

SENATE BILL REPORT

SB 5793

As Reported By Senate Committee On:
Health & Long-Term Care, March 3, 1999

Title: An act relating to the confidentiality of information relating to sexually transmitted diseases and HIV.

Brief Description: Protecting information related to sexually transmitted diseases and HIV.

Sponsors: Senators Thibaudeau, Deccio and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 2/15/99, 3/3/99 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Staff: Joan K. Mell (786-7447)

Background: Across the state local health departments are contemplating changing their procedures to mandate physicians to report the name of any patient who tests HIV positive to the local health department. Pierce County now requires name based reporting of HIV status. King County is in the process of determining whether the names based reporting will occur locally and then shift to unique identifier reporting at the state level.

This change has occurred with recent policy changes at the federal level encouraging earlier names based reporting. Driving the change is the success of drug therapies in treating AIDS. Earlier intervention is now important because of the life prolonging impact of drug therapies.

Important to consider in the names based reporting debate are the confidentiality issues that arise when personally identifying information is obtained by government agencies. Particularly in the case of AIDS or HIV status, there exists societal prejudices and biases against persons in this class.

Summary of Substitute Bill: The Department of Health must report to the State Board of Health unauthorized disclosures of confidential information obtained through disease reporting. The report must include recommendations for prevention and improvement of the privacy systems in place. The department must assist health care providers and others to understand the rules on confidentiality.

The monetary penalties for violations of confidentiality are increased to \$10,000 for intentional or reckless violations. It is a misdemeanor for a local board of health member to violate the confidentiality provisions.

Substitute Bill Compared to Original Bill: Technical language changes are made. The underlying bill's language from Section 2 regarding each violation is a separate and actionable offense— is eliminated because the language is unnecessary. Each violation is a separate claim under the present language. Sections 2, 3, and 4 are exempt from the provisions of Section 1.

Appropriation: None.

Fiscal Note: Requested on February 14, 1999.

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

Testimony For: Much work has been done with efforts at the local level to initiate names based reporting, which requires statewide efforts to protect the confidential nature of this sensitive potentially harmful information.

Testimony Against: Enhanced penalties on physicians and their employees particularly for accidental or mistaken disclosures is unfair.

Testified: PRO: Steve Johnson, Bob Rohan, NW AIDS Foundation; Brian Peyton, Dept. of Health; CON: Peter Marsh, MD, WSMA.