

# HOUSE BILL REPORT

## SSB 5435

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### As Reported by House Committee On: Health Care & Wellness

**Title:** An act relating to specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.

**Brief Description:** Specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.

**Sponsors:** Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Rivers, Cleveland and Darneille).

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 3/21/17, 3/22/17 [DP].

#### **Brief Summary of Substitute Bill**

- Expands the authority to disclose mental health information without an authorization to all health care providers when providing care to a patient.
- Allows the disclosure of mental health information to certain persons who require it to assure coordinated care and treatment of a patient.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 17 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Rodne, Slatter, Stonier and Tharinger.

**Staff:** Chris Blake (786-7392).

#### **Background:**

The Health Insurance Portability and Accountability Act (HIPAA) establishes nationwide standards for the use, disclosure, storage, and transfer of protected health information. Entities covered by HIPAA must have a patient's authorization to use or disclose health care

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information, unless there is a specified exception. Some exceptions pertain to disclosures for treatment, payment, and health care operations; public health activities; judicial proceedings; law enforcement purposes; and research purposes. The HIPAA allows a state to establish standards that are more stringent than its provisions.

In Washington, the Uniform Health Care Information Act (UHCIA) governs the disclosure of health care information by health care providers and their agents or employees. The UHCIA provides that a health care provider may not disclose health care information about a patient unless there is a statutory exception or a written authorization by the patient. Some exceptions include disclosures for the provision of health care; quality improvement, legal, actuarial, and administrative services; research purposes; directory information; public health and law enforcement activities as required by law; and judicial proceedings.

State law allows health care providers and facilities to disclose health care information, including mental health information, without a patient's authorization to a person who requires it to conduct health care operations on behalf of a health care provider or facility. The term "health care operations" encompasses many activities, including case management and care coordination. Federal law also allows for disclosures to health care providers for treatment activities and for the health care provider's own health care operations or the health care operations of another entity that has had a relationship with the patient. Other state law provisions specifically addressing mental health information allow disclosures to physicians, osteopathic physicians, physician assistants, osteopathic physician assistants, nurses, and naturopaths when providing care to a person or assuring coordinated care and treatment of the person.

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### **Summary of Bill:**

The authority to disclose mental health information and records without an authorization to physicians, osteopathic physicians, physician assistants, osteopathic physician assistants, nurses, and naturopaths when providing care to a person is broadened to allow the information to be shared with any:

1. health care provider who is providing care to the patient or to whom a patient has been referred for evaluation and treatment; and
2. person who is working in a care coordinator role for a health care facility or health care provider or under an agreement with a health care facility or provider and requires the information to assure coordinated care and treatment of a patient.

Persons who may use or disclose the mental health information must take appropriate steps to protect it.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 2, relating to the disclosure of information and records related to mental health services, which takes effect April 1, 2018.

**Staff Summary of Public Testimony:**

(In support) This bill is very similar to House Bill 1413, which passed the House of Representatives earlier this legislative session. This is an important bill as the state moves toward more integration of care.

(Opposed) None.

**Persons Testifying:** Zosia Stanley, Washington State Hospital Association.

**Persons Signed In To Testify But Not Testifying:** None.