
SENATE BILL 5237

State of Washington 55th Legislature 1997 Regular Session

By Senators Benton, Finkbeiner, Schow, Horn and West

Read first time 01/20/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to reporting of blood alcohol levels by health care
2 providers; amending RCW 70.02.020; and adding new sections to chapter
3 70.02 RCW.

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

5 **Sec. 1.** RCW 70.02.020 and 1993 c 448 s 2 are each amended to read
6 as follows:

7 Except as authorized in RCW 70.02.050 and section 2 of this act, a
8 health care provider, an individual who assists a health care provider
9 in the delivery of health care, or an agent and employee of a health
10 care provider may not disclose health care information about a patient
11 to any other person without the patient's written authorization. A
12 disclosure made under a patient's written authorization must conform to
13 the authorization.

14 Health care providers or facilities shall chart all disclosures,
15 except to third-party payors, of health care information, such
16 chartings to become part of the health care information.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.02 RCW
18 to read as follows:

1 (1) If a health care provider who is providing medical care in a
2 health care facility immediately after a motor vehicle accident to a
3 person reasonably believed to be the operator of a motor vehicle
4 involved in the accident, becomes aware, as a result of a blood test
5 performed in the course of that treatment, that the person's blood
6 alcohol level meets or exceeds the percent specified in RCW 46.61.502,
7 the health care provider may notify, as soon as is reasonably possible,
8 a law enforcement officer or agency.

9 (2) The notice must consist of the name of the person being
10 treated, the blood alcohol level disclosed by the test, and the date
11 and time of the administration of the test.

12 (3) Nothing contained in RCW 5.60.060 affects the authority to
13 report imposed by this section, and the health care provider is not
14 considered to have breached any duty under RCW 5.60.060 owed to the
15 person about whom the report is made. Reporting or failing to report
16 is not a violation of an ethical or moral duty.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.02 RCW
18 to read as follows:

19 No action or administrative proceeding may be brought against
20 anyone participating in good faith in the making of a report under
21 section 2 of this act, and a person participating in making the report
22 is immune from any liability, civil or criminal, and from any
23 professional disciplinary action, that might otherwise be incurred or
24 imposed with respect to making the report. Any such participant has
25 the same immunity with respect to participating in a judicial
26 proceeding resulting from the report.

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