under this
17 subsection (1)(d) as exempt from disclosure;

18 (iii) If the requester initiates an action to compel disclosure
19 under this chapter, the submitting entity must be joined as a party to
20 demonstrate the continuing need for confidentiality;

21 (e) Records of the entity obtained in an action under RCW 18.71.300
22 through 18.71.340;

23 (f) Except for published statistical compilations and reports
24 relating to the infant mortality review studies that do not identify
25 individual cases and sources of information, any records or documents
26 obtained, prepared, or maintained by the local health department for
27 the purposes of an infant mortality review conducted by the department
28 of health under RCW 70.05.170;

29 (g) Complaints filed under chapter 18.130 RCW after July 27, 1997,
30 to the extent provided in RCW 18.130.095(1); and

31 (h) Information obtained by the department of health under chapter
32 70.225 RCW.

33 (2) Chapter 70.02 RCW applies to public inspection and copying of
34 health care information of patients.

35 **Sec. 2.** RCW 42.56.360 and 2007 c 273 s 25 are each amended to read
36 as follows:

1 (1) The following health care information is exempt from disclosure
2 under this chapter:

3 (a) Information obtained by the board of pharmacy as provided in
4 RCW 69.45.090;

5 (b) Information obtained by the board of pharmacy or the department
6 of health and its representatives as provided in RCW 69.41.044,
7 69.41.280, and 18.64.420;

8 (c) Information and documents created specifically for, and
9 collected and maintained by a quality improvement committee under RCW
10 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
11 under RCW 4.24.250, or by a quality assurance committee pursuant to RCW
12 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056,
13 for reporting of health care-associated infections under RCW 43.70.056,
14 (~~and notifications or reports of adverse events or incidents made~~
15 ~~under RCW 70.56.020 or 70.56.040,~~) regardless of which agency is in
16 possession of the information and documents;

17 (d)(i) Proprietary financial and commercial information that the
18 submitting entity, with review by the department of health,
19 specifically identifies at the time it is submitted and that is
20 provided to or obtained by the department of health in connection with
21 an application for, or the supervision of, an antitrust exemption
22 sought by the submitting entity under RCW 43.72.310;

23 (ii) If a request for such information is received, the submitting
24 entity must be notified of the request. Within ten business days of
25 receipt of the notice, the submitting entity shall provide a written
26 statement of the continuing need for confidentiality, which shall be
27 provided to the requester. Upon receipt of such notice, the department
28 of health shall continue to treat information designated under this
29 subsection (1)(d) as exempt from disclosure;

30 (iii) If the requester initiates an action to compel disclosure
31 under this chapter, the submitting entity must be joined as a party to
32 demonstrate the continuing need for confidentiality;

33 (e) Records of the entity obtained in an action under RCW 18.71.300
34 through 18.71.340;

35 (f) Except for published statistical compilations and reports
36 relating to the infant mortality review studies that do not identify
37 individual cases and sources of information, any records or documents

1 obtained, prepared, or maintained by the local health department for
2 the purposes of an infant mortality review conducted by the department
3 of health under RCW 70.05.170;

4 (g) Complaints filed under chapter 18.130 RCW after July 27, 1997,
5 to the extent provided in RCW 18.130.095(1); and

6 (h) Information obtained by the department of health under chapter
7 70.225 RCW.

8 (2) Chapter 70.02 RCW applies to public inspection and copying of
9 health care information of patients.

10 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1, 2009.

11 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
12 2009.

--- END ---