

FINAL BILL REPORT

SSB 5435

C 325 L 17
Synopsis as Enacted

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).

Senate Committee on Human Services, Mental Health & Housing
House Committee on Health Care & Wellness

Background: Protected health information (PHI) of an individual is protected from disclosure by a health provider by federal and state law. PHI includes any individually identifiable information created or received by a health care provider or other enumerated entity that relates to the past, present, or future health or health care of the individual. For general medical information, the federal Health Insurance Portability and Accountability Act (HIPAA) establishes a floor for privacy of health information. State law may provide for increased or additional restrictions on disclosure of PHI. Washington State laws providing increased or additional restrictions on the release of PHI are set forth in chapter 70.02 RCW.

Washington law provides that the fact of an admission to a provider for mental health services and all information and records compiled in the course of providing mental health services is confidential and may not be disclosed without a valid authorization unless an exception applies. One such exception allows disclosure of PHI to a licensed mental health professional or health care professional who is a physician, physician assistant, osteopathic practitioner, osteopathic physician assistant, registered nurse or advanced registered nurse practitioner, or naturopath who is providing care to the individual or to whom the individual has been referred to assure coordinated care and treatment of the individual. Psychotherapy notes may not be released without authorization from the individual.

Summary: PHI may be disclosed to a health care provider who is providing care to an individual or to whom the patient has been referred. A requirement that this provider be a licensed mental health professional or licensed health care professional is removed.

PHI may be disclosed to any person who is working in a care coordinator role or is under an agreement pursuant to HIPAA who requires information and records relating to mental health services to assure coordinated care and treatment of the individual. A person authorized to

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use or disclose PHI under this legislation must take appropriate steps to protect the information.

Votes on Final Passage:

Senate	49	0
House	95	1

Effective: July 23, 2017
April 1, 2018 (Section 2)