
SUBSTITUTE HOUSE BILL 1477

State of Washington 65th Legislature 2017 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Kilduff, Muri, Lytton, Stambaugh, Orwall, McDonald, Robinson, Lovick, Goodman, Sells, Appleton, and Fey)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to disclosure of health-related information with
2 persons with a close relationship with a patient; amending RCW
3 70.02.050, 70.02.200, 70.02.220, and 70.02.230; reenacting and
4 amending RCW 70.02.230; adding a new section to chapter 70.02 RCW;
5 providing an effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.02
8 RCW to read as follows:

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

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

20 (ii) The disclosure or use is for the purpose of notifying, or
21 assisting in the notification of, a family member, a personal

1 representative of the patient, or another person responsible for the
2 care of the patient of the patient's location, general condition, or
3 death.

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

6 (i) The patient is not present or the opportunity to agree or
7 object to the disclosure cannot practicably be provided because of
8 the patient's incapacity or an emergency circumstance, the health
9 care provider or health care facility may in the exercise of
10 professional judgment, determine whether the disclosure is in the
11 best interests of the patient and, if so, disclose only the health
12 care information that is directly relevant to the person's
13 involvement with the patient's health care. A health care provider or
14 health care facility may use professional judgment and its experience
15 with common practice to make reasonable inferences of the patient's
16 best interest in allowing a person to act on behalf of the patient to
17 pick up filled prescriptions, medical supplies, x-rays, or other
18 similar forms of health care information; or

19 (ii) The patient is present for, or otherwise available prior to,
20 the disclosure and has the capacity to make health care decisions,
21 the health care provider or health care facility may disclose the
22 information if it:

23 (A) Obtains the patient's agreement;

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

26 (C) Reasonably infers from the circumstances, based on the
27 exercise of professional judgment, that the patient does not object
28 to the disclosure.

29 (2) With respect to a patient who is receiving services from a
30 health care provider for mental illness, the health care information
31 disclosed under this section may include, to the extent consistent
32 with the health care provider's professional judgment and standards
33 of ethical conduct:

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

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

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

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

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

6 (4) A health care provider or health care facility who discloses
7 health care information under this section must document in the
8 patient's medical record the fact and date of the disclosure, to whom
9 the disclosure was made, and what health care information was
10 disclosed.

11 (5) A health care provider or health care facility is not subject
12 to any civil liability for making or not making a disclosure or use
13 in accordance with this section.

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

16 (1) A health care provider or health care facility may disclose
17 health care information, except for information and records related
18 to sexually transmitted diseases which are addressed in RCW
19 70.02.220, about a patient without the patient's authorization to the
20 extent a recipient needs to know the information, if the disclosure
21 is:

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

24 (b) To any other person who requires health care information for
25 health care education, or to provide planning, quality assurance,
26 peer review, or administrative, legal, financial, actuarial services
27 to, or other health care operations for or on behalf of the health
28 care provider or health care facility; or for assisting the health
29 care provider or health care facility in the delivery of health care
30 and the health care provider or health care facility reasonably
31 believes that the person:

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

34 (ii) Will take appropriate steps to protect the health care
35 information;

36 (c) To any person if the health care provider or health care
37 facility (~~reasonably~~) believes, in good faith, that disclosure
38 (~~will avoid or minimize an imminent danger~~) or use is necessary to
39 prevent or lessen a serious and imminent threat to the health or

1 safety of (~~the patient or any other individual, however~~) a person
2 or the public, and the information is disclosed only to a person or
3 persons reasonably able to prevent or lessen the threat, including
4 the target of the threat. There is no obligation under this chapter
5 on the part of the provider or facility to so disclose(~~. The fact of~~
6 ~~admission to a provider for mental health services and all~~
7 ~~information and records compiled, obtained, or maintained in the~~
8 ~~course of providing mental health services to either voluntary or~~
9 ~~involuntary recipients of services at public or private agencies is~~
10 ~~not subject to disclosure unless disclosure is permitted in RCW~~
11 ~~70.02.230)); or~~

12 (d) For payment, including information necessary for a recipient
13 to make a claim, or for a claim to be made on behalf of a recipient
14 for aid, insurance, or medical assistance to which he or she may be
15 entitled.

