

SHB 1477 - S AMD 271  
By Senator Zeiger

ADOPTED 04/19/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.02  
4 RCW to read as follows:

5 (1)(a) A health care provider or health care facility may use or  
6 disclose the health care information of a patient without obtaining  
7 an authorization from the patient or the patient's personal  
8 representative if the conditions in (b) of this subsection are met  
9 and:

10 (i) The disclosure is to a family member, including a patient's  
11 state registered domestic partner, other relative, a close personal  
12 friend, or other person identified by the patient, and the health  
13 care information is directly relevant to the person's involvement  
14 with the patient's health care or payment related to the patient's  
15 health care; or

16 (ii) The use or disclosure is for the purpose of notifying, or  
17 assisting in the notification of, including identifying or locating,  
18 a family member, a personal representative of the patient, or another  
19 person responsible for the care of the patient of the patient's  
20 location, general condition, or death.

21 (b) A health care provider or health care facility may make the  
22 uses and disclosures described in (a) of this subsection if:

23 (i) The patient is not present or obtaining the patient's  
24 authorization or providing the opportunity to agree or object to the  
25 use or disclosure is not practicable due to the patient's incapacity  
26 or an emergency circumstance, the health care provider or health care  
27 facility may in the exercise of professional judgment, determine  
28 whether the use or disclosure is in the best interests of the patient  
29 and, if so, disclose only the health care information that is  
30 directly relevant to the person's involvement with the patient's  
31 health care or payment related to the patient's health care; or

1 (ii) The patient is present for, or otherwise available prior to,  
2 the use or disclosure and has the capacity to make health care  
3 decisions, the health care provider or health care facility may use  
4 or disclose the information if it:

5 (A) Obtains the patient's agreement;

6 (B) Provides the patient with the opportunity to object to the  
7 use or disclosure, and the patient does not express an objection; or

8 (C) Reasonably infers from the circumstances, based on the  
9 exercise of professional judgment, that the patient does not object  
10 to the use or disclosure.

11 (2) With respect to information and records related to mental  
12 health services provided to a patient by a health care provider, the  
13 health care information disclosed under this section may include, to  
14 the extent consistent with the health care provider's professional  
15 judgment and standards of ethical conduct:

16 (a) The patient's diagnoses and the treatment recommendations;

17 (b) Issues concerning the safety of the patient, including risk  
18 factors for suicide, steps that can be taken to make the patient's  
19 home safer, and a safety plan to monitor and support the patient;

20 (c) Information about resources that are available in the  
21 community to help the patient, such as case management and support  
22 groups; and

23 (d) The process to ensure that the patient safely transitions to  
24 a higher or lower level of care, including an interim safety plan.

25 (3) Any use or disclosure of health care information under this  
26 section must be limited to the minimum necessary to accomplish the  
27 purpose of the use or disclosure.

28 (4) A health care provider or health care facility is not subject  
29 to any civil liability for making or not making a use or disclosure  
30 in accordance with this section.

31 **Sec. 2.** RCW 70.02.050 and 2014 c 220 s 6 are each amended to  
32 read as follows:

33 (1) A health care provider or health care facility may disclose  
34 health care information, except for information and records related  
35 to sexually transmitted diseases which are addressed in RCW  
36 70.02.220, about a patient without the patient's authorization to the  
37 extent a recipient needs to know the information, if the disclosure  
38 is:

1 (a) To a person who the provider or facility reasonably believes  
2 is providing health care to the patient;

3 (b) To any other person who requires health care information for  
4 health care education, or to provide planning, quality assurance,  
5 peer review, or administrative, legal, financial, actuarial services  
6 to, or other health care operations for or on behalf of the health  
7 care provider or health care facility; or for assisting the health  
8 care provider or health care facility in the delivery of health care  
9 and the health care provider or health care facility reasonably  
10 believes that the person:

11 (i) Will not use or disclose the health care information for any  
12 other purpose; and

13 (ii) Will take appropriate steps to protect the health care  
14 information;

15 (c) To any person if the health care provider or health care  
16 facility (~~reasonably~~) believes, in good faith, that use or  
17 disclosure (~~((will avoid or minimize an imminent danger))~~) is necessary  
18 to prevent or lessen a serious and imminent threat to the health or  
19 safety of (~~((the patient or any other individual, however))~~) a person  
20 or the public, and the information is disclosed only to a person or  
21 persons reasonably able to prevent or lessen the threat, including  
22 the target of the threat. There is no obligation under this chapter  
23 on the part of the provider or facility to so disclose(~~((The fact of~~  
24 ~~admission to a provider for mental health services and all~~  
25 ~~information and records compiled, obtained, or maintained in the~~  
26 ~~course of providing mental health services to either voluntary or~~  
27 ~~involuntary recipients of services at public or private agencies is~~  
28 ~~not subject to disclosure unless disclosure is permitted in RCW~~  
29 ~~70.02.230))~~); or

30 (d) For payment, including information necessary for a recipient  
31 to make a claim, or for a claim to be made on behalf of a recipient  
32 for aid, insurance, or medical assistance to which he or she may be  
33 entitled.

34 (2) A health care provider shall disclose health care  
35 information, except for information and records related to sexually  
36 transmitted diseases, unless otherwise authorized in RCW 70.02.220,  
37 about a patient without the patient's authorization if the disclosure  
38 is:

39 (a) To federal, state, or local public health authorities, to the  
40 extent the health care provider is required by law to report health

1 care information; when needed to determine compliance with state or  
2 federal licensure, certification or registration rules or laws, or to  
3 investigate unprofessional conduct or ability to practice with  
4 reasonable skill and safety under chapter 18.130 RCW. Any health care  
5 information obtained under this subsection is exempt from public  
6 inspection and copying pursuant to chapter 42.56 RCW; or

7 (b) When needed to protect the public health.

