

HOUSE BILL ANALYSIS

SSB 5188

Title: An act relating to offenders.

Brief Description: Revising policies concerning health care and information about the health status of inmates.

Sponsors: Senators Goings, Long, Hargrove, Zarelli, Schow, Winsley and Rasmussen.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: Generally, medical records and information about a patient's health care status are confidential and protected from disclosure unless the patient authorizes their release. The confidentiality protections in current state law are not forfeited by offenders when they are convicted of crimes or incarcerated.

Current law requires disclosure of a patient's medical information without the patient's authorization under limited circumstances.

Mandatory disclosure may only occur when: (a) the disclosure is to federal, state, or local public health authorities for the purposes of protecting the public health or when necessary to determine a provider's compliance with federal or state regulations; (b) the disclosure is to federal, state, or local law enforcement agencies as required by law; or (c) the disclosure is pursuant to a compulsory process as provided in state law and the patient has not obtained a protective order.

Additional exceptions exist to the medical confidentiality laws which allow disclosure without a patient's authorization. They include, among others things, disclosures made among medical professionals involved in the treatment or care of the patient; made for the protection of the health and safety of others; made orally to immediate family members; and those disclosures made for the purposes of research, quality control, and audits.

Summary: An additional exception is added to the circumstances under which a patient's medical information must be disclosed without the patient's authorization.

The Department of Corrections (DOC) and local correctional facilities are required, upon request, to disclose health care information about inmates when: (1) an offender is sentenced to death; and (2) an offender puts his or her health status at issue by using it as a grounds for an appeal, personal restraint petition, pardon, or clemency petition.

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.