

SSB 5056 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 04/07/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.73 RCW  
4 to read as follows:

5 (1) Except when treatment is provided in a hospital licensed under  
6 chapter 70.41 RCW, a physician's trained emergency medical service  
7 intermediate life support technician and paramedic, emergency medical  
8 technician, or first responder who renders treatment to a patient for  
9 (a) a bullet wound, gunshot wound, powder burn, or other injury arising  
10 from or caused by the discharge of a firearm; (b) an injury caused by  
11 a knife, an ice pick, or any other sharp or pointed instrument which  
12 federal, state, or local law enforcement authorities reasonably believe  
13 to have been intentionally inflicted upon a person; (c) a blunt force  
14 injury that federal, state, or local law enforcement authorities  
15 reasonably believe resulted from a criminal act; or (d) injuries  
16 sustained in an automobile collision, shall disclose without the  
17 patient's authorization, upon a request from a federal, state, or local  
18 law enforcement authority as defined in RCW 70.02.010(3), the following  
19 information, if known:

- 20 (i) The name of the patient;  
21 (ii) The patient's residence;  
22 (iii) The patient's sex;  
23 (iv) The patient's age;  
24 (v) The patient's condition or extent and location of injuries as  
25 determined by the physician's trained emergency medical service  
26 intermediate life support technician and paramedic, emergency medical  
27 technician, or first responder;  
28 (vi) Whether the patient was conscious when contacted;  
29 (vii) Whether the patient appears to have consumed alcohol or  
30 appears to be under the influence of alcohol or drugs;

1 (viii) The name or names of the physician's trained emergency  
2 medical service intermediate life support technician and paramedic,  
3 emergency medical technician, or first responder who provided treatment  
4 to the patient; and

5 (ix) The name of the facility to which the patient is being  
6 transported for additional treatment.

7 (2) A physician's trained emergency medical service intermediate  
8 life support technician and paramedic, emergency medical technician,  
9 first responder, or other individual who discloses information pursuant  
10 to this section is immune from civil or criminal liability or  
11 professional licensure action for the disclosure, provided that the  
12 physician's trained emergency medical service intermediate life support  
13 technician and paramedic, emergency medical technician, first  
14 responder, or other individual acted in good faith and without gross  
15 negligence or willful or wanton misconduct.

16 (3) The obligation to provide information pursuant to this section  
17 is secondary to patient care needs. Information must be provided as  
18 soon as reasonably possible taking into consideration a patient's  
19 emergency care needs.

20 (4) For purposes of this section, "a physician's trained emergency  
21 medical service intermediate life support technician and paramedic" has  
22 the same meaning as in RCW 18.71.200.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW  
24 to read as follows:

25 (1) A hospital shall report to a local law enforcement authority as  
26 soon as reasonably possible, taking into consideration a patient's  
27 emergency care needs, when the hospital provides treatment for a bullet  
28 wound, gunshot wound, or stab wound to a patient who is unconscious.  
29 A hospital shall establish a written policy to identify the person or  
30 persons responsible for making the report.

31 (2) The report required under subsection (1) of this section must  
32 include the following information, if known:

33 (a) The name, residence, sex, and age of the patient;

34 (b) Whether the patient has received a bullet wound, gunshot wound,  
35 or stab wound; and

36 (c) The name of the health care provider providing treatment for  
37 the bullet wound, gunshot wound, or stab wound.

1 (3) Nothing in this section shall limit a person's duty to report  
2 under RCW 26.44.030 or 74.34.035.

3 (4) Any bullets, clothing, or other foreign objects that are  
4 removed from a patient for whom a hospital is required to make a report  
5 pursuant to subsection (1) of this section shall be preserved and kept  
6 in custody in such a way that the identity and integrity thereof are  
7 reasonably maintained until the bullets, clothing, or other foreign  
8 objects are taken into possession by a law enforcement authority or the  
9 hospital's normal period for retention of such items expires, whichever  
10 occurs first.

11 (5) Any hospital or person who in good faith, and without gross  
12 negligence or willful or wanton misconduct, makes a report required by  
13 this section, cooperates in an investigation or criminal or judicial  
14 proceeding related to such report, or maintains bullets, clothing, or  
15 other foreign objects, or provides such items to a law enforcement  
16 authority as described in subsection (4) of this section, is immune  
17 from civil or criminal liability or professional licensure action  
18 arising out of or related to the report and its contents or the absence  
19 of information in the report, cooperation in an investigation or  
20 criminal or judicial proceeding, and the maintenance or provision to a  
21 law enforcement authority of bullets, clothing, or other foreign  
22 objects under subsection (4) of this section.

23 (6) The physician-patient privilege described in RCW 5.60.060(4),  
24 the registered nurse-patient privilege described in RCW 5.62.020, and  
25 any other health care provider-patient privilege created or recognized  
26 by law are not a basis for excluding as evidence in any criminal  
27 proceeding any report, or information contained in a report made under  
28 this section.

29 (7) All reporting, preservation, or other requirements of this  
30 section are secondary to patient care needs and may be delayed or  
31 compromised without penalty to the hospital or person required to  
32 fulfill the requirements of this section."

33 Correct the title.

EFFECT: The amendment (1) adds that a hospital must establish a

written policy to identify the person or persons responsible for making the report to the local law enforcement authority and (2) makes various clarifying and technical changes to make the language more consistent throughout the bill.

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