8 **Sec. 3.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to  
9 read as follows:

10 (1) In addition to the disclosures authorized by RCW 70.02.050  
11 and 70.02.210, a health care provider or health care facility may  
12 disclose health care information, except for information and records  
13 related to sexually transmitted diseases and information related to  
14 mental health services which are addressed by RCW 70.02.220 through  
15 70.02.260, about a patient without the patient's authorization, to:

16 (a) Any other health care provider or health care facility  
17 reasonably believed to have previously provided health care to the  
18 patient, to the extent necessary to provide health care to the  
19 patient, unless the patient has instructed the health care provider  
20 or health care facility in writing not to make the disclosure;

21 ~~((Immediate family members of the patient, including a  
22 patient's state registered domestic partner, or any other individual  
23 with whom the patient is known to have a close personal relationship,  
24 if made in accordance with good medical or other professional  
25 practice, unless the patient has instructed the health care provider  
26 or health care facility in writing not to make the disclosure;))~~  
27 Persons under section 1 of this act if the conditions in section 1 of  
28 this act are met;

29 (c) A health care provider or health care facility who is the  
30 successor in interest to the health care provider or health care  
31 facility maintaining the health care information;

32 (d) A person who obtains information for purposes of an audit, if  
33 that person agrees in writing to:

34 (i) Remove or destroy, at the earliest opportunity consistent  
35 with the purpose of the audit, information that would enable the  
36 patient to be identified; and

37 (ii) Not to disclose the information further, except to  
38 accomplish the audit or report unlawful or improper conduct involving

1 fraud in payment for health care by a health care provider or  
2 patient, or other unlawful conduct by the health care provider;

3 (e) Provide directory information, unless the patient has  
4 instructed the health care provider or health care facility not to  
5 make the disclosure;

6 (f) Fire, police, sheriff, or other public authority, that  
7 brought, or caused to be brought, the patient to the health care  
8 facility or health care provider if the disclosure is limited to the  
9 patient's name, residence, sex, age, occupation, condition,  
10 diagnosis, estimated or actual discharge date, or extent and location  
11 of injuries as determined by a physician, and whether the patient was  
12 conscious when admitted;

13 (g) Federal, state, or local law enforcement authorities and the  
14 health care provider, health care facility, or third-party payor  
15 believes in good faith that the health care information disclosed  
16 constitutes evidence of criminal conduct that occurred on the  
17 premises of the health care provider, health care facility, or third-  
18 party payor;

19 (h) Another health care provider, health care facility, or third-  
20 party payor for the health care operations of the health care  
21 provider, health care facility, or third-party payor that receives  
22 the information, if each entity has or had a relationship with the  
23 patient who is the subject of the health care information being  
24 requested, the health care information pertains to such relationship,  
25 and the disclosure is for the purposes described in RCW 70.02.010(17)  
26 (a) and (b);

27 (i) An official of a penal or other custodial institution in  
28 which the patient is detained; and

29 (j) Any law enforcement officer, corrections officer, or guard  
30 supplied by a law enforcement or corrections agency who is  
31 accompanying a patient pursuant to RCW 10.110.020, only to the extent  
32 the disclosure is incidental to the fulfillment of the role of the  
33 law enforcement officer, corrections officer, or guard under RCW  
34 10.110.020.

35 (2) In addition to the disclosures required by RCW 70.02.050 and  
36 70.02.210, a health care provider shall disclose health care  
37 information, except for information related to sexually transmitted  
38 diseases and information related to mental health services which are  
39 addressed by RCW 70.02.220 through 70.02.260, about a patient without  
40 the patient's authorization if the disclosure is:

1 (a) To federal, state, or local law enforcement authorities to  
2 the extent the health care provider is required by law;

3 (b) To federal, state, or local law enforcement authorities, upon  
4 receipt of a written or oral request made to a nursing supervisor,  
5 administrator, or designated privacy official, in a case in which the  
6 patient is being treated or has been treated for a bullet wound,  
7 gunshot wound, powder burn, or other injury arising from or caused by  
8 the discharge of a firearm, or an injury caused by a knife, an ice  
9 pick, or any other sharp or pointed instrument which federal, state,  
10 or local law enforcement authorities reasonably believe to have been  
11 intentionally inflicted upon a person, or a blunt force injury that  
12 federal, state, or local law enforcement authorities reasonably  
13 believe resulted from a criminal act, the following information, if  
14 known:

15 (i) The name of the patient;

16 (ii) The patient's residence;

17 (iii) The patient's sex;

18 (iv) The patient's age;

19 (v) The patient's condition;

20 (vi) The patient's diagnosis, or extent and location of injuries  
21 as determined by a health care provider;

22 (vii) Whether the patient was conscious when admitted;

23 (viii) The name of the health care provider making the  
24 determination in (b)(v), (vi), and (vii) of this subsection;

25 (ix) Whether the patient has been transferred to another  
26 facility; and

27 (x) The patient's discharge time and date;

28 (c) Pursuant to compulsory process in accordance with RCW  
29 70.02.060.

30 **Sec. 4.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to  
31 read as follows:

32 (1) No person may disclose or be compelled to disclose the  
33 identity of any person who has investigated, considered, or requested  
34 a test or treatment for a sexually transmitted disease, except as  
35 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

36 (2) No person may disclose or be compelled to disclose  
37 information and records related to sexually transmitted diseases,  
38 except as authorized by this section, RCW 70.02.210, section 1 of  
39 this act, or chapter 70.24 RCW. A person may disclose information

1 related to sexually transmitted diseases about a patient without the  
2 patient's authorization, to the extent a recipient needs to know the  
3 information, if the disclosure is to:

4 (a) The subject of the test or the subject's legal representative  
5 for health care decisions in accordance with RCW 7.70.065, with the  
6 exception of such a representative of a minor fourteen years of age  
7 or over and otherwise competent;

8 (b) The state public health officer as defined in RCW 70.24.017,  
9 a local public health officer, or the centers for disease control of  
10 the United States public health service in accordance with reporting  
11 requirements for a diagnosed case of a sexually transmitted disease;

12 (c) A health facility or health care provider that procures,  
13 processes, distributes, or uses: (i) A human body part, tissue, or  
14 blood from a deceased person with respect to medical information  
15 regarding that person; (ii) semen, including that was provided prior  
16 to March 23, 1988, for the purpose of artificial insemination; or  
17 (iii) blood specimens;

18 (d) Any state or local public health officer conducting an  
19 investigation pursuant to RCW 70.24.024, so long as the record was  
20 obtained by means of court-ordered HIV testing pursuant to RCW  
21 70.24.340 or 70.24.024;

22 (e) A person allowed access to the record by a court order  
23 granted after application showing good cause therefor. In assessing  
24 good cause, the court shall weigh the public interest and the need  
25 for disclosure against the injury to the patient, to the physician-  
26 patient relationship, and to the treatment services. Upon the  
27 granting of the order, the court, in determining the extent to which  
28 any disclosure of all or any part of the record of any such test is  
29 necessary, shall impose appropriate safeguards against unauthorized  
30 disclosure. An order authorizing disclosure must: (i) Limit  
31 disclosure to those parts of the patient's record deemed essential to  
32 fulfill the objective for which the order was granted; (ii) limit  
33 disclosure to those persons whose need for information is the basis  
34 for the order; and (iii) include any other appropriate measures to  
35 keep disclosure to a minimum for the protection of the patient, the  
36 physician-patient relationship, and the treatment services;