16 (2) A health care provider shall disclose health care
17 information, except for information and records related to sexually
18 transmitted diseases, unless otherwise authorized in RCW 70.02.220,
19 about a patient without the patient's authorization if the disclosure
20 is:

21 (a) To federal, state, or local public health authorities, to the
22 extent the health care provider is required by law to report health
23 care information; when needed to determine compliance with state or
24 federal licensure, certification or registration rules or laws, or to
25 investigate unprofessional conduct or ability to practice with
26 reasonable skill and safety under chapter 18.130 RCW. Any health care
27 information obtained under this subsection is exempt from public
28 inspection and copying pursuant to chapter 42.56 RCW; or

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

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

32 (1) In addition to the disclosures authorized by RCW 70.02.050
33 and 70.02.210, a health care provider or health care facility may
34 disclose health care information, except for information and records
35 related to sexually transmitted diseases and information related to
36 mental health services which are addressed by RCW 70.02.220 through
37 70.02.260, about a patient without the patient's authorization, to:

38 (a) Any other health care provider or health care facility
39 reasonably believed to have previously provided health care to the

1 patient, to the extent necessary to provide health care to the
2 patient, unless the patient has instructed the health care provider
3 or health care facility in writing not to make the disclosure;

4 ~~(b) ((Immediate family members of the patient, including a
5 patient's state registered domestic partner, or any other individual
6 with whom the patient is known to have a close personal relationship,
7 if made in accordance with good medical or other professional
8 practice, unless the patient has instructed the health care provider
9 or health care facility in writing not to make the disclosure;~~

10 ~~(e))~~ A health care provider or health care facility who is the
11 successor in interest to the health care provider or health care
12 facility maintaining the health care information;

13 ~~((d))~~ (c) A person who obtains information for purposes of an
14 audit, if that person agrees in writing to:

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

18 (ii) Not to disclose the information further, except to
19 accomplish the audit or report unlawful or improper conduct involving
20 fraud in payment for health care by a health care provider or
21 patient, or other unlawful conduct by the health care provider;

22 ~~((e))~~ (d) Provide directory information, unless the patient has
23 instructed the health care provider or health care facility not to
24 make the disclosure;

25 ~~((f))~~ (e) Fire, police, sheriff, or other public authority,
26 that brought, or caused to be brought, the patient to the health care
27 facility or health care provider if the disclosure is limited to the
28 patient's name, residence, sex, age, occupation, condition,
29 diagnosis, estimated or actual discharge date, or extent and location
30 of injuries as determined by a physician, and whether the patient was
31 conscious when admitted;

32 ~~((g))~~ (f) Federal, state, or local law enforcement authorities
33 and the health care provider, health care facility, or third-party
34 payor believes in good faith that the health care information
35 disclosed constitutes evidence of criminal conduct that occurred on
36 the premises of the health care provider, health care facility, or
37 third-party payor;

38 ~~((h))~~ (g) Another health care provider, health care facility,
39 or third-party payor for the health care operations of the health
40 care provider, health care facility, or third-party payor that

1 receives the information, if each entity has or had a relationship
2 with the patient who is the subject of the health care information
3 being requested, the health care information pertains to such
4 relationship, and the disclosure is for the purposes described in RCW
5 70.02.010(17) (a) and (b);

6 ((+i)) (h) An official of a penal or other custodial institution
7 in which the patient is detained; and

8 ((+j)) (i) Any law enforcement officer, corrections officer, or
9 guard supplied by a law enforcement or corrections agency who is
10 accompanying a patient pursuant to RCW 10.110.020, only to the extent
11 the disclosure is incidental to the fulfillment of the role of the
12 law enforcement officer, corrections officer, or guard under RCW
13 10.110.020.

