

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5056

61st Legislature
2009 Regular Session

Passed by the Senate April 18, 2009
YEAS 43 NAYS 0

President of the Senate

Passed by the House April 7, 2009
YEAS 95 NAYS 3

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5056** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5056

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Brandland, Regala, Keiser, and McAuliffe)

READ FIRST TIME 02/04/09.

1 AN ACT Relating to health care professionals reporting violent
2 injuries; adding a new section to chapter 18.73 RCW; and adding a new
3 section to chapter 70.41 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.73 RCW
6 to read as follows:

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

1 patient's authorization, upon a request from a federal, state, or local
2 law enforcement authority as defined in RCW 70.02.010(3), the following
3 information, if known:

4 (i) The name of the patient;

5 (ii) The patient's residence;

6 (iii) The patient's sex;

7 (iv) The patient's age;

8 (v) The patient's condition or extent and location of injuries as
9 determined by the physician's trained emergency medical service
10 intermediate life support technician and paramedic, emergency medical
11 technician, or first responder;

12 (vi) Whether the patient was conscious when contacted;

13 (vii) Whether the patient appears to have consumed alcohol or
14 appears to be under the influence of alcohol or drugs;

15 (viii) The name or names of the physician's trained emergency
16 medical service intermediate life support technician and paramedic,
17 emergency medical technician, or first responder who provided treatment
18 to the patient; and

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

21 (2) A physician's trained emergency medical service intermediate
22 life support technician and paramedic, emergency medical technician,
23 first responder, or other individual who discloses information pursuant
24 to this section is immune from civil or criminal liability or
25 professional licensure action for the disclosure, provided that the
26 physician's trained emergency medical service intermediate life support
27 technician and paramedic, emergency medical technician, first
28 responder, or other individual acted in good faith and without gross
29 negligence or willful or wanton misconduct.

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

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

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

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

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

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

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

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

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

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

26 (5) Any hospital or person who in good faith, and without gross
27 negligence or willful or wanton misconduct, makes a report required by
28 this section, cooperates in an investigation or criminal or judicial
29 proceeding related to such report, or maintains bullets, clothing, or
30 other foreign objects, or provides such items to a law enforcement
31 authority as described in subsection (4) of this section, is immune
32 from civil or criminal liability or professional licensure action
33 arising out of or related to the report and its contents or the absence
34 of information in the report, cooperation in an investigation or
35 criminal or judicial proceeding, and the maintenance or provision to a
36 law enforcement authority of bullets, clothing, or other foreign
37 objects under subsection (4) of this section.

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

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

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