37 (f) Persons who, because of their behavioral interaction with the  
38 infected individual, have been placed at risk for acquisition of a  
39 sexually transmitted disease, as provided in RCW 70.24.022, if the  
40 health officer or authorized representative believes that the exposed

1 person was unaware that a risk of disease exposure existed and that  
2 the disclosure of the identity of the infected person is necessary;

3 (g) A law enforcement officer, firefighter, health care provider,  
4 health care facility staff person, department of correction's staff  
5 person, jail staff person, or other persons as defined by the board  
6 of health in rule pursuant to RCW 70.24.340(4), who has requested a  
7 test of a person whose bodily fluids he or she has been substantially  
8 exposed to, pursuant to RCW 70.24.340(4), if a state or local public  
9 health officer performs the test;

10 (h) Claims management personnel employed by or associated with an  
11 insurer, health care service contractor, health maintenance  
12 organization, self-funded health plan, state administered health care  
13 claims payer, or any other payer of health care claims where such  
14 disclosure is to be used solely for the prompt and accurate  
15 evaluation and payment of medical or related claims. Information  
16 released under this subsection must be confidential and may not be  
17 released or available to persons who are not involved in handling or  
18 determining medical claims payment; and

19 (i) A department of social and health services worker, a child  
20 placing agency worker, or a guardian ad litem who is responsible for  
21 making or reviewing placement or case-planning decisions or  
22 recommendations to the court regarding a child, who is less than  
23 fourteen years of age, has a sexually transmitted disease, and is in  
24 the custody of the department of social and health services or a  
25 licensed child placing agency. This information may also be received  
26 by a person responsible for providing residential care for such a  
27 child when the department of social and health services or a licensed  
28 child placing agency determines that it is necessary for the  
29 provision of child care services.

30 (3) No person to whom the results of a test for a sexually  
31 transmitted disease have been disclosed pursuant to subsection (2) of  
32 this section may disclose the test results to another person except  
33 as authorized by that subsection.

34 (4) The release of sexually transmitted disease information  
35 regarding an offender or detained person, except as provided in  
36 subsection (2)(d) of this section, is governed as follows:

37 (a) The sexually transmitted disease status of a department of  
38 corrections offender who has had a mandatory test conducted pursuant  
39 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available  
40 by department of corrections health care providers and local public



1 health officers to the department of corrections health care  
2 administrator or infection control coordinator of the facility in  
3 which the offender is housed. The information made available to the  
4 health care administrator or the infection control coordinator under  
5 this subsection (4)(a) may be used only for disease prevention or  
6 control and for protection of the safety and security of the staff,  
7 offenders, and the public. The information may be submitted to  
8 transporting officers and receiving facilities, including facilities  
9 that are not under the department of corrections' jurisdiction  
10 according to the provisions of (d) and (e) of this subsection.

11 (b) The sexually transmitted disease status of a person detained  
12 in a jail who has had a mandatory test conducted pursuant to RCW  
13 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the  
14 local public health officer to a jail health care administrator or  
15 infection control coordinator. The information made available to a  
16 health care administrator under this subsection (4)(b) may be used  
17 only for disease prevention or control and for protection of the  
18 safety and security of the staff, offenders, detainees, and the  
19 public. The information may be submitted to transporting officers and  
20 receiving facilities according to the provisions of (d) and (e) of  
21 this subsection.

22 (c) Information regarding the sexually transmitted disease status  
23 of an offender or detained person is confidential and may be  
24 disclosed by a correctional health care administrator or infection  
25 control coordinator or local jail health care administrator or  
26 infection control coordinator only as necessary for disease  
27 prevention or control and for protection of the safety and security  
28 of the staff, offenders, and the public. Unauthorized disclosure of  
29 this information to any person may result in disciplinary action, in  
30 addition to the penalties prescribed in RCW 70.24.080 or any other  
31 penalties as may be prescribed by law.

32 (d) Notwithstanding the limitations on disclosure contained in  
33 (a), (b), and (c) of this subsection, whenever any member of a jail  
34 staff or department of corrections staff has been substantially  
35 exposed to the bodily fluids of an offender or detained person, then  
36 the results of any tests conducted pursuant to RCW 70.24.340(1),  
37 70.24.360, or 70.24.370, must be immediately disclosed to the staff  
38 person in accordance with the Washington Administrative Code rules  
39 governing employees' occupational exposure to blood-borne pathogens.  
40 Disclosure must be accompanied by appropriate counseling for the

1 staff member, including information regarding follow-up testing and  
2 treatment. Disclosure must also include notice that subsequent  
3 disclosure of the information in violation of this chapter or use of  
4 the information to harass or discriminate against the offender or  
5 detainee may result in disciplinary action, in addition to the  
6 penalties prescribed in RCW 70.24.080, and imposition of other  
7 penalties prescribed by law.

8 (e) The staff member must also be informed whether the offender  
9 or detained person had any other communicable disease, as defined in  
10 RCW 72.09.251(3), when the staff person was substantially exposed to  
11 the offender's or detainee's bodily fluids.

12 (f) The test results of voluntary and anonymous HIV testing or  
13 HIV-related condition, as defined in RCW 70.24.017, may not be  
14 disclosed to a staff person except as provided in this section and  
15 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care  
16 administrator or infection control coordinator may provide the staff  
17 member with information about how to obtain the offender's or  
18 detainee's test results under this section and RCW 70.02.050(1)  
19 (~~(e)~~) (d) and 70.24.340(4).

20 (5) The requirements of this section do not apply to the  
21 customary methods utilized for the exchange of medical information  
22 among health care providers in order to provide health care services  
23 to the patient, nor do they apply within health care facilities where  
24 there is a need for access to confidential medical information to  
25 fulfill professional duties.

26 (6) Upon request of the victim, disclosure of test results under  
27 this section to victims of sexual offenses under chapter 9A.44 RCW  
28 must be made if the result is negative or positive. The county  
29 prosecuting attorney shall notify the victim of the right to such  
30 disclosure. The disclosure must be accompanied by appropriate  
31 counseling, including information regarding follow-up testing.

