

SENATE BILL REPORT

SB 5213

As Reported By Senate Committee On:
Health & Long-Term Care, February 18, 1997

Title: An act relating to confidentiality of information provided to the health care policy board and the interagency quality committee.

Brief Description: Exempting certain information provided to the health care policy board and interagency quality committee from public disclosure.

Sponsors: Senators Deccio and Fairley.

Brief History:

Committee Activity: Health & Long-Term Care: 1/31/97, 2/18/97 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Staff: Don Sloma (786-7319)

Background: Under current law, all records collected, produced and maintained by state offices are considered public records. Agencies cannot refuse to release information when sought through a request for public records,– unless a specific statute exempts the information from public inspection.

The Health Care Policy Board (HCPB) and the Interagency Quality Committee (IQC) have been given a variety of assignments that involve collecting and analyzing data. In several cases, the HCPB or the IQC must have access to confidential or proprietary information to complete these assignments. For example, they may need sensitive price or customer data to understand health insurance cost and coverage trends, or they may need access to client medical information to determine the scope or effectiveness of patient care quality assurance efforts.

For this reason, the HCPB is requesting legislation that would exempt some of the information it collects in the course of completing its statutorily assigned duties.

Summary of Substitute Bill: Two new exemptions are added to the list of existing exemptions from the Public Records Act.

First, proprietary information submitted to the HCPB in connection with that agency's performance of its duties is exempt from public inspection. If the HCPB receives a request for such information, it must notify the entity which originally submitted the information.

That entity must then provide a statement to the HCPB and to the person requesting the information of the continuing need for confidentiality. If the HCPB receives such a statement, it must treat the information as confidential. If the requester then initiates an action to compel disclosure, the entity that originally submitted the information to the HCPB must be joined as a party to that action.

Second, any health care information as defined in RCW 70.02.010(6) (i.e., information which identifies specific individuals' use of health care) which the HCPB obtains in the performance of its duties is exempt from public inspection. However, such information may be released in a form that does not identify the recipient of health care or in a way that would already be allowed under existing laws pertaining to confidentiality of medical records. Other release may occur only with the consent of the patient.

Substitute Bill Compared to Original Bill: Under the substitute bill, if a carrier is notified that HCPB has been asked to release proprietary information the carrier has supplied to HCPB, and the carrier notifies the HCPB that the information continues to be confidential, the HCPB must continue to treat that information as confidential.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The bill is needed to promote the sharing of proprietary information by health carriers with the HCPB in order to improve data available to that agency. Without the bill, carriers have been reluctant to provide the information for fear of its discovery under the Public Records Act.

Testimony Against: None.

Testified: Diane Stollenwerk, Sisters of Providence (pro); P. Thompson, Allied Daily Newspapers.