

**SHB 1826** - S COMM AMD

By Subcommittee on Behavioral Health

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 71.05.365 and 2019 c 325 s 3008 are each amended to  
4 read as follows:

5 (1) When a person has been involuntarily committed for treatment  
6 to a hospital for a period of ninety or one hundred eighty days, and  
7 the superintendent or professional person in charge of the hospital  
8 determines that the person no longer requires active psychiatric  
9 treatment at an inpatient level of care, the behavioral health  
10 administrative services organization, managed care organization, or  
11 agency providing oversight of long-term care or developmental  
12 disability services that is responsible for resource management  
13 services for the person must work with the hospital to develop an  
14 individualized discharge plan and arrange for a transition to the  
15 community in accordance with the person's individualized discharge  
16 plan within fourteen days of the determination.

17 (2) In the case of a person committed under grounds set forth in  
18 RCW 71.05.280(3) or 71.05.320(4)(c) where the charge underlying the  
19 finding of incompetence is for a felony classified as violent under  
20 RCW 9.94A.030, the superintendent or professional person in charge of  
21 the hospital shall disclose to the behavioral health administrative  
22 services organization, managed care organization, or agency providing  
23 oversight of long-term care or developmental disability services that  
24 is responsible for resource management services for the person, any  
25 publicly accessible forensic reports and relevant details of a  
26 person's criminal history related to the current admission and within  
27 the possession of the hospital.

28 NEW SECTION. Sec. 2. A new section is added to chapter 71.05  
29 RCW to read as follows:

1 Any information or records received by a law enforcement entity  
2 or prosecuting attorney's office under this chapter shall remain  
3 confidential and subject to the limitations on disclosure set forth  
4 in this chapter and under chapter 70.02 RCW. The misuse or  
5 unauthorized disclosure of information or records by any person with  
6 whom information is shared pursuant to this act or RCW 70.02.260  
7 shall subject the person, entity or office with which the person is  
8 associated, or both, to a civil penalty of five thousand dollars and  
9 other applicable civil remedies or sanctions under state and federal  
10 law. A suit to enforce this section shall be brought by the attorney  
11 general. All penalties recovered shall be paid into the state  
12 treasury and credited to the general fund. The attorney general may  
13 recover reasonable attorneys' fees for any action brought to enforce  
14 this section.

15 NEW SECTION. **Sec. 3.** Nothing in this act shall be construed to  
16 authorize the disclosure of protected health information in violation  
17 of the federal health insurance portability and accountability act  
18 and health care information under chapter 70.02 RCW."

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19 On page 1, line 2 of the title, after "process;" strike the  
20 remainder of the title and insert "amending RCW 71.05.365; adding a  
21 new section to chapter 71.05 RCW; creating a new section; and  
22 prescribing penalties."

EFFECT: (1) The scope is limited to persons who are involuntarily  
committed following dismissal of criminal charges classified as a  
violent offense based on incompetency to stand trial.

(2) Materials to be disclosed are limited to those forensic  
reports and relevant details of the person's criminal history that  
are related to the current admission and within the possession of the  
hospital.

(3) References to law enforcement entities and prosecuting  
attorney's offices are removed from the description of the \$5,000  
civil fine for misuse or unauthorized disclosure of information.

(4) The act must not be construed to allow the disclosure of protected health information in violation of HIPAA or health care information under the Uniform Health Care Information Act.

--- **END** ---