32 (7) A person, including a health care facility or health care  
33 provider, shall disclose the identity of any person who has  
34 investigated, considered, or requested a test or treatment for a  
35 sexually transmitted disease and information and records related to  
36 sexually transmitted diseases to federal, state, or local public  
37 health authorities, to the extent the health care provider is  
38 required by law to report health care information; when needed to  
39 determine compliance with state or federal certification or  
40 registration rules or laws; or when needed to protect the public

1 health. Any health care information obtained under this subsection is  
2 exempt from public inspection and copying pursuant to chapter 42.56  
3 RCW.

4 **Sec. 5.** RCW 70.02.230 and 2014 c 225 s 71 and 2014 c 220 s 9 are  
5 each reenacted and amended to read as follows:

6 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,  
7 (~~(70.96A.150,)~~) 74.09.295, 70.02.210, 70.02.240, 70.02.250, and  
8 70.02.260, or pursuant to a valid authorization under RCW 70.02.030,  
9 the fact of admission to a provider for mental health services and  
10 all information and records compiled, obtained, or maintained in the  
11 course of providing mental health services to either voluntary or  
12 involuntary recipients of services at public or private agencies must  
13 be confidential.

14 (2) Information and records related to mental health services,  
15 other than those obtained through treatment under chapter 71.34 RCW,  
16 may be disclosed only:

17 (a) In communications between qualified professional persons to  
18 meet the requirements of chapter 71.05 RCW, in the provision of  
19 services or appropriate referrals, or in the course of guardianship  
20 proceedings if provided to a professional person:

- 21 (i) Employed by the facility;
- 22 (ii) Who has medical responsibility for the patient's care;
- 23 (iii) Who is a designated mental health professional;
- 24 (iv) Who is providing services under chapter 71.24 RCW;
- 25 (v) Who is employed by a state or local correctional facility  
26 where the person is confined or supervised; or
- 27 (vi) Who is providing evaluation, treatment, or follow-up  
28 services under chapter 10.77 RCW;

29 (b) When the communications regard the special needs of a patient  
30 and the necessary circumstances giving rise to such needs and the  
31 disclosure is made by a facility providing services to the operator  
32 of a facility in which the patient resides or will reside;

33 (c)(i) When the person receiving services, or his or her  
34 guardian, designates persons to whom information or records may be  
35 released, or if the person is a minor, when his or her parents make  
36 such a designation;

37 (ii) A public or private agency shall release to a person's next  
38 of kin, attorney, personal representative, guardian, or conservator,  
39 if any:

1 (A) The information that the person is presently a patient in the  
2 facility or that the person is seriously physically ill;

3 (B) A statement evaluating the mental and physical condition of  
4 the patient, and a statement of the probable duration of the  
5 patient's confinement, if such information is requested by the next  
6 of kin, attorney, personal representative, guardian, or conservator;  
7 and

8 (iii) Other information requested by the next of kin or attorney  
9 as may be necessary to decide whether or not proceedings should be  
10 instituted to appoint a guardian or conservator;

11 (d)(i) To the courts as necessary to the administration of  
12 chapter 71.05 RCW or to a court ordering an evaluation or treatment  
13 under chapter 10.77 RCW solely for the purpose of preventing the  
14 entry of any evaluation or treatment order that is inconsistent with  
15 any order entered under chapter 71.05 RCW.

16 (ii) To a court or its designee in which a motion under chapter  
17 10.77 RCW has been made for involuntary medication of a defendant for  
18 the purpose of competency restoration.

19 (iii) Disclosure under this subsection is mandatory for the  
20 purpose of the federal health insurance portability and  
21 accountability act;

22 (e)(i) When a mental health professional is requested by a  
23 representative of a law enforcement or corrections agency, including  
24 a police officer, sheriff, community corrections officer, a municipal  
25 attorney, or prosecuting attorney to undertake an investigation or  
26 provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the  
27 mental health professional shall, if requested to do so, advise the  
28 representative in writing of the results of the investigation  
29 including a statement of reasons for the decision to detain or  
30 release the person investigated. The written report must be submitted  
31 within seventy-two hours of the completion of the investigation or  
32 the request from the law enforcement or corrections representative,  
33 whichever occurs later.

34 (ii) Disclosure under this subsection is mandatory for the  
35 purposes of the federal health insurance portability and  
36 accountability act;

37 (f) To the attorney of the detained person;

38 (g) To the prosecuting attorney as necessary to carry out the  
39 responsibilities of the office under RCW 71.05.330(2),  
40 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided

1 access to records regarding the committed person's treatment and  
2 prognosis, medication, behavior problems, and other records relevant  
3 to the issue of whether treatment less restrictive than inpatient  
4 treatment is in the best interest of the committed person or others.  
5 Information must be disclosed only after giving notice to the  
6 committed person and the person's counsel;

7 (h)(i) To appropriate law enforcement agencies and to a person,  
8 when the identity of the person is known to the public or private  
9 agency, whose health and safety has been threatened, or who is known  
10 to have been repeatedly harassed, by the patient. The person may  
11 designate a representative to receive the disclosure. The disclosure  
12 must be made by the professional person in charge of the public or  
13 private agency or his or her designee and must include the dates of  
14 commitment, admission, discharge, or release, authorized or  
15 unauthorized absence from the agency's facility, and only any other  
16 information that is pertinent to the threat or harassment. The agency  
17 or its employees are not civilly liable for the decision to disclose  
18 or not, so long as the decision was reached in good faith and without  
19 gross negligence.

20 (ii) Disclosure under this subsection is mandatory for the  
21 purposes of the federal health insurance portability and  
22 accountability act;

23 (i)(i) To appropriate corrections and law enforcement agencies  
24 all necessary and relevant information in the event of a crisis or  
25 emergent situation that poses a significant and imminent risk to the  
26 public. The mental health service agency or its employees are not  
27 civilly liable for the decision to disclose or not so long as the  
28 decision was reached in good faith and without gross negligence.