14 (2) In addition to the disclosures required by RCW 70.02.050 and
15 70.02.210, a health care provider shall disclose health care
16 information, except for information related to sexually transmitted
17 diseases and information related to mental health services which are
18 addressed by RCW 70.02.220 through 70.02.260, about a patient without
19 the patient's authorization if the disclosure is:

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

22 (b) To federal, state, or local law enforcement authorities, upon
23 receipt of a written or oral request made to a nursing supervisor,
24 administrator, or designated privacy official, in a case in which the
25 patient is being treated or has been treated for a bullet wound,
26 gunshot wound, powder burn, or other injury arising from or caused by
27 the discharge of a firearm, or an injury caused by a knife, an ice
28 pick, or any other sharp or pointed instrument which federal, state,
29 or local law enforcement authorities reasonably believe to have been
30 intentionally inflicted upon a person, or a blunt force injury that
31 federal, state, or local law enforcement authorities reasonably
32 believe resulted from a criminal act, the following information, if
33 known:

34 (i) The name of the patient;

35 (ii) The patient's residence;

36 (iii) The patient's sex;

37 (iv) The patient's age;

38 (v) The patient's condition;

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

- 1 (vii) Whether the patient was conscious when admitted;
- 2 (viii) The name of the health care provider making the
3 determination in (b)(v), (vi), and (vii) of this subsection;
- 4 (ix) Whether the patient has been transferred to another
5 facility; and
- 6 (x) The patient's discharge time and date;
- 7 (c) Pursuant to compulsory process in accordance with RCW
8 70.02.060.

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

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

15 (2) No person may disclose or be compelled to disclose
16 information and records related to sexually transmitted diseases,
17 except as authorized by this section, RCW 70.02.210, section 1 of
18 this act, or chapter 70.24 RCW. A person may disclose information
19 related to sexually transmitted diseases about a patient without the
20 patient's authorization, to the extent a recipient needs to know the
21 information, if the disclosure is to:

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

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

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

36 (d) Any state or local public health officer conducting an
37 investigation pursuant to RCW 70.24.024, so long as the record was
38 obtained by means of court-ordered HIV testing pursuant to RCW
39 70.24.340 or 70.24.024;

1 (e) A person allowed access to the record by a court order
2 granted after application showing good cause therefor. In assessing
3 good cause, the court shall weigh the public interest and the need
4 for disclosure against the injury to the patient, to the physician-
5 patient relationship, and to the treatment services. Upon the
6 granting of the order, the court, in determining the extent to which
7 any disclosure of all or any part of the record of any such test is
8 necessary, shall impose appropriate safeguards against unauthorized
9 disclosure. An order authorizing disclosure must: (i) Limit
10 disclosure to those parts of the patient's record deemed essential to
11 fulfill the objective for which the order was granted; (ii) limit
12 disclosure to those persons whose need for information is the basis
13 for the order; and (iii) include any other appropriate measures to
14 keep disclosure to a minimum for the protection of the patient, the
15 physician-patient relationship, and the treatment services;

16 (f) Persons who, because of their behavioral interaction with the
17 infected individual, have been placed at risk for acquisition of a
18 sexually transmitted disease, as provided in RCW 70.24.022, if the
19 health officer or authorized representative believes that the exposed
20 person was unaware that a risk of disease exposure existed and that
21 the disclosure of the identity of the infected person is necessary;

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

29 (h) Claims management personnel employed by or associated with an
30 insurer, health care service contractor, health maintenance
31 organization, self-funded health plan, state administered health care
32 claims payer, or any other payer of health care claims where such
33 disclosure is to be used solely for the prompt and accurate
34 evaluation and payment of medical or related claims. Information
35 released under this subsection must be confidential and may not be
36 released or available to persons who are not involved in handling or
37 determining medical claims payment; and

38 (i) A department of social and health services worker, a child
39 placing agency worker, or a guardian ad litem who is responsible for
40 making or reviewing placement or case-planning decisions or

1 recommendations to the court regarding a child, who is less than
2 fourteen years of age, has a sexually transmitted disease, and is in
3 the custody of the department of social and health services or a
4 licensed child placing agency. This information may also be received
5 by a person responsible for providing residential care for such a
6 child when the department of social and health services or a licensed
7 child placing agency determines that it is necessary for the
8 provision of child care services.

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

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

16 (a) The sexually transmitted disease status of a department of
17 corrections offender who has had a mandatory test conducted pursuant
18 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
19 by department of corrections health care providers and local public
20 health officers to the department of corrections health care
21 administrator or infection control coordinator of the facility in
22 which the offender is housed. The information made available to the
23 health care administrator or the infection control coordinator under
24 this subsection (4)(a) may be used only for disease prevention or
25 control and for protection of the safety and security of the staff,
26 offenders, and the public. The information may be submitted to
27 transporting officers and receiving facilities, including facilities
28 that are not under the department of corrections' jurisdiction
29 according to the provisions of (d) and (e) of this subsection.

