

SENATE BILL REPORT

ESB 5258

As Passed Senate, March 12, 2001

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

Brief Description: Regulating disclosure of health care information.

Sponsors: Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 2/12/01, 2/14/01 [DP].

Passed Senate: 3/12/01, 46-1.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Staff: Joan K. Mell (786-7447)

Background: Medical personnel and others are relying upon fax machines and other computer and electronic equipment that store fax numbers for the communication of private and personal medical information, like lab test results, prescriptions, and treatment recommendations. Technology does not check to make sure the fax number is correct or current. It is not uncommon for medical records with individually identifiable sensitive medical history to be faxed to the wrong person or business.

Recent federal privacy provisions enacted under the Health Insurance Portability and Accountability Act (HIPAA) regulate the communication of electronically transmitted health care information. The HIPAA provisions preempt only state law that is not more protective of individual privacy interests. The HIPAA provisions are similar to current state law requirements that require a release before confidential medical information is disclosed. Neither HIPAA nor the state health care provisions have specialized duties that pertain to faxing health care information in a certain manner.

Summary of Bill: Health care providers must take reasonable safeguards for the security of health care information by making sure fax number records are current, and verifying the accuracy of a fax number prior to transmission.

A negligent violation of the confidentiality statutes for sexually transmitted disease information is defined to include sending the protected information to an incorrect number when the sender should have known the number was wrong.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Citizens expect greater privacy regarding their medical records. Records with very intimate details have been improperly faxed with little response from medical providers to correct the problem.

Testimony Against: None.

Testified: Senator Costa, prime sponsor.