29 (ii) Disclosure under this subsection is mandatory for the  
30 purposes of the health insurance portability and accountability act;

31 (j) To the persons designated in RCW 71.05.425 for the purposes  
32 described in those sections;

33 (k) Upon the death of a person. The person's next of kin,  
34 personal representative, guardian, or conservator, if any, must be  
35 notified. Next of kin who are of legal age and competent must be  
36 notified under this section in the following order: Spouse, parents,  
37 children, brothers and sisters, and other relatives according to the  
38 degree of relation. Access to all records and information compiled,  
39 obtained, or maintained in the course of providing services to a  
40 deceased patient are governed by RCW 70.02.140;

1 (l) To mark headstones or otherwise memorialize patients interred  
2 at state hospital cemeteries. The department of social and health  
3 services shall make available the name, date of birth, and date of  
4 death of patients buried in state hospital cemeteries fifty years  
5 after the death of a patient;

6 (m) To law enforcement officers and to prosecuting attorneys as  
7 are necessary to enforce RCW 9.41.040(2)(a)((~~ii~~)) (iii). The extent  
8 of information that may be released is limited as follows:

9 (i) Only the fact, place, and date of involuntary commitment, an  
10 official copy of any order or orders of commitment, and an official  
11 copy of any written or oral notice of ineligibility to possess a  
12 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
13 must be disclosed upon request;

14 (ii) The law enforcement and prosecuting attorneys may only  
15 release the information obtained to the person's attorney as required  
16 by court rule and to a jury or judge, if a jury is waived, that  
17 presides over any trial at which the person is charged with violating  
18 RCW 9.41.040(2)(a)((~~ii~~)) (iii);

19 (iii) Disclosure under this subsection is mandatory for the  
20 purposes of the federal health insurance portability and  
21 accountability act;

22 (n) When a patient would otherwise be subject to the provisions  
23 of this section and disclosure is necessary for the protection of the  
24 patient or others due to his or her unauthorized disappearance from  
25 the facility, and his or her whereabouts is unknown, notice of the  
26 disappearance, along with relevant information, may be made to  
27 relatives, the department of corrections when the person is under the  
28 supervision of the department, and governmental law enforcement  
29 agencies designated by the physician or psychiatric advanced  
30 registered nurse practitioner in charge of the patient or the  
31 professional person in charge of the facility, or his or her  
32 professional designee;

33 (o) Pursuant to lawful order of a court;

34 (p) To qualified staff members of the department, to the director  
35 of behavioral health organizations, to resource management services  
36 responsible for serving a patient, or to service providers designated  
37 by resource management services as necessary to determine the  
38 progress and adequacy of treatment and to determine whether the  
39 person should be transferred to a less restrictive or more  
40 appropriate treatment modality or facility;

1 (q) Within the mental health service agency where the patient is  
2 receiving treatment, confidential information may be disclosed to  
3 persons employed, serving in bona fide training programs, or  
4 participating in supervised volunteer programs, at the facility when  
5 it is necessary to perform their duties;

6 (r) Within the department as necessary to coordinate treatment  
7 for mental illness, developmental disabilities, alcoholism, or drug  
8 abuse of persons who are under the supervision of the department;

9 (s) To a licensed physician or psychiatric advanced registered  
10 nurse practitioner who has determined that the life or health of the  
11 person is in danger and that treatment without the information and  
12 records related to mental health services could be injurious to the  
13 patient's health. Disclosure must be limited to the portions of the  
14 records necessary to meet the medical emergency;

15 (t) Consistent with the requirements of the federal health  
16 information portability and accountability act, to a licensed mental  
17 health professional or a health care professional licensed under  
18 chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is  
19 providing care to a person, or to whom a person has been referred for  
20 evaluation or treatment, to assure coordinated care and treatment of  
21 that person. Psychotherapy notes may not be released without  
22 authorization of the person who is the subject of the request for  
23 release of information;

24 (u) To administrative and office support staff designated to  
25 obtain medical records for those licensed professionals listed in (t)  
26 of this subsection;

27 (v) To a facility that is to receive a person who is  
28 involuntarily committed under chapter 71.05 RCW, or upon transfer of  
29 the person from one evaluation and treatment facility to another. The  
30 release of records under this subsection is limited to the  
31 information and records related to mental health services required by  
32 law, a record or summary of all somatic treatments, and a discharge  
33 summary. The discharge summary may include a statement of the  
34 patient's problem, the treatment goals, the type of treatment which  
35 has been provided, and recommendation for future treatment, but may  
36 not include the patient's complete treatment record;

37 (w) To the person's counsel or guardian ad litem, without  
38 modification, at any time in order to prepare for involuntary  
39 commitment or recommitment proceedings, reexaminations, appeals, or

1 other actions relating to detention, admission, commitment, or  
2 patient's rights under chapter 71.05 RCW;

3 (x) To staff members of the protection and advocacy agency or to  
4 staff members of a private, nonprofit corporation for the purpose of  
5 protecting and advocating the rights of persons with mental disorders  
6 or developmental disabilities. Resource management services may limit  
7 the release of information to the name, birthdate, and county of  
8 residence of the patient, information regarding whether the patient  
9 was voluntarily admitted, or involuntarily committed, the date and  
10 place of admission, placement, or commitment, the name and address of  
11 a guardian of the patient, and the date and place of the guardian's  
12 appointment. Any staff member who wishes to obtain additional  
13 information must notify the patient's resource management services in  
14 writing of the request and of the resource management services' right  
15 to object. The staff member shall send the notice by mail to the  
16 guardian's address. If the guardian does not object in writing within  
17 fifteen days after the notice is mailed, the staff member may obtain  
18 the additional information. If the guardian objects in writing within  
19 fifteen days after the notice is mailed, the staff member may not  
20 obtain the additional information;

21 (y) To all current treating providers of the patient with  
22 prescriptive authority who have written a prescription for the  
23 patient within the last twelve months. For purposes of coordinating  
24 health care, the department may release without written authorization  
25 of the patient, information acquired for billing and collection  
26 purposes as described in RCW 70.02.050(1)(d). The department shall  
27 notify the patient that billing and collection information has been  
28 released to named providers, and provide the substance of the  
29 information released and the dates of such release. The department  
30 may not release counseling, inpatient psychiatric hospitalization, or  
31 drug and alcohol treatment information without a signed written  
32 release from the client;

33 (z)(i) To the secretary of social and health services for either  
34 program evaluation or research, or both so long as the secretary  
35 adopts rules for the conduct of the evaluation or research, or both.  
36 Such rules must include, but need not be limited to, the requirement  
37 that all evaluators and researchers sign an oath of confidentiality  
38 substantially as follows:



1 "As a condition of conducting evaluation or research concerning  
2 persons who have received services from (fill in the facility,  
3 agency, or person) I, . . . . ., agree not to divulge, publish, or  
4 otherwise make known to unauthorized persons or the public any  
5 information obtained in the course of such evaluation or research  
6 regarding persons who have received services such that the person who  
7 received such services is identifiable.