30 (b) The sexually transmitted disease status of a person detained
31 in a jail who has had a mandatory test conducted pursuant to RCW
32 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
33 local public health officer to a jail health care administrator or
34 infection control coordinator. The information made available to a
35 health care administrator under this subsection (4)(b) may be used
36 only for disease prevention or control and for protection of the
37 safety and security of the staff, offenders, detainees, and the
38 public. The information may be submitted to transporting officers and
39 receiving facilities according to the provisions of (d) and (e) of
40 this subsection.

1 (c) Information regarding the sexually transmitted disease status
2 of an offender or detained person is confidential and may be
3 disclosed by a correctional health care administrator or infection
4 control coordinator or local jail health care administrator or
5 infection control coordinator only as necessary for disease
6 prevention or control and for protection of the safety and security
7 of the staff, offenders, and the public. Unauthorized disclosure of
8 this information to any person may result in disciplinary action, in
9 addition to the penalties prescribed in RCW 70.24.080 or any other
10 penalties as may be prescribed by law.

11 (d) Notwithstanding the limitations on disclosure contained in
12 (a), (b), and (c) of this subsection, whenever any member of a jail
13 staff or department of corrections staff has been substantially
14 exposed to the bodily fluids of an offender or detained person, then
15 the results of any tests conducted pursuant to RCW 70.24.340(1),
16 70.24.360, or 70.24.370, must be immediately disclosed to the staff
17 person in accordance with the Washington Administrative Code rules
18 governing employees' occupational exposure to blood-borne pathogens.
19 Disclosure must be accompanied by appropriate counseling for the
20 staff member, including information regarding follow-up testing and
21 treatment. Disclosure must also include notice that subsequent
22 disclosure of the information in violation of this chapter or use of
23 the information to harass or discriminate against the offender or
24 detainee may result in disciplinary action, in addition to the
25 penalties prescribed in RCW 70.24.080, and imposition of other
26 penalties prescribed by law.

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

31 (f) The test results of voluntary and anonymous HIV testing or
32 HIV-related condition, as defined in RCW 70.24.017, may not be
33 disclosed to a staff person except as provided in this section and
34 RCW 70.02.050(1)((+e)) (d) and 70.24.340(4). A health care
35 administrator or infection control coordinator may provide the staff
36 member with information about how to obtain the offender's or
37 detainee's test results under this section and RCW 70.02.050(1)
38 ((+e)) (d) and 70.24.340(4).

39 (5) The requirements of this section do not apply to the
40 customary methods utilized for the exchange of medical information

1 among health care providers in order to provide health care services
2 to the patient, nor do they apply within health care facilities where
3 there is a need for access to confidential medical information to
4 fulfill professional duties.

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

11 (7) A person, including a health care facility or health care
12 provider, shall disclose the identity of any person who has
13 investigated, considered, or requested a test or treatment for a
14 sexually transmitted disease and information and records related to
15 sexually transmitted diseases to federal, state, or local public
16 health authorities, to the extent the health care provider is
17 required by law to report health care information; when needed to
18 determine compliance with state or federal certification or
19 registration rules or laws; or when needed to protect the public
20 health. Any health care information obtained under this subsection is
21 exempt from public inspection and copying pursuant to chapter 42.56
22 RCW.

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

25 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
26 (~~(70.96A.150,)~~) 74.09.295, 70.02.210, 70.02.240, 70.02.250, (~~and~~)
27 70.02.260, and section 1 of this act, or pursuant to a valid
28 authorization under RCW 70.02.030, the fact of admission to a
29 provider for mental health services and all information and records
30 compiled, obtained, or maintained in the course of providing mental
31 health services to either voluntary or involuntary recipients of
32 services at public or private agencies must be confidential.

