

# HOUSE BILL ANALYSIS

## SB 6331

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

**Brief Description:** Regulating disclosure of health care information.

**Sponsors:** Senators Costa, Winsley, Thibaudeau, Fairley, Kohl-Welles and Gardner.

### Brief Summary of Bill

- Requires health care providers to use reasonable safeguards for the security of health care information by deleting outdated telephone and fax numbers and by taking affirmative actions to assure that health care information transmitted by computer, fax, or other means is properly received by the authorized recipient.
- Makes it a violation of the STD confidentiality statutes for a person to cause an unauthorized communication of confidential STD information by fax or other communication when the person knows or should have known that the fax number or other transmittal information was incorrect or outdated.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Trudes Hutcheson (786-7384).

#### **Background:**

##### A. Confidentiality of general health care information.

Generally, a health care provider and its employees may not disclose health care information about a patient to any other person without the patient's written authorization. A health care provider must use reasonable safeguards for the security of all health care information it maintains.

There are numerous situations under which a health care provider may disclose health care information without a patient's written authorization. For example, unauthorized disclosure is permitted to a person who the provider reasonably believes is providing health care to the patient. For purposes of accuracy or completeness, a patient may request in writing that a health care provider correct or amend its record of the patient's health care information.

B. Confidentiality of sexually transmitted disease (STD) information.

Generally, no person may disclose the identity of any person who has investigated, considered, or requested a test or treatment for a STD. Health care providers may exchange confidential medical information related to confirmed diagnosis of STDs in order to provide health care services to the patient. Health care services to the patient means personal interaction, treatment, consultation, or intervention for patient care.

Health care facility administrators may permit access to medical information as necessary to fulfill professional duties. Professional duties include, among other things, peer reviews, quality assurance, and medical record audits.

Any person who violates the provisions in the chapter regarding disclosure of confidential STD information is guilty of a gross misdemeanor. In addition, a person aggrieved by a violation of the laws may bring an action in court to recover:

- \$1,000, or actual damages, whichever is greater, against any person who negligently violates a provision of the law;
- \$10,000 or actual damages, whichever is greater, against any person who intentionally or recklessly violates the law;
- reasonable attorney fees and costs; and
- other appropriate relief, including an injunction.

Members of the state board of health and local boards of health, public health officers, and employees of the Department of Health and local health departments are immune from civil action for damages arising out of the good faith performance of their duties under the law governing the control and treatment of STDs, unless such performance constitutes gross negligence.

**Summary of Bill:**

As part of the reasonable safeguards that health care providers must use to protect health care information, the health care provider must take affirmative action to delete outdated and incorrect fax and telephone transmittal numbers from computer, facsimile, or other data bases. Reasonable safeguards must also include affirmative actions to assure that health care information transmitted by computer, fax, or other means is properly received by the authorized recipient.

A person commits a negligent violation of the confidentiality statutes on STDs if the person causes an unauthorized communication of confidential STD information by fax or other form of communication when the person knew or should have known the fax number or other transmittal information was incorrect or outdated.

**Fiscal Note:** Not requested.

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

Office of Program Research