8 I recognize that unauthorized release of confidential information  
9 may subject me to civil liability under the provisions of state law.  
10 /s/ . . . . ."

11 (ii) Nothing in this chapter may be construed to prohibit the  
12 compilation and publication of statistical data for use by government  
13 or researchers under standards, including standards to assure  
14 maintenance of confidentiality, set forth by the secretary;

15 (aa) To any person if the conditions in section 1 of this act are  
16 met.

17 (3) Whenever federal law or federal regulations restrict the  
18 release of information contained in the information and records  
19 related to mental health services of any patient who receives  
20 treatment for chemical dependency, the department may restrict the  
21 release of the information as necessary to comply with federal law  
22 and regulations.

23 (4) Civil liability and immunity for the release of information  
24 about a particular person who is committed to the department of  
25 social and health services under RCW 71.05.280(3) and  
26 71.05.320(~~(3)~~) (4)(c) after dismissal of a sex offense as defined  
27 in RCW 9.94A.030, is governed by RCW 4.24.550.

28 (5) The fact of admission to a provider of mental health  
29 services, as well as all records, files, evidence, findings, or  
30 orders made, prepared, collected, or maintained pursuant to chapter  
31 71.05 RCW are not admissible as evidence in any legal proceeding  
32 outside that chapter without the written authorization of the person  
33 who was the subject of the proceeding except as provided in RCW  
34 70.02.260, in a subsequent criminal prosecution of a person committed  
35 pursuant to RCW 71.05.280(3) or 71.05.320(~~(3)~~) (4)(c) on charges  
36 that were dismissed pursuant to chapter 10.77 RCW due to incompetency  
37 to stand trial, in a civil commitment proceeding pursuant to chapter  
38 71.09 RCW, or, in the case of a minor, a guardianship or dependency  
39 proceeding. The records and files maintained in any court proceeding

1 pursuant to chapter 71.05 RCW must be confidential and available  
2 subsequent to such proceedings only to the person who was the subject  
3 of the proceeding or his or her attorney. In addition, the court may  
4 order the subsequent release or use of such records or files only  
5 upon good cause shown if the court finds that appropriate safeguards  
6 for strict confidentiality are and will be maintained.

7 (6)(a) Except as provided in RCW 4.24.550, any person may bring  
8 an action against an individual who has willfully released  
9 confidential information or records concerning him or her in  
10 violation of the provisions of this section, for the greater of the  
11 following amounts:

12 (i) One thousand dollars; or

13 (ii) Three times the amount of actual damages sustained, if any.

14 (b) It is not a prerequisite to recovery under this subsection  
15 that the plaintiff suffered or was threatened with special, as  
16 contrasted with general, damages.

17 (c) Any person may bring an action to enjoin the release of  
18 confidential information or records concerning him or her or his or  
19 her ward, in violation of the provisions of this section, and may in  
20 the same action seek damages as provided in this subsection.

21 (d) The court may award to the plaintiff, should he or she  
22 prevail in any action authorized by this subsection, reasonable  
23 attorney fees in addition to those otherwise provided by law.

24 (e) If an action is brought under this subsection, no action may  
25 be brought under RCW 70.02.170.

26 **Sec. 6.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each amended  
27 to read as follows:

28 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,  
29 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or  
30 pursuant to a valid authorization under RCW 70.02.030, the fact of  
31 admission to a provider for mental health services and all  
32 information and records compiled, obtained, or maintained in the  
33 course of providing mental health services to either voluntary or  
34 involuntary recipients of services at public or private agencies must  
35 be confidential.

36 (2) Information and records related to mental health services,  
37 other than those obtained through treatment under chapter 71.34 RCW,  
38 may be disclosed only:

1 (a) In communications between qualified professional persons to  
2 meet the requirements of chapter 71.05 RCW, in the provision of  
3 services or appropriate referrals, or in the course of guardianship  
4 proceedings if provided to a professional person:

5 (i) Employed by the facility;

6 (ii) Who has medical responsibility for the patient's care;

7 (iii) Who is a designated crisis responder;

8 (iv) Who is providing services under chapter 71.24 RCW;

9 (v) Who is employed by a state or local correctional facility  
10 where the person is confined or supervised; or

11 (vi) Who is providing evaluation, treatment, or follow-up  
12 services under chapter 10.77 RCW;

13 (b) When the communications regard the special needs of a patient  
14 and the necessary circumstances giving rise to such needs and the  
15 disclosure is made by a facility providing services to the operator  
16 of a facility in which the patient resides or will reside;

17 (c)(i) When the person receiving services, or his or her  
18 guardian, designates persons to whom information or records may be  
19 released, or if the person is a minor, when his or her parents make  
20 such a designation;

21 (ii) A public or private agency shall release to a person's next  
22 of kin, attorney, personal representative, guardian, or conservator,  
23 if any:

24 (A) The information that the person is presently a patient in the  
25 facility or that the person is seriously physically ill;

26 (B) A statement evaluating the mental and physical condition of  
27 the patient, and a statement of the probable duration of the  
28 patient's confinement, if such information is requested by the next  
29 of kin, attorney, personal representative, guardian, or conservator;  
30 and

31 (iii) Other information requested by the next of kin or attorney  
32 as may be necessary to decide whether or not proceedings should be  
33 instituted to appoint a guardian or conservator;

34 (d)(i) To the courts as necessary to the administration of  
35 chapter 71.05 RCW or to a court ordering an evaluation or treatment  
36 under chapter 10.77 RCW solely for the purpose of preventing the  
37 entry of any evaluation or treatment order that is inconsistent with  
38 any order entered under chapter 71.05 RCW.

1 (ii) To a court or its designee in which a motion under chapter  
2 10.77 RCW has been made for involuntary medication of a defendant for  
3 the purpose of competency restoration.

4 (iii) Disclosure under this subsection is mandatory for the  
5 purpose of the federal health insurance portability and  
6 accountability act;

7 (e)(i) When a mental health professional or designated crisis  
8 responder is requested by a representative of a law enforcement or  
9 corrections agency, including a police officer, sheriff, community  
10 corrections officer, a municipal attorney, or prosecuting attorney to  
11 undertake an investigation or provide treatment under RCW 71.05.150,  
12 10.31.110, or 71.05.153, the mental health professional or designated  
13 crisis responder shall, if requested to do so, advise the  
14 representative in writing of the results of the investigation  
15 including a statement of reasons for the decision to detain or  
16 release the person investigated. The written report must be submitted  
17 within seventy-two hours of the completion of the investigation or  
18 the request from the law enforcement or corrections representative,  
19 whichever occurs later.

