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**SENATE BILL 5660**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senator McCoy

AN ACT Relating to the duties of mental health professionals; and amending RCW 70.02.050.

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

**Sec.**  RCW 70.02.050 and 2017 c 298 s 2 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases which are addressed in RCW 70.02.220, about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any person or law enforcement personnel if the health care provider or health care facility believes, in good faith, that ((~~use or~~)) disclosure is necessary to prevent or lessen ((~~a serious~~)) an actual and imminent threat to the health or safety of a reasonably identifiable person or ((~~the public~~)) persons, and the information is disclosed only to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat((~~. There is no obligation under this chapter on the part of the provider or facility to so disclose~~)), in which case the following exemptions from liability apply:

(i) Any professional person in charge, his or her professional designee, or attending staff of any such practice may not be held civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to release information or detain a person for evaluation and treatment if such duties were performed in good faith and without gross negligence.

(ii) This subsection does not relieve a person from giving the required notices to warn or from taking reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable person or persons.

(iii) The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the person or persons and to law enforcement personnel; or

(d) For payment, including information necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(2) A health care provider shall disclose health care information, except for information and records related to sexually transmitted diseases, unless otherwise authorized in RCW 70.02.220, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW; or

(b) When needed to protect the public health.

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