

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5305

63rd Legislature
2013 Regular Session

Passed by the Senate April 22, 2013
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 16, 2013
YEAS 94 NAYS 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5305** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5305

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington **63rd Legislature** **2013 Regular Session**

By Senators Becker, Schlicher, Kline, Dammeier, Delvin, Ericksen,
Parlette, and Carrell

Read first time 01/25/13. Referred to Committee on Health Care .

1 AN ACT Relating to requiring hospitals to report when providing
2 treatment for bullet wounds, gunshot wounds, and stab wounds to all
3 patients; and amending RCW 70.41.440.

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

5 **Sec. 1.** RCW 70.41.440 and 2009 c 359 s 2 are each amended to read
6 as follows:

7 (1) A hospital shall report to a local law enforcement authority as
8 soon as reasonably possible, taking into consideration a patient's
9 emergency care needs, when the hospital provides treatment for a bullet
10 wound, gunshot wound, or stab wound to a patient (~~who is~~
11 ~~unconscious~~). A hospital shall establish a written policy to identify
12 the person or persons responsible for making the report.

13 (2) The report required under subsection (1) of this section must
14 include the following information, if known:

15 (a) The name, residence, sex, and age of the patient;

16 (b) Whether the patient has received a bullet wound, gunshot wound,
17 or stab wound; and

18 (c) The name of the health care provider providing treatment for
19 the bullet wound, gunshot wound, or stab wound.

1 (3) Nothing in this section shall limit a person's duty to report
2 under RCW 26.44.030 or 74.34.035.

3 (4) Any bullets, clothing, or other foreign objects that are
4 removed from a patient for whom a hospital is required to make a report
5 pursuant to subsection (1) of this section shall be preserved and kept
6 in custody in such a way that the identity and integrity thereof are
7 reasonably maintained until the bullets, clothing, or other foreign
8 objects are taken into possession by a law enforcement authority or the
9 hospital's normal period for retention of such items expires, whichever
10 occurs first.

11 (5) Any hospital or person who in good faith, and without gross
12 negligence or willful or wanton misconduct, makes a report required by
13 this section, cooperates in an investigation or criminal or judicial
14 proceeding related to such report, or maintains bullets, clothing, or
15 other foreign objects, or provides such items to a law enforcement
16 authority as described in subsection (4) of this section, is immune
17 from civil or criminal liability or professional licensure action
18 arising out of or related to the report and its contents or the absence
19 of information in the report, cooperation in an investigation or
20 criminal or judicial proceeding, and the maintenance or provision to a
21 law enforcement authority of bullets, clothing, or other foreign
22 objects under subsection (4) of this section.

23 (6) The physician-patient privilege described in RCW 5.60.060(4),
24 the registered nurse-patient privilege described in RCW 5.62.020, and
25 any other health care provider-patient privilege created or recognized
26 by law are not a basis for excluding as evidence in any criminal
27 proceeding any report, or information contained in a report made under
28 this section.

29 (7) All reporting, preservation, or other requirements of this
30 section are secondary to patient care needs and may be delayed or
31 compromised without penalty to the hospital or person required to
32 fulfill the requirements of this section.

33 (8) If the patient states his or her injury is the result of
34 domestic violence, the hospital shall follow its established processes
35 to inform the patient of resources to assure the safety of the patient
36 and his or her family.

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