

2 SSB 5207 - S AMD 501

3 By Senators Hargrove and Long

4 ADOPTED 01/23/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.02.010 and 1993 c 448 s 1 are each amended to read
8 as follows:

9 As used in this chapter, unless the context otherwise requires:

10 (1) "Audit" means an assessment, evaluation, determination, or
11 investigation of a health care provider by a person not employed by or
12 affiliated with the provider to determine compliance with:

13 (a) Statutory, regulatory, fiscal, medical, or scientific
14 standards;

15 (b) A private or public program of payments to a health care
16 provider; or

17 (c) Requirements for licensing, accreditation, or certification.

18 (2) "Directory information" means information disclosing the
19 presence, and for the purpose of identification, the name, residence,
20 sex, and the general health condition of a particular patient who is a
21 patient in a health care facility or who is currently receiving
22 emergency health care in a health care facility.

23 (3) "General health condition" means the patient's health status
24 described in terms of "critical," "poor," "fair," "good," "excellent,"
25 or terms denoting similar conditions.

26 (4) "Health care" means any care, service, or procedure provided by
27 a health care provider:

28 (a) To diagnose, treat, or maintain a patient's physical or mental
29 condition; or

30 (b) That affects the structure or any function of the human body.

31 (5) "Health care facility" means a hospital, clinic, nursing home,
32 laboratory, office, or similar place where a health care provider
33 provides health care to patients.

34 (6) "Health care information" means any information, whether oral
35 or recorded in any form or medium, that identifies or can readily be
36 associated with the identity of a patient and directly relates to the

1 patient's health care. The term includes any record of disclosures of
2 health care information. The term includes genetic test information
3 from a person's isolated DNA and a person's DNA when obtained at the
4 request of a health care provider or health care facility.

5 (7) "Health care provider" means a person who is licensed,
6 certified, registered, or otherwise authorized by the law of this state
7 to provide health care in the ordinary course of business or practice
8 of a profession.

9 (8) "Institutional review board" means any board, committee, or
10 other group formally designated by an institution, or authorized under
11 federal or state law, to review, approve the initiation of, or conduct
12 periodic review of research programs to assure the protection of the
13 rights and welfare of human research subjects.

14 (9) "Maintain," as related to health care information, means to
15 hold, possess, preserve, retain, store, or control that information.

16 (10) "Patient" means an individual who receives or has received
17 health care. The term includes a deceased individual who has received
18 health care.

19 (11) "Person" means an individual, corporation, business trust,
20 estate, trust, partnership, association, joint venture, government,
21 governmental subdivision or agency, or any other legal or commercial
22 entity.

23 (12) "Reasonable fee" means the charges for duplicating or
24 searching the record, but shall not exceed sixty-five cents per page
25 for the first thirty pages and fifty cents per page for all other
26 pages. In addition, a clerical fee for searching and handling may be
27 charged not to exceed fifteen dollars. These amounts shall be adjusted
28 biennially in accordance with changes in the consumer price index, all
29 consumers, for Seattle-Tacoma metropolitan statistical area as
30 determined by the secretary of health. However, where editing of
31 records by a health care provider is required by statute and is done by
32 the provider personally, the fee may be the usual and customary charge
33 for a basic office visit.

34 (13) "Third-party payor" means an insurer regulated under Title 48
35 RCW authorized to transact business in this state or other
36 jurisdiction, including a health care service contractor, and health
37 maintenance organization; or an employee welfare benefit plan; or a
38 state or federal health benefit program.

1 NEW SECTION. **Sec. 2.** The legislature finds that:

2 (1) The technology of deoxyribonucleic acid (DNA) identification is
3 of great potential benefit to the citizens of this state in many
4 fields, including human services and health care, scientific research,
5 criminal justice, and corrections;

6 (2) Technology is changing and improving at an ever-increasing
7 rate;

8 (3) DNA technology is particularly important in assisting law
9 enforcement in identifying and apprehending repeat criminal offenders
10 as well as exonerating those people convicted and incarcerated for a
11 crime they did not commit;

12 (4) There are legitimate concerns for privacy rights in the
13 creation, collection, maintenance, disclosure, identification, and use
14 of DNA;

15 (5) Protections of citizens' civil rights and individual privileges
16 necessitate policy development of protections preventing the
17 unauthorized use of DNA and the use of DNA for discriminatory purposes;
18 and

19 (6) There is a need to address the potential future uses of DNA
20 that may benefit citizens of this state, for purposes of the health,
21 safety, and welfare of its citizens.

22 NEW SECTION. **Sec. 3.** A DNA commission is established to consist
23 of twenty-eight members selected as follows:

24 (1)(a) Two members of the senate, appointed by the president of the
25 senate, one from each of the two largest caucuses; and

26 (b) Two members of the house of representatives, appointed by the
27 co-speakers of the house of representatives, one from each of the two
28 largest caucuses;

29 (2) The following members shall be appointed by the governor:

30 (a) Two members representing local public health;

31 (b) One member representing genetic counselors;

32 (c) One member representing clinical research;

33 (d) One member representing epidemiological research;

34 (e) One member representing the Human Genome project;

35 (f) One member representing genetic ethics;

36 (g) One member representing institutional review boards;

37 (h) Two members representing geneticists, one clinical and one
38 research;

- 1 (i) One member representing research institutions;
- 2 (j) One member representing civil rights advocates;
- 3 (k) Two members representing criminal justice and corrections;
- 4 (l) Two members representing privacy advocates;
- 5 (m) One member representing citizens who have undergone genetic
- 6 testing;
- 7 (n) One member representing hospitals;
- 8 (o) One member representing pathologists or laboratory medicine;
- 9 (p) One member representing the biotechnology industry;
- 10 (q) One member representing the judiciary;
- 11 (r) One member representing the state crime laboratory;
- 12 (s) One member representing a rural health care provider; and
- 13 (t) One member representing a primary care physician.

14 The commission shall be appointed within forty-five days from the
15 effective date of this act. Staffing shall be provided by the
16 legislature. Members shall serve without remuneration, except costs
17 may be provided according to the provisions of RCW 43.03.050 and
18 43.03.060.

19 NEW SECTION. **Sec. 4.** The DNA commission shall:

- 20 (1) Develop a statewide strategy for evaluating and recommending
- 21 public policies relating to the use of DNA;
- 22 (2) Conduct a survey and produce a resource guide for citizens
- 23 relating to the use of DNA;
- 24 (3) Evaluate methods for protecting an individual's privacy
- 25 interests in his or her DNA;
- 26 (4) Analyze the incidence of discriminatory actions statewide based
- 27 upon genetic information;
- 28 (5) Develop recommendations relative to civil rights' protections
- 29 as they relate to genetic information;
- 30 (6) Analyze available remedies to compensate individuals for the
- 31 inappropriate use of their genetic information;
- 32 (7) Identify appropriate disincentives to improper use of DNA;
- 33 (8) Identify incentives for further research and development in the
- 34 area of DNA that promotes public health, safety, and welfare; and
- 35 (9) An initial report of its findings and recommendations shall be
- 36 provided to the appropriate committees of the legislature by July 1,
- 37 2003.

