

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5635**

Chapter 360, Laws of 1993

53rd Legislature  
1993 Regular Session

HEALTH DISCIPLINARY AUTHORITY WRITTEN  
COMMUNICATIONS--PRIVACY REQUIREMENTS

EFFECTIVE DATE: 5/15/93

Passed by the Senate April 20, 1993  
YEAS 46 NAYS 0

JOEL PRITCHARD

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 15, 1993  
YEAS 93 NAYS 0

BRIAN EBERSOLE

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved May 15, 1993

MIKE LOWRY

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5635** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

\_\_\_\_\_  
**Secretary**

FILED

May 15, 1993 - 11:01 a.m.

**Secretary of State  
State of Washington**

---

**SENATE BILL 5635**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** Senators Niemi and Talmadge

Read first time 02/05/93. Referred to Committee on Health & Human Services.

1            AN ACT Relating to health profession disciplinary authority written  
2      communications; reenacting and amending RCW 42.17.310; adding a new  
3      section to chapter 18.130 RCW; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.130 RCW  
6      to read as follows:

7            If the department communicates in writing to a complainant, or his  
8      or her representative, regarding his or her complaint, such  
9      communication shall not include the address or telephone number of the  
10     health care provider against whom he or she has complained. The  
11     department shall inform all applicants for a health care provider  
12     license of the provisions of this section and RCW 42.17.310 regarding  
13     the release of address and telephone information.

14           **Sec. 2.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are  
15     each reenacted and amended to read as follows:

16           (1) The following are exempt from public inspection and copying:

1 (a) Personal information in any files maintained for students in  
2 public schools, patients or clients of public institutions or public  
3 health agencies, or welfare recipients.

4 (b) Personal information in files maintained for employees,  
5 appointees, or elected officials of any public agency to the extent  
6 that disclosure would violate their right to privacy.

7 (c) Information required of any taxpayer in connection with the  
8 assessment or collection of any tax if the disclosure of the  
9 information to other persons would (i) be prohibited to such persons by  
10 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
11 in unfair competitive disadvantage to the taxpayer.

12 (d) Specific intelligence information and specific investigative  
13 records compiled by investigative, law enforcement, and penology  
14 agencies, and state agencies vested with the responsibility to  
15 discipline members of any profession, the nondisclosure of which is  
16 essential to effective law enforcement or for the protection of any  
17 person's right to privacy.

18 (e) Information revealing the identity of persons who are witnesses  
19 to or victims of crime or who file complaints with investigative, law  
20 enforcement, or penology agencies, other than the public disclosure  
21 commission, if disclosure would endanger any person's life, physical  
22 safety, or property. If at the time a complaint is filed the  
23 complainant, victim or witness indicates a desire for disclosure or  
24 nondisclosure, such desire shall govern. However, all complaints filed  
25 with the public disclosure commission about any elected official or  
26 candidate for public office must be made in writing and signed by the  
27 complainant under oath.

28 (f) Test questions, scoring keys, and other examination data used  
29 to administer a license, employment, or academic examination.

30 (g) Except as provided by chapter 8.26 RCW, the contents of real  
31 estate appraisals, made for or by any agency relative to the  
32 acquisition or sale of property, until the project or prospective sale  
33 is abandoned or until such time as all of the property has been  
34 acquired or the property to which the sale appraisal relates is sold,  
35 but in no event shall disclosure be denied for more than three years  
36 after the appraisal.

37 (h) Valuable formulae, designs, drawings, and research data  
38 obtained by any agency within five years of the request for disclosure  
39 when disclosure would produce private gain and public loss.

1 (i) Preliminary drafts, notes, recommendations, and intra-agency  
2 memorandums in which opinions are expressed or policies formulated or  
3 recommended except that a specific record shall not be exempt when  
4 publicly cited by an agency in connection with any agency action.

5 (j) Records which are relevant to a controversy to which an agency  
6 is a party but which records would not be available to another party  
7 under the rules of pretrial discovery for causes pending in the  
8 superior courts.

9 (k) Records, maps, or other information identifying the location of  
10 archaeological sites in order to avoid the looting or depredation of  
11 such sites.

12 (l) Any library record, the primary purpose of which is to maintain  
13 control of library materials, or to gain access to information, which  
14 discloses or could be used to disclose the identity of a library user.

15 (m) Financial information supplied by or on behalf of a person,  
16 firm, or corporation for the purpose of qualifying to submit a bid or  
17 proposal for (a) a ferry system construction or repair contract as  
18 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
19 or improvement as required by RCW 47.28.070.

20 (n) Railroad company contracts filed prior to July 28, 1991, with  
21 the utilities and transportation commission under RCW 81.34.070, except  
22 that the summaries of the contracts are open to public inspection and  
23 copying as otherwise provided by this chapter.

24 (o) Financial and commercial information and records supplied by  
25 private persons pertaining to export services provided pursuant to  
26 chapter 43.163 RCW and chapter 53.31 RCW.