20 (ii) Disclosure under this subsection is mandatory for the  
21 purposes of the federal health insurance portability and  
22 accountability act;

23 (f) To the attorney of the detained person;

24 (g) To the prosecuting attorney as necessary to carry out the  
25 responsibilities of the office under RCW 71.05.330(2),  
26 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided  
27 access to records regarding the committed person's treatment and  
28 prognosis, medication, behavior problems, and other records relevant  
29 to the issue of whether treatment less restrictive than inpatient  
30 treatment is in the best interest of the committed person or others.  
31 Information must be disclosed only after giving notice to the  
32 committed person and the person's counsel;

33 (h)(i) To appropriate law enforcement agencies and to a person,  
34 when the identity of the person is known to the public or private  
35 agency, whose health and safety has been threatened, or who is known  
36 to have been repeatedly harassed, by the patient. The person may  
37 designate a representative to receive the disclosure. The disclosure  
38 must be made by the professional person in charge of the public or  
39 private agency or his or her designee and must include the dates of  
40 commitment, admission, discharge, or release, authorized or

1 unauthorized absence from the agency's facility, and only any other  
2 information that is pertinent to the threat or harassment. The agency  
3 or its employees are not civilly liable for the decision to disclose  
4 or not, so long as the decision was reached in good faith and without  
5 gross negligence.

6 (ii) Disclosure under this subsection is mandatory for the  
7 purposes of the federal health insurance portability and  
8 accountability act;

9 (i)(i) To appropriate corrections and law enforcement agencies  
10 all necessary and relevant information in the event of a crisis or  
11 emergent situation that poses a significant and imminent risk to the  
12 public. The mental health service agency or its employees are not  
13 civilly liable for the decision to disclose or not so long as the  
14 decision was reached in good faith and without gross negligence.

15 (ii) Disclosure under this subsection is mandatory for the  
16 purposes of the health insurance portability and accountability act;

17 (j) To the persons designated in RCW 71.05.425 for the purposes  
18 described in those sections;

19 (k) Upon the death of a person. The person's next of kin,  
20 personal representative, guardian, or conservator, if any, must be  
21 notified. Next of kin who are of legal age and competent must be  
22 notified under this section in the following order: Spouse, parents,  
23 children, brothers and sisters, and other relatives according to the  
24 degree of relation. Access to all records and information compiled,  
25 obtained, or maintained in the course of providing services to a  
26 deceased patient are governed by RCW 70.02.140;

27 (l) To mark headstones or otherwise memorialize patients interred  
28 at state hospital cemeteries. The department of social and health  
29 services shall make available the name, date of birth, and date of  
30 death of patients buried in state hospital cemeteries fifty years  
31 after the death of a patient;

32 (m) To law enforcement officers and to prosecuting attorneys as  
33 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of  
34 information that may be released is limited as follows:

35 (i) Only the fact, place, and date of involuntary commitment, an  
36 official copy of any order or orders of commitment, and an official  
37 copy of any written or oral notice of ineligibility to possess a  
38 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
39 must be disclosed upon request;

1 (ii) The law enforcement and prosecuting attorneys may only  
2 release the information obtained to the person's attorney as required  
3 by court rule and to a jury or judge, if a jury is waived, that  
4 presides over any trial at which the person is charged with violating  
5 RCW 9.41.040(2)(a)(iii);

6 (iii) Disclosure under this subsection is mandatory for the  
7 purposes of the federal health insurance portability and  
8 accountability act;

9 (n) When a patient would otherwise be subject to the provisions  
10 of this section and disclosure is necessary for the protection of the  
11 patient or others due to his or her unauthorized disappearance from  
12 the facility, and his or her whereabouts is unknown, notice of the  
13 disappearance, along with relevant information, may be made to  
14 relatives, the department of corrections when the person is under the  
15 supervision of the department, and governmental law enforcement  
16 agencies designated by the physician or psychiatric advanced  
17 registered nurse practitioner in charge of the patient or the  
18 professional person in charge of the facility, or his or her  
19 professional designee;

20 (o) Pursuant to lawful order of a court;

21 (p) To qualified staff members of the department, to the director  
22 of behavioral health organizations, to resource management services  
23 responsible for serving a patient, or to service providers designated  
24 by resource management services as necessary to determine the  
25 progress and adequacy of treatment and to determine whether the  
26 person should be transferred to a less restrictive or more  
27 appropriate treatment modality or facility;

28 (q) Within the mental health service agency where the patient is  
29 receiving treatment, confidential information may be disclosed to  
30 persons employed, serving in bona fide training programs, or  
31 participating in supervised volunteer programs, at the facility when  
32 it is necessary to perform their duties;

33 (r) Within the department as necessary to coordinate treatment  
34 for mental illness, developmental disabilities, alcoholism, or drug  
35 abuse of persons who are under the supervision of the department;

36 (s) To a licensed physician or psychiatric advanced registered  
37 nurse practitioner who has determined that the life or health of the  
38 person is in danger and that treatment without the information and  
39 records related to mental health services could be injurious to the

1 patient's health. Disclosure must be limited to the portions of the  
2 records necessary to meet the medical emergency;

3 (t) Consistent with the requirements of the federal health  
4 information portability and accountability act, to a licensed mental  
5 health professional or a health care professional licensed under  
6 chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is  
7 providing care to a person, or to whom a person has been referred for  
8 evaluation or treatment, to assure coordinated care and treatment of  
9 that person. Psychotherapy notes may not be released without  
10 authorization of the person who is the subject of the request for  
11 release of information;

12 (u) To administrative and office support staff designated to  
13 obtain medical records for those licensed professionals listed in (t)  
14 of this subsection;

15 (v) To a facility that is to receive a person who is  
16 involuntarily committed under chapter 71.05 RCW, or upon transfer of  
17 the person from one evaluation and treatment facility to another. The  
18 release of records under this subsection is limited to the  
19 information and records related to mental health services required by  
20 law, a record or summary of all somatic treatments, and a discharge  
21 summary. The discharge summary may include a statement of the  
22 patient's problem, the treatment goals, the type of treatment which  
23 has been provided, and recommendation for future treatment, but may  
24 not include the patient's complete treatment record;

