AN ACT Relating to requests for medical records to support an application for social security benefits; amending RCW 70.02.030, 70.02.045, and 70.02.080; and adding a new section to chapter 48.43 RCW.

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

Sec. 1. RCW 70.02.030 and 2014 c 220 s 15 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2)(a) Except as provided in (b) of this subsection, a health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(b) Upon request of a patient or a patient's personal representative, a health care facility or health care provider shall provide the patient or representative with one copy of the patient's health care information.
health care information free of charge if the patient is appealing
the denial of federal social security disability benefits. The
patient or representative may request that the health care
information be provided in either paper or electronic format.
(3) To be valid, a disclosure authorization to a health care
provider or health care facility shall:
(a) Be in writing, dated, and signed by the patient;
(b) Identify the nature of the information to be disclosed;
(c) Identify the name and institutional affiliation of the person
or class of persons to whom the information is to be disclosed;
(d) Identify the provider or class of providers who are to make
the disclosure;
(e) Identify the patient; and
(f) Contain an expiration date or an expiration event that
relates to the patient or the purpose of the use or disclosure.
(4) Unless disclosure without authorization is otherwise
permitted under RCW 70.02.050 or the federal health insurance
portability and accountability act of 1996 and its implementing
regulations, an authorization may permit the disclosure of health
care information to a class of persons that includes:
(a) Researchers if the health care provider or health care
facility obtains the informed consent for the use of the patient's
health care information for research purposes; or
(b) Third-party payors if the information is only disclosed for
payment purposes.
(5) Except as provided by this chapter, the signing of an
authorization by a patient is not a waiver of any rights a patient
has under other statutes, the rules of evidence, or common law.
(6) When an authorization permits the disclosure of health care
information to a financial institution or an employer of the patient
for purposes other than payment, the authorization as it pertains to
those disclosures shall expire one year after the signing of the
authorization, unless the authorization is renewed by the patient.
(7) A health care provider or health care facility shall retain
the original or a copy of each authorization or revocation in
conjunction with any health care information from which disclosures
are made.
(8) Where the patient is under the supervision of the department
of corrections, an authorization signed pursuant to this section for
health care information related to mental health or drug or alcohol
treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

Sec. 2. RCW 70.02.045 and 2015 c 289 s 1 are each amended to read as follows:

Third-party payors shall not release health care information disclosed under this chapter, except as required by chapter 43.371 RCW and section 4 of this act and to the extent that health care providers are authorized to do so under RCW 70.02.050, 70.02.200, and 70.02.210.

Sec. 3. RCW 70.02.080 and 1993 c 448 s 5 are each amended to read as follows:

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under RCW 70.02.090 and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care
information available in the requested form. Except as provided in 
RCW 70.02.030, the health care provider may charge a reasonable fee 
for providing the health care information and is not required to 
permit examination or copying until the fee is paid.

NEW SECTION.  Sec. 4. A new section is added to chapter 48.43 
RCW to read as follows:

Upon request of a covered person or a covered person's personal 
representative, an issuer shall provide the covered person or 
representative with one copy of the covered person's health care 
information free of charge if the covered person is appealing the 
denial of federal social security disability benefits. The covered 
person or representative may request that the health care information 
be provided in either paper or electronic format. For purposes of 
this section, "health care information" has the same meaning as in 
RCW 70.02.010.

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