27 (p) Financial disclosures filed by private vocational schools under  
28 chapter 28C.10 RCW.

29 (q) Records filed with the utilities and transportation commission  
30 or attorney general under RCW 80.04.095 that a court has determined are  
31 confidential under RCW 80.04.095.

32 (r) Financial and commercial information and records supplied by  
33 businesses during application for loans or program services provided by  
34 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

35 (s) Membership lists or lists of members or owners of interests of  
36 units in timeshare projects, subdivisions, camping resorts,  
37 condominiums, land developments, or common-interest communities  
38 affiliated with such projects, regulated by the department of  
39 licensing, in the files or possession of the department.

1 (t) All applications for public employment, including the names of  
2 applicants, resumes, and other related materials submitted with respect  
3 to an applicant.

4 (u) The residential addresses and residential telephone numbers of  
5 employees or volunteers of a public agency which are held by the agency  
6 in personnel records, employment or volunteer rosters, or mailing lists  
7 of employees or volunteers.

8 (v) The residential addresses and residential telephone numbers of  
9 the customers of a public utility contained in the records or lists  
10 held by the public utility of which they are customers.

11 (w)(i) The federal social security number of individuals governed  
12 under chapter 18.130 RCW maintained in the files of the department of  
13 health, except this exemption does not apply to requests made directly  
14 to the department from federal, state, and local agencies of  
15 government, and national and state licensing, credentialing,  
16 investigatory, disciplinary, and examination organizations; (ii) the  
17 current residential address and current residential telephone number of  
18 a health care provider governed under chapter 18.130 RCW maintained in  
19 the files of the department, if the provider requests that this  
20 information be withheld from public inspection and copying, and  
21 provides to the department an accurate alternate or business address  
22 and business telephone number. On or after January 1, 1995, the  
23 current residential address and residential telephone number of a  
24 health care provider governed under RCW 18.130.140 maintained in the  
25 files of the department shall automatically be withheld from public  
26 inspection and copying if the provider has provided the department with  
27 an accurate alternative or business address and telephone number.

28 (x) Information obtained by the board of pharmacy as provided in  
29 RCW 69.45.090.

30 (~~(\*)~~) (y) Information obtained by the board of pharmacy or the  
31 department of health and its representatives as provided in RCW  
32 69.41.044, 69.41.280, and 18.64.420.

33 (~~(y)~~) (z) Financial information, business plans, examination  
34 reports, and any information produced or obtained in evaluating or  
35 examining a business and industrial development corporation organized  
36 or seeking certification under chapter 31.24 RCW.

37 (~~(z)~~) (aa) Financial and commercial information supplied to the  
38 state investment board by any person when the information relates to  
39 the investment of public trust or retirement funds and when disclosure

1 would result in loss to such funds or in private loss to the providers  
2 of this information.

3 ~~((aa))~~ (bb) Financial and valuable trade information under RCW  
4 51.36.120.

5 ~~((bb))~~ (cc) Client records maintained by an agency that is a  
6 domestic violence program as defined in RCW 70.123.020 or a rape crisis  
7 center as defined in RCW 70.125.030.

8 ~~((ee))~~ (dd) Information that identifies a person who, while an  
9 agency employee: (i) Seeks advice, under an informal process  
10 established by the employing agency, in order to ascertain his or her  
11 rights in connection with a possible unfair practice under chapter  
12 49.60 RCW against the person; and (ii) requests his or her identity or  
13 any identifying information not be disclosed.

14 ~~((dd))~~ (ee) Business related information protected from public  
15 inspection and copying under RCW 15.86.110.

16 (2) Except for information described in subsection (1)(c)(i) of  
17 this section and confidential income data exempted from public  
18 inspection pursuant to RCW 84.40.020, the exemptions of this section  
19 are inapplicable to the extent that information, the disclosure of  
20 which would violate personal privacy or vital governmental interests,  
21 can be deleted from the specific records sought. No exemption may be  
22 construed to permit the nondisclosure of statistical information not  
23 descriptive of any readily identifiable person or persons.

24 (3) Inspection or copying of any specific records exempt under the  
25 provisions of this section may be permitted if the superior court in  
26 the county in which the record is maintained finds, after a hearing  
27 with notice thereof to every person in interest and the agency, that  
28 the exemption of such records is clearly unnecessary to protect any  
29 individual's right of privacy or any vital governmental function.

30 (4) Agency responses refusing, in whole or in part, inspection of  
31 any public record shall include a statement of the specific exemption  
32 authorizing the withholding of the record (or part) and a brief  
33 explanation of how the exemption applies to the record withheld.

34 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the  
36 state government and its existing public institutions, and shall take  
37 effect immediately.

Passed the Senate April 20, 1993.  
Passed the House April 15, 1993.  
Approved by the Governor May 15, 1993.  
Filed in Office of Secretary of State May 15, 1993.