25 (w) To the person's counsel or guardian ad litem, without  
26 modification, at any time in order to prepare for involuntary  
27 commitment or recommitment proceedings, reexaminations, appeals, or  
28 other actions relating to detention, admission, commitment, or  
29 patient's rights under chapter 71.05 RCW;

30 (x) To staff members of the protection and advocacy agency or to  
31 staff members of a private, nonprofit corporation for the purpose of  
32 protecting and advocating the rights of persons with mental disorders  
33 or developmental disabilities. Resource management services may limit  
34 the release of information to the name, birthdate, and county of  
35 residence of the patient, information regarding whether the patient  
36 was voluntarily admitted, or involuntarily committed, the date and  
37 place of admission, placement, or commitment, the name and address of  
38 a guardian of the patient, and the date and place of the guardian's  
39 appointment. Any staff member who wishes to obtain additional  
40 information must notify the patient's resource management services in

1 writing of the request and of the resource management services' right  
2 to object. The staff member shall send the notice by mail to the  
3 guardian's address. If the guardian does not object in writing within  
4 fifteen days after the notice is mailed, the staff member may obtain  
5 the additional information. If the guardian objects in writing within  
6 fifteen days after the notice is mailed, the staff member may not  
7 obtain the additional information;

8 (y) To all current treating providers of the patient with  
9 prescriptive authority who have written a prescription for the  
10 patient within the last twelve months. For purposes of coordinating  
11 health care, the department may release without written authorization  
12 of the patient, information acquired for billing and collection  
13 purposes as described in RCW 70.02.050(1)(d). The department shall  
14 notify the patient that billing and collection information has been  
15 released to named providers, and provide the substance of the  
16 information released and the dates of such release. The department  
17 may not release counseling, inpatient psychiatric hospitalization, or  
18 drug and alcohol treatment information without a signed written  
19 release from the client;

20 (z)(i) To the secretary of social and health services for either  
21 program evaluation or research, or both so long as the secretary  
22 adopts rules for the conduct of the evaluation or research, or both.  
23 Such rules must include, but need not be limited to, the requirement  
24 that all evaluators and researchers sign an oath of confidentiality  
25 substantially as follows:

26 "As a condition of conducting evaluation or research concerning  
27 persons who have received services from (fill in the facility,  
28 agency, or person) I, . . . . ., agree not to divulge, publish, or  
29 otherwise make known to unauthorized persons or the public any  
30 information obtained in the course of such evaluation or research  
31 regarding persons who have received services such that the person who  
32 received such services is identifiable.

33 I recognize that unauthorized release of confidential information  
34 may subject me to civil liability under the provisions of state law.  
35 /s/ . . . . ."

36 (ii) Nothing in this chapter may be construed to prohibit the  
37 compilation and publication of statistical data for use by government  
38 or researchers under standards, including standards to assure  
39 maintenance of confidentiality, set forth by the secretary;



1        (aa) To any person if the conditions in section 1 of this act are  
2 met.

3        (3) Whenever federal law or federal regulations restrict the  
4 release of information contained in the information and records  
5 related to mental health services of any patient who receives  
6 treatment for chemical dependency, the department may restrict the  
7 release of the information as necessary to comply with federal law  
8 and regulations.

9        (4) Civil liability and immunity for the release of information  
10 about a particular person who is committed to the department of  
11 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)  
12 after dismissal of a sex offense as defined in RCW 9.94A.030, is  
13 governed by RCW 4.24.550.

14        (5) The fact of admission to a provider of mental health  
15 services, as well as all records, files, evidence, findings, or  
16 orders made, prepared, collected, or maintained pursuant to chapter  
17 71.05 RCW are not admissible as evidence in any legal proceeding  
18 outside that chapter without the written authorization of the person  
19 who was the subject of the proceeding except as provided in RCW  
20 70.02.260, in a subsequent criminal prosecution of a person committed  
21 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were  
22 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand  
23 trial, in a civil commitment proceeding pursuant to chapter 71.09  
24 RCW, or, in the case of a minor, a guardianship or dependency  
25 proceeding. The records and files maintained in any court proceeding  
26 pursuant to chapter 71.05 RCW must be confidential and available  
27 subsequent to such proceedings only to the person who was the subject  
28 of the proceeding or his or her attorney. In addition, the court may  
29 order the subsequent release or use of such records or files only  
30 upon good cause shown if the court finds that appropriate safeguards  
31 for strict confidentiality are and will be maintained.

32        (6)(a) Except as provided in RCW 4.24.550, any person may bring  
33 an action against an individual who has willfully released  
34 confidential information or records concerning him or her in  
35 violation of the provisions of this section, for the greater of the  
36 following amounts:

37        (i) One thousand dollars; or

38        (ii) Three times the amount of actual damages sustained, if any.

1 (b) It is not a prerequisite to recovery under this subsection  
2 that the plaintiff suffered or was threatened with special, as  
3 contrasted with general, damages.

4 (c) Any person may bring an action to enjoin the release of  
5 confidential information or records concerning him or her or his or  
6 her ward, in violation of the provisions of this section, and may in  
7 the same action seek damages as provided in this subsection.

8 (d) The court may award to the plaintiff, should he or she  
9 prevail in any action authorized by this subsection, reasonable  
10 attorney fees in addition to those otherwise provided by law.

11 (e) If an action is brought under this subsection, no action may  
12 be brought under RCW 70.02.170.

13 NEW SECTION. **Sec. 7.** Section 6 of this act takes effect April  
14 1, 2018.

15 NEW SECTION. **Sec. 8.** Section 5 of this act expires April 1,  
16 2018."

**SHB 1477 - S AMD 271**  
By Senator Zeiger

**ADOPTED 04/19/2017**

17 On page 1, line 2 of the title, after "patient;" strike the  
18 remainder of the title and insert "amending RCW 70.02.050, 70.02.200,  
19 70.02.220, and 70.02.230; reenacting and amending RCW 70.02.230;  
20 adding a new section to chapter 70.02 RCW; providing an effective  
21 date; and providing an expiration date."

**EFFECT:** Strikes language specifying that disclosures which a health provider or facility may make in the exercise of professional judgment include allowing a person to pick up filled prescriptions, medical supplies, x-rays, or other similar forms of health care information. Strikes language requiring a health provider or facility to record the fact, date, and content of disclosures in the patient's medical record. Provides that health information that may be disclosed to a family member, personal representative, or other person responsible for that care of the patient without consent when a patient is not present, incapacitated, or involved in an emergency is limited to information which is directly relevant to the person's

involvement with the patient's health care or payment related to the patient's health care.

--- END ---