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

36 (a) In communications between qualified professional persons to
37 meet the requirements of chapter 71.05 RCW, in the provision of
38 services or appropriate referrals, or in the course of guardianship
39 proceedings if provided to a professional person:

1 (i) Employed by the facility;
2 (ii) Who has medical responsibility for the patient's care;
3 (iii) Who is a designated mental health professional;
4 (iv) Who is providing services under chapter 71.24 RCW;
5 (v) Who is employed by a state or local correctional facility
6 where the person is confined or supervised; or
7 (vi) Who is providing evaluation, treatment, or follow-up
8 services under chapter 10.77 RCW;

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

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

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

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

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

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

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

35 (ii) To a court or its designee in which a motion under chapter
36 10.77 RCW has been made for involuntary medication of a defendant for
37 the purpose of competency restoration.

38 (iii) Disclosure under this subsection is mandatory for the
39 purpose of the federal health insurance portability and
40 accountability act;

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

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

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

17 (g) To the prosecuting attorney as necessary to carry out the
18 responsibilities of the office under RCW 71.05.330(2),
19 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
20 access to records regarding the committed person's treatment and
21 prognosis, medication, behavior problems, and other records relevant
22 to the issue of whether treatment less restrictive than inpatient
23 treatment is in the best interest of the committed person or others.
24 Information must be disclosed only after giving notice to the
25 committed person and the person's counsel;

26 (h)(i) To appropriate law enforcement agencies and to a person,
27 when the identity of the person is known to the public or private
28 agency, whose health and safety has been threatened, or who is known
29 to have been repeatedly harassed, by the patient. The person may
30 designate a representative to receive the disclosure. The disclosure
31 must be made by the professional person in charge of the public or
32 private agency or his or her designee and must include the dates of
33 commitment, admission, discharge, or release, authorized or
34 unauthorized absence from the agency's facility, and only any other
35 information that is pertinent to the threat or harassment. The agency
36 or its employees are not civilly liable for the decision to disclose
37 or not, so long as the decision was reached in good faith and without
38 gross negligence.

1 (ii) Disclosure under this subsection is mandatory for the
2 purposes of the federal health insurance portability and
3 accountability act;

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

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

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

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

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

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

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

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

1 (iii) Disclosure under this subsection is mandatory for the
2 purposes of the federal health insurance portability and
3 accountability act;

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

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

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

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

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

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

37 (t) Consistent with the requirements of the federal health
38 information portability and accountability act, to a licensed mental
39 health professional or a health care professional licensed under
40 chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is

1 providing care to a person, or to whom a person has been referred for
2 evaluation or treatment, to assure coordinated care and treatment of
3 that person. Psychotherapy notes may not be released without
4 authorization of the person who is the subject of the request for
5 release of information;

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

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

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

24 (x) To staff members of the protection and advocacy agency or to
25 staff members of a private, nonprofit corporation for the purpose of
26 protecting and advocating the rights of persons with mental disorders
27 or developmental disabilities. Resource management services may limit
28 the release of information to the name, birthdate, and county of
29 residence of the patient, information regarding whether the patient
30 was voluntarily admitted, or involuntarily committed, the date and
31 place of admission, placement, or commitment, the name and address of
32 a guardian of the patient, and the date and place of the guardian's
33 appointment. Any staff member who wishes to obtain additional
34 information must notify the patient's resource management services in
35 writing of the request and of the resource management services' right
36 to object. The staff member shall send the notice by mail to the
37 guardian's address. If the guardian does not object in writing within
38 fifteen days after the notice is mailed, the staff member may obtain
39 the additional information. If the guardian objects in writing within

1 fifteen days after the notice is mailed, the staff member may not
2 obtain the additional information;

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

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

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

28 I recognize that unauthorized release of confidential information
29 may subject me to civil liability under the provisions of state law.
30 /s/"

31 (ii) Nothing in this chapter may be construed to prohibit the
32 compilation and publication of statistical data for use by government
33 or researchers under standards, including standards to assure
34 maintenance of confidentiality, set forth by the secretary.

35 (3) Whenever federal law or federal regulations restrict the
36 release of information contained in the information and records
37 related to mental health services of any patient who receives
38 treatment for chemical dependency, the department may restrict the

1 release of the information as necessary to comply with federal law
2 and regulations.

