

2 **SB 6329** - H COMM AMD **NOT ADOPTED 3-4-98**

3 By Committee on Health Care

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 70.02.050 and 1993 c 448 s 4 are each amended to read
8 as follows:

9 (1) A health care provider may disclose health care information
10 about a patient without the patient's authorization to the extent a
11 recipient needs to know the information, if the disclosure is:

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

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

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

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

24 (c) To any other health care provider reasonably believed to have
25 previously provided health care to the patient, to the extent necessary
26 to provide health care to the patient, unless the patient has
27 instructed the health care provider in writing not to make the
28 disclosure;

29 (d) To any person if the health care provider reasonably believes
30 that disclosure will avoid or minimize an imminent danger to the health
31 or safety of the patient or any other individual, however there is no
32 obligation under this chapter on the part of the provider to so
33 disclose;

34 (e) Oral, and made to immediate family members of the patient, or
35 any other individual with whom the patient is known to have a close
36 personal relationship, if made in accordance with good medical or other

1 professional practice, unless the patient has instructed the health
2 care provider in writing not to make the disclosure;

3 (f) To a health care provider who is the successor in interest to
4 the health care provider maintaining the health care information;

5 (g) For use in a research project that an institutional review
6 board has determined:

7 (i) Is of sufficient importance to outweigh the intrusion into the
8 privacy of the patient that would result from the disclosure;

9 (ii) Is impracticable without the use or disclosure of the health
10 care information in individually identifiable form;

11 (iii) Contains reasonable safeguards to protect the information
12 from redisclosure;

13 (iv) Contains reasonable safeguards to protect against identifying,
14 directly or indirectly, any patient in any report of the research
15 project; and

16 (v) Contains procedures to remove or destroy at the earliest
17 opportunity, consistent with the purposes of the project, information
18 that would enable the patient to be identified, unless an institutional
19 review board authorizes retention of identifying information for
20 purposes of another research project;

21 (h) To a person who obtains information for purposes of an audit,
22 if that person agrees in writing to:

23 (i) Remove or destroy, at the earliest opportunity consistent with
24 the purpose of the audit, information that would enable the patient to
25 be identified; and

26 (ii) Not to disclose the information further, except to accomplish
27 the audit or report unlawful or improper conduct involving fraud in
28 payment for health care by a health care provider or patient, or other
29 unlawful conduct by the health care provider;

30 (i) To an official of a penal or other custodial institution in
31 which the patient is detained;

32 (j) To provide directory information, unless the patient has
33 instructed the health care provider not to make the disclosure;

34 (k) In the case of a hospital or health care provider to provide,
35 in cases reported by fire, police, sheriff, or other public authority,
36 name, residence, sex, age, occupation, condition, diagnosis, or extent
37 and location of injuries as determined by a physician, and whether the
38 patient was conscious when admitted.

1 (2) A health care provider shall disclose health care information
2 about a patient without the patient's authorization if the disclosure
3 is:

4 (a) To federal, state, or local public health authorities, to the
5 extent the health care provider is required by law to report health
6 care information; when needed to determine compliance with state or
7 federal licensure, certification or registration rules or laws; or when
8 needed to protect the public health;

9 (b) To federal, state, or local law enforcement authorities to the
10 extent the health care provider is required by law;

11 (c) To county coroners and medical examiners for the investigations
12 of deaths;

13 (d) Pursuant to compulsory process in accordance with RCW
14 70.02.060.

15 (3) All state or local agencies obtaining patient health care
16 information pursuant to this section shall adopt rules establishing
17 their record acquisition, retention, and security policies that are
18 consistent with this chapter.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
20 to read as follows:

21 (1) A health care provider furnishing medical care in a health care
22 facility to a person involved in a motor vehicle accident may report to
23 any law enforcement officer present at the health care facility a
24 patient's blood alcohol level obtained as part of the medical care of
25 that patient when that level meets or exceeds .10, and the health care
26 provider has a reasonable belief that the patient was involved in the
27 motor vehicle accident while under the influence of alcohol. If no
28 officer is present, the health care provider may notify the sheriff's
29 department in the county where the accident occurred. The notice by
30 the health care provider shall consist of the name of the person being
31 treated, the blood alcohol level disclosed by the test, the blood
32 sample that gave rise to the reported blood alcohol level, and the date
33 and time of the administration of the test.

34 (2) A health care provider complying with this section shall not be
35 liable to a patient about whom he or she reported except for
36 intentional misconduct. A health care provider shall not be liable for
37 failing to report the patient's blood alcohol level to a person
38 subsequently injured by a patient, due in whole or in part to the

1 patient's driving being impaired by alcohol consumption. No
2 professional liability shall attach for a health care provider
3 reporting or not reporting a patient's blood alcohol level."

4 Correct the title.

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