

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5188

55th Legislature
1997 Regular Session

Passed by the Senate April 19, 1997
YEAS 44 NAYS 4

President of the Senate

Passed by the House April 11, 1997
YEAS 88 NAYS 7

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5188** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5188

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Goings, Long, Hargrove, Zarelli, Schow, Winsley and Rasmussen)

Read first time 02/14/97.

1 AN ACT Relating to offenders; amending RCW 70.02.050; and creating
2 a new section.

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

4 NEW SECTION. **Sec. 1.** The people of Washington state have an
5 interest in obtaining accurate information about inmates on death row
6 or who attempt to use a medical condition to win a release from
7 confinement. The legislature finds that in such cases the people's
8 interest is greater than the inmate's interest in confidentiality, and
9 therefore intends to require, upon request, certain disclosures of such
10 inmates' health care information without their authorization.

11 **Sec. 2.** RCW 70.02.050 and 1993 c 448 s 4 are each amended to read
12 as follows:

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

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

1 (b) To any other person who requires health care information for
2 health care education, or to provide planning, quality assurance, peer
3 review, or administrative, legal, financial, or actuarial services to
4 the health care provider; or for assisting the health care provider in
5 the delivery of health care and the health care provider reasonably
6 believes that the person:

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

9 (ii) Will take appropriate steps to protect the health care
10 information;

11 (c) To any other health care provider reasonably believed to have
12 previously provided health care to the patient, to the extent necessary
13 to provide health care to the patient, unless the patient has
14 instructed the health care provider in writing not to make the
15 disclosure;

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

21 (e) Oral, and made to immediate family members of the patient, or
22 any other individual with whom the patient is known to have a close
23 personal relationship, if made in accordance with good medical or other
24 professional practice, unless the patient has instructed the health
25 care provider in writing not to make the disclosure;

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

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

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

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

34 (iii) Contains reasonable safeguards to protect the information
35 from redisclosure;

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

1 (v) Contains procedures to remove or destroy at the earliest
2 opportunity, consistent with the purposes of the project, information
3 that would enable the patient to be identified, unless an institutional
4 review board authorizes retention of identifying information for
5 purposes of another research project;

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

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

11 (ii) Not to disclose the information further, except to accomplish
12 the audit or report unlawful or improper conduct involving fraud in
13 payment for health care by a health care provider or patient, or other
14 unlawful conduct by the health care provider;

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

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

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

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

27 (a) To federal, state, or local public health authorities, to the
28 extent the health care provider is required by law to report health
29 care information; when needed to determine compliance with state or
30 federal licensure, certification or registration rules or laws; or when
31 needed to protect the public health;

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

34 (c) Pursuant to compulsory process in accordance with RCW
35 70.02.060.

36 (3) Notwithstanding RCW 70.24.105(4) or any other provision of this
37 section, the department of corrections or a local correctional facility
38 shall without the inmate's authorization, upon request, disclose health

1 care information that the department or facility obtained in its
2 capacity as the inmate's health care provider relative to:

3 (a) A person sentenced to death; or

4 (b) A medical condition used by an inmate in confinement as defined
5 in RCW 9.94A.030 as a ground for an attempt to overturn a conviction,
6 or to obtain release under a personal restraint petition or any other
7 form of appeal including a request for pardon or clemency.

8 (4) All state or local agencies obtaining patient health care
9 information pursuant to this section shall adopt rules establishing
10 their record acquisition, retention, and security policies that are
11 consistent with this chapter.

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