3 (4) Civil liability and immunity for the release of information
4 about a particular person who is committed to the department of
5 social and health services under RCW 71.05.280(3) and
6 71.05.320(~~(+3)~~) (4)(c) after dismissal of a sex offense as defined
7 in RCW 9.94A.030, is governed by RCW 4.24.550.

8 (5) The fact of admission to a provider of mental health
9 services, as well as all records, files, evidence, findings, or
10 orders made, prepared, collected, or maintained pursuant to chapter
11 71.05 RCW are not admissible as evidence in any legal proceeding
12 outside that chapter without the written authorization of the person
13 who was the subject of the proceeding except as provided in RCW
14 70.02.260, in a subsequent criminal prosecution of a person committed
15 pursuant to RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c) on charges
16 that were dismissed pursuant to chapter 10.77 RCW due to incompetency
17 to stand trial, in a civil commitment proceeding pursuant to chapter
18 71.09 RCW, or, in the case of a minor, a guardianship or dependency
19 proceeding. The records and files maintained in any court proceeding
20 pursuant to chapter 71.05 RCW must be confidential and available
21 subsequent to such proceedings only to the person who was the subject
22 of the proceeding or his or her attorney. In addition, the court may
23 order the subsequent release or use of such records or files only
24 upon good cause shown if the court finds that appropriate safeguards
25 for strict confidentiality are and will be maintained.

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

31 (i) One thousand dollars; or

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

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

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

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

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

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

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

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

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

23 (i) Employed by the facility;

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

25 (iii) Who is a designated crisis responder;

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

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

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

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

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

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

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

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

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

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

19 (ii) To a court or its designee in which a motion under chapter
20 10.77 RCW has been made for involuntary medication of a defendant for
21 the purpose of competency restoration.

22 (iii) Disclosure under this subsection is mandatory for the
23 purpose of the federal health insurance portability and
24 accountability act;

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

38 (ii) Disclosure under this subsection is mandatory for the
39 purposes of the federal health insurance portability and
40 accountability act;

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

2 (g) To the prosecuting attorney as necessary to carry out the
3 responsibilities of the office under RCW 71.05.330(2),
4 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
5 access to records regarding the committed person's treatment and
6 prognosis, medication, behavior problems, and other records relevant
7 to the issue of whether treatment less restrictive than inpatient
8 treatment is in the best interest of the committed person or others.
9 Information must be disclosed only after giving notice to the
10 committed person and the person's counsel;

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

24 (ii) Disclosure under this subsection is mandatory for the
25 purposes of the federal health insurance portability and
26 accountability act;

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

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

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

37 (k) Upon the death of a person. The person's next of kin,
38 personal representative, guardian, or conservator, if any, must be
39 notified. Next of kin who are of legal age and competent must be
40 notified under this section in the following order: Spouse, parents,

1 children, brothers and sisters, and other relatives according to the
2 degree of relation. Access to all records and information compiled,
3 obtained, or maintained in the course of providing services to a
4 deceased patient are governed by RCW 70.02.140;

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

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

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

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

23 (iii) Disclosure under this subsection is mandatory for the
24 purposes of the federal health insurance portability and
25 accountability act;

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

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

38 (p) To qualified staff members of the department, to the director
39 of behavioral health organizations, to resource management services
40 responsible for serving a patient, or to service providers designated

1 by resource management services as necessary to determine the
2 progress and adequacy of treatment and to determine whether the
3 person should be transferred to a less restrictive or more
4 appropriate treatment modality or facility;

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

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

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

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

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

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

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

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

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

36 (z)(i) To the secretary of social and health services for either
37 program evaluation or research, or both so long as the secretary
38 adopts rules for the conduct of the evaluation or research, or both.
39 Such rules must include, but need not be limited to, the requirement

1 that all evaluators and researchers sign an oath of confidentiality
2 substantially as follows:

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

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

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

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 71.05.320(4)(c)
26 after dismissal of a sex offense as defined in RCW 9.94A.030, is
27 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(4)(c) on charges that were
36 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
37 trial, in a civil commitment proceeding pursuant to chapter 71.09
38 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 NEW SECTION. **Sec. 7.** Section 6 of this act takes effect April
27 1, 2018.

28 NEW SECTION. **Sec. 8.** Section 5 of this act expires April 1,
29 2018.

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