

# SENATE BILL REPORT

## SB 6613

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As Reported By Senate Committee On:  
Law & Justice, February 5, 1998

**Title:** An act relating to disclosure of health care information.

**Brief Description:** Allowing a health care provider to disclose a patient's blood alcohol level to law enforcement authorities.

**Sponsors:** Senators Finkbeiner, Benton, Swecker, McCaslin, Oke, Goings, Long, Anderson, Rossi, Schow, Johnson, Hale and Sellar.

**Brief History:**

**Committee Activity:** law & Justice: 1/15/98, 2/5/98 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6613 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Goings, Hargrove, Kline, Long and McCaslin.

**Minority Report:** Do not pass.

Signed by Senator Thibaudeau.

**Staff:** Lidia Mori (786-7755)

**Background:** A health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A health care provider may disclose health care information about a patient without the patient's authorization under certain circumstances specified in statute. Those exceptions include disclosure to a person the provider reasonably believes is providing health care to the patient, to immediate family members of the patient, to any person if the health care provider reasonably believes the disclosure will avoid or minimize an imminent danger to the health or safety of the patient, and when the disclosure is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure. Health care providers are required to disclose health care information about a patient without patient authorization if the disclosure is to federal, state, or local public health authorities to the extent the health care provider is required by law to report health care information.

There is concern that due to physician-patient confidentiality, physicians who perform blood alcohol tests in emergency room situations cannot report the results to the police. Proponents of this bill cite multiple studies that show drunk drivers involved in accidents typically have blood alcohol levels twice the legal limit and those that are brought to emergency rooms escape prosecution 85 to 95 percent of the time.

**Summary of Substitute Bill:** A health care provider may report to law enforcement the blood alcohol level of a person involved in a motor vehicle accident if the blood alcohol level is .10 or more.

**Substitute Bill Compared to Original Bill:** The original bill mandates the reporting by health care providers to law enforcement of the blood alcohol level of a person when the provider reasonably suspects the person to have been in control of a vehicle while under the influence of alcohol. The substitute makes it discretionary and a health care provider may report the blood alcohol level when he or she is providing medical treatment to people involved in motor vehicle accidents.

**Appropriation:** None.

**Fiscal Note:** Requested.

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

**Testimony For:** Less than 20 percent of the DUI offenders who end up in a hospital are ever cited for DUI.

**Testimony Against:** None.

**Testified:** Senator Finkbeiner; Dr. Charles Pilcher.