

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5056**

Chapter 359, Laws of 2009

61st Legislature  
2009 Regular Session

HEALTH CARE PROFESSIONAL REPORTING--VIOLENT INJURIES

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 18, 2009  
YEAS 43 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 7, 2009  
YEAS 95 NAYS 3

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 6, 2009, 1:59 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5056** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5056**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington**                      **61st Legislature**                      **2009 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Brandland, Regala, Keiser, and McAuliffe)

READ FIRST TIME 02/04/09.

1            AN ACT Relating to health care professionals reporting violent  
2 injuries; adding a new section to chapter 18.73 RCW; and adding a new  
3 section to chapter 70.41 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.73 RCW  
6 to read as follows:

7            (1) Except when treatment is provided in a hospital licensed under  
8 chapter 70.41 RCW, a physician's trained emergency medical service  
9 intermediate life support technician and paramedic, emergency medical  
10 technician, or first responder who renders treatment to a patient for  
11 (a) a bullet wound, gunshot wound, powder burn, or other injury arising  
12 from or caused by the discharge of a firearm; (b) an injury caused by  
13 a knife, an ice pick, or any other sharp or pointed instrument which  
14 federal, state, or local law enforcement authorities reasonably believe  
15 to have been intentionally inflicted upon a person; (c) a blunt force  
16 injury that federal, state, or local law enforcement authorities  
17 reasonably believe resulted from a criminal act; or (d) injuries  
18 sustained in an automobile collision, shall disclose without the

1 patient's authorization, upon a request from a federal, state, or local  
2 law enforcement authority as defined in RCW 70.02.010(3), the following  
3 information, if known:

- 4 (i) The name of the patient;
- 5 (ii) The patient's residence;
- 6 (iii) The patient's sex;
- 7 (iv) The patient's age;
- 8 (v) The patient's condition or extent and location of injuries as  
9 determined by the physician's trained emergency medical service  
10 intermediate life support technician and paramedic, emergency medical  
11 technician, or first responder;
- 12 (vi) Whether the patient was conscious when contacted;
- 13 (vii) Whether the patient appears to have consumed alcohol or  
14 appears to be under the influence of alcohol or drugs;
- 15 (viii) The name or names of the physician's trained emergency  
16 medical service intermediate life support technician and paramedic,  
17 emergency medical technician, or first responder who provided treatment  
18 to the patient; and
- 19 (ix) The name of the facility to which the patient is being  
20 transported for additional treatment.

21 (2) A physician's trained emergency medical service intermediate  
22 life support technician and paramedic, emergency medical technician,  
23 first responder, or other individual who discloses information pursuant  
24 to this section is immune from civil or criminal liability or  
25 professional licensure action for the disclosure, provided that the  
26 physician's trained emergency medical service intermediate life support  
27 technician and paramedic, emergency medical technician, first  
28 responder, or other individual acted in good faith and without gross  
29 negligence or willful or wanton misconduct.

30 (3) The obligation to provide information pursuant to this section  
31 is secondary to patient care needs. Information must be provided as  
32 soon as reasonably possible taking into consideration a patient's  
33 emergency care needs.

34 (4) For purposes of this section, "a physician's trained emergency  
35 medical service intermediate life support technician and paramedic" has  
36 the same meaning as in RCW 18.71.200.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 70.41 RCW  
2 to read as follows:

3        (1) A hospital shall report to a local law enforcement authority as  
4 soon as reasonably possible, taking into consideration a patient's  
5 emergency care needs, when the hospital provides treatment for a bullet  
6 wound, gunshot wound, or stab wound to a patient who is unconscious.  
7 A hospital shall establish a written policy to identify the person or  
8 persons responsible for making the report.

9        (2) The report required under subsection (1) of this section must  
10 include the following information, if known:

11        (a) The name, residence, sex, and age of the patient;

12        (b) Whether the patient has received a bullet wound, gunshot wound,  
13 or stab wound; and

14        (c) The name of the health care provider providing treatment for  
15 the bullet wound, gunshot wound, or stab wound.

16        (3) Nothing in this section shall limit a person's duty to report  
17 under RCW 26.44.030 or 74.34.035.

18        (4) Any bullets, clothing, or other foreign objects that are  
19 removed from a patient for whom a hospital is required to make a report  
20 pursuant to subsection (1) of this section shall be preserved and kept  
21 in custody in such a way that the identity and integrity thereof are  
22 reasonably maintained until the bullets, clothing, or other foreign  
23 objects are taken into possession by a law enforcement authority or the  
24 hospital's normal period for retention of such items expires, whichever  
25 occurs first.

26        (5) Any hospital or person who in good faith, and without gross  
27 negligence or willful or wanton misconduct, makes a report required by  
28 this section, cooperates in an investigation or criminal or judicial  
29 proceeding related to such report, or maintains bullets, clothing, or  
30 other foreign objects, or provides such items to a law enforcement  
31 authority as described in subsection (4) of this section, is immune  
32 from civil or criminal liability or professional licensure action  
33 arising out of or related to the report and its contents or the absence  
34 of information in the report, cooperation in an investigation or  
35 criminal or judicial proceeding, and the maintenance or provision to a  
36 law enforcement authority of bullets, clothing, or other foreign  
37 objects under subsection (4) of this section.

1           (6) The physician-patient privilege described in RCW 5.60.060(4),  
2 the registered nurse-patient privilege described in RCW 5.62.020, and  
3 any other health care provider-patient privilege created or recognized  
4 by law are not a basis for excluding as evidence in any criminal  
5 proceeding any report, or information contained in a report made under  
6 this section.

7           (7) All reporting, preservation, or other requirements of this  
8 section are secondary to patient care needs and may be delayed or  
9 compromised without penalty to the hospital or person required to  
10 fulfill the requirements of this section.

Passed by the Senate April 18, 2009.

Passed by the House April 7, 2009.

Approved by the Governor May 6, 2009.

Filed in Office of Secretary of State May 8, 2009.