

---

HOUSE BILL 3111

---

State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Klippert, O'Brien, and McCune

Read first time 01/25/10. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to hospitals reporting violent injuries; and  
2 amending RCW 70.41.440.

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

4            **Sec. 1.** RCW 70.41.440 and 2009 c 359 s 2 are each amended to read  
5 as follows:

6            (1) A hospital shall report to a local law enforcement authority as  
7 soon as reasonably possible, taking into consideration a patient's  
8 emergency care needs((~~τ~~)): (a) When the hospital provides treatment to  
9 a conscious or unconscious patient for a bullet wound((~~τ~~)) or gunshot  
10 wound((~~τ~~)); or (b) when the hospital provides treatment for a stab  
11 wound to a patient who is unconscious. A hospital shall establish a  
12 written policy to identify the person or persons responsible for making  
13 the report.

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

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

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

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

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

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

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

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

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

--- END ---