

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2025**

Chapter 398, Laws of 2009

61st Legislature  
2009 Regular Session

TREATMENT RECORDS--SHARING--COORDINATED CARE

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009  
Yeas 95 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 7, 2009  
Yeas 44 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 7, 2009, 2:40 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2025** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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HOUSE BILL 2025

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington**                      **61st Legislature**                      **2009 Regular Session**

**By** Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege, and Kenney

Read first time 02/06/09. Referred to Committee on Human Services.

1            AN ACT Relating to sharing of health care information to promote  
2 coordination of behavioral and medical care services; and amending RCW  
3 71.05.630.

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

5            **Sec. 1.** RCW 71.05.630 and 2007 c 191 s 1 are each amended to read  
6 as follows:

7            (1) Except as otherwise provided by law, all treatment records  
8 shall remain confidential and may be released only to the persons  
9 designated in this section, or to other persons designated in an  
10 informed written consent of the patient.

11            (2) Treatment records of a person may be released without informed  
12 written consent in the following circumstances:

13            (a) To a person, organization, or agency as necessary for  
14 management or financial audits, or program monitoring and evaluation.  
15 Information obtained under this subsection shall remain confidential  
16 and may not be used in a manner that discloses the name or other  
17 identifying information about the person whose records are being  
18 released.

1 (b) To the department, the director of regional support networks,  
2 or a qualified staff member designated by the director only when  
3 necessary to be used for billing or collection purposes. The  
4 information shall remain confidential.

5 (c) For purposes of research as permitted in chapter 42.48 RCW.

6 (d) Pursuant to lawful order of a court.

7 (e) To qualified staff members of the department, to the director  
8 of regional support networks, to resource management services  
9 responsible for serving a patient, or to service providers designated  
10 by resource management services as necessary to determine the progress  
11 and adequacy of treatment and to determine whether the person should be  
12 transferred to a less restrictive or more appropriate treatment  
13 modality or facility. The information shall remain confidential.

14 (f) Within the treatment facility where the patient is receiving  
15 treatment, confidential information may be disclosed to persons  
16 employed, serving in bona fide training programs, or participating in  
17 supervised volunteer programs, at the facility when it is necessary to  
18 perform their duties.

19 (g) Within the department as necessary to coordinate treatment for  
20 mental illness, developmental disabilities, alcoholism, or drug abuse  
21 of persons who are under the supervision of the department.

22 (h) To a licensed physician who has determined that the life or  
23 health of the person is in danger and that treatment without the  
24 information contained in the treatment records could be injurious to  
25 the patient's health. Disclosure shall be limited to the portions of  
26 the records necessary to meet the medical emergency.

27 (i) Consistent with the requirements of the health information  
28 portability and accountability act, to a licensed mental health  
29 professional, as defined in RCW 71.05.020, or a health care  
30 professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A,  
31 18.79, or 18.36A RCW who is providing care to a person, or to whom a  
32 person has been referred for evaluation or treatment, to assure  
33 coordinated care and treatment of that person. Psychotherapy notes, as  
34 defined in 45 C.F.R. Sec. 164.501, may not be released without  
35 authorization of the person who is the subject of the request for  
36 release of information.

37 (j) To administrative and office support staff designated to obtain

1 medical records for those licensed professionals listed in (i) of this  
2 subsection.

3 (k) To a facility that is to receive a person who is involuntarily  
4 committed under chapter 71.05 RCW, or upon transfer of the person from  
5 one treatment facility to another. The release of records under this  
6 subsection shall be limited to the treatment records required by law,  
7 a record or summary of all somatic treatments, and a discharge summary.  
8 The discharge summary may include a statement of the patient's problem,  
9 the treatment goals, the type of treatment which has been provided, and  
10 recommendation for future treatment, but may not include the patient's  
11 complete treatment record.

12 ~~((+j))~~ (l) Notwithstanding the provisions of RCW 71.05.390(7), to  
13 a correctional facility or a corrections officer who is responsible for  
14 the supervision of a person who is receiving inpatient or outpatient  
15 evaluation or treatment. Except as provided in RCW 71.05.445 and  
16 71.34.345, release of records under this section is limited to:

17 (i) An evaluation report provided pursuant to a written supervision  
18 plan.

19 (ii) The discharge summary, including a record or summary of all  
20 somatic treatments, at the termination of any treatment provided as  
21 part of the supervision plan.

22 (iii) When a person is returned from a treatment facility to a  
23 correctional facility, the information provided under ~~((+j))~~ (l)(iv)  
24 of this subsection.

25 (iv) Any information necessary to establish or implement changes in  
26 the person's treatment plan or the level or kind of supervision as  
27 determined by resource management services. In cases involving a  
28 person transferred back to a correctional facility, disclosure shall be  
29 made to clinical staff only.

30 ~~((+k))~~ (m) To the person's counsel or guardian ad litem, without  
31 modification, at any time in order to prepare for involuntary  
32 commitment or recommitment proceedings, reexaminations, appeals, or  
33 other actions relating to detention, admission, commitment, or  
34 patient's rights under chapter 71.05 RCW.

35 ~~((+l))~~ (n) To staff members of the protection and advocacy agency  
36 or to staff members of a private, nonprofit corporation for the purpose  
37 of protecting and advocating the rights of persons with mental  
38 disorders or developmental disabilities. Resource management services

1 may limit the release of information to the name, birthdate, and county  
2 of residence of the patient, information regarding whether the patient  
3 was voluntarily admitted, or involuntarily committed, the date and  
4 place of admission, placement, or commitment, the name and address of  
5 a guardian of the patient, and the date and place of the guardian's  
6 appointment. Any staff member who wishes to obtain additional  
7 information shall notify the patient's resource management services in  
8 writing of the request and of the resource management services' right  
9 to object. The staff member shall send the notice by mail to the  
10 guardian's address. If the guardian does not object in writing within  
11 fifteen days after the notice is mailed, the staff member may obtain  
12 the additional information. If the guardian objects in writing within  
13 fifteen days after the notice is mailed, the staff member may not  
14 obtain the additional information.

15 ~~((m))~~ (o) For purposes of coordinating health care, the  
16 department may release without informed written consent of the patient,  
17 information acquired for billing and collection purposes as described  
18 in (b) of this subsection to all current treating providers of the  
19 patient with prescriptive authority who have written a prescription for  
20 the patient within the last twelve months. The department shall notify  
21 the patient that billing and collection information has been released  
22 to named providers, and provide the substance of the information  
23 released and the dates of such release. The department shall not  
24 release counseling, inpatient psychiatric hospitalization, or drug and  
25 alcohol treatment information without a signed written release from the  
26 client.

27 (3) Whenever federal law or federal regulations restrict the  
28 release of information contained in the treatment records of any  
29 patient who receives treatment for chemical dependency, the department  
30 may restrict the release of the information as necessary to comply with  
31 federal law and regulations.

Passed by the House April 20, 2009.

Passed by the Senate April 7, 2009.

Approved by the Governor May 7, 2009.

Filed in Office of Secretary of State May 8, 2009.