ENGROSSED SENATE BILL 5258

Chapter 16, Laws of 2001

57th Legislature
2001 Regular Session

HEALTH CARE INFORMATION--RECORDS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 12, 2001
YEAS 46    NAYS 1

ROSA FRANKLIN
President of the Senate

Passed by the House April 4, 2001
YEAS 92    NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SENATE BILL 5258 as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

CLYDE BALLARD
Speaker of the House of Representatives

Approved April 13, 2001

FILED

April 13, 2001 - 10:15 a.m.

GARY LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to disclosure of health care information; and
amending RCW 70.24.084 and 70.02.150.

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

Sec. 1. RCW 70.24.084 and 1999 c 391 s 4 are each amended to read
as follows:

(1) Any person aggrieved by a violation of this chapter shall have
a right of action in superior court and may recover for each violation:
(a) Against any person who negligently violates a provision of this
chapter, one thousand dollars, or actual damages, whichever is greater,
for each violation.
(b) Against any person who intentionally or recklessly violates a
provision of this chapter, ten thousand dollars, or actual damages,
whichever is greater, for each violation.
(c) Reasonable attorneys’ fees and costs.
(d) Such other relief, including an injunction, as the court may
decem appropriate.
(2) Any action under this chapter is barred unless the action is
commenced within three years after the cause of action accrues.
(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

(5) It is a negligent violation of this chapter to cause an unauthorized communication of confidential sexually transmitted disease information by facsimile transmission or otherwise communicating the information to an unauthorized recipient when the sender knew or had reason to know the facsimile transmission telephone number or other transmittal information was incorrect or outdated.

Sec. 2. RCW 70.02.150 and 1991 c 335 s 701 are each amended to read as follows:
A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.

Reasonable safeguards shall include affirmative action to delete outdated and incorrect facsimile transmission or other telephone transmittal numbers from computer, facsimile, or other data bases. When health care information is transmitted electronically to a recipient who is not regularly transmitted health care information from the health care provider, the health care provider shall verify that the number is accurate prior to transmission.