
SUBSTITUTE HOUSE BILL 2102

State of Washington

68th Legislature

2024 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Berry, Reed, Ormsby, Nance, and Pollet)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to establishing requirements for the disclosure
2 of health care information for qualifying persons to receive paid
3 family and medical leave benefits; amending RCW 70.02.030; and adding
4 a new section to chapter 70.02 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.02
7 RCW to read as follows:

8 (1) A health care provider shall provide a certification of a
9 serious health condition required by chapter 50A.15 RCW for
10 qualifying a patient for paid family or medical leave, including any
11 required documentation of a serious health condition, within seven
12 calendar days of receipt of a request and authorization from the
13 patient. Nothing in this section requires a provider to complete a
14 certification for a serious health condition for which the provider
15 does not have the necessary patient information.

16 (2) If a health care facility requires administrative review of
17 information or documentation required by chapter 50A.15 RCW prior to
18 allowing a provider to submit the certification of a serious health
19 condition, then the facility shall implement and maintain policies
20 and practices in conformance with subsection (1) of this section.

1 (3) A health care provider or health care facility may not charge
2 a fee for the execution of a certification of a serious health
3 condition under this section. This does not prohibit or limit the
4 ability of a health care provider to charge a fee associated with any
5 office visit necessary for evaluating the patient.

6 **Sec. 2.** RCW 70.02.030 and 2018 c 87 s 1 are each amended to read
7 as follows:

8 (1) A patient may authorize a health care provider or health care
9 facility to disclose the patient's health care information. A health
10 care provider or health care facility shall honor an authorization
11 and, if requested, provide a copy of the recorded health care
12 information unless the health care provider or health care facility
13 denies the patient access to health care information under RCW
14 70.02.090.

15 (2) (a) Except as provided in (b) of this subsection and section 1
16 of this act, a health care provider or health care facility may
17 charge a reasonable fee for providing the health care information and
18 is not required to honor an authorization until the fee is paid.

19 (b) Upon request of a patient or a patient's personal
20 representative, a health care facility or health care provider shall
21 provide the patient or representative with one copy of the patient's
22 health care information free of charge if the patient is appealing
23 the denial of federal supplemental security income or social security
24 disability benefits. The patient or representative may complete a
25 disclosure authorization specifying the health care information
26 requested and provide it to the health care facility or health care
27 provider. The health care facility or health care provider may
28 provide the health care information in either paper or electronic
29 format. A health care facility or health care provider is not
30 required to provide a patient or a patient's personal representative
31 with a free copy of health care information that has previously been
32 provided free of charge pursuant to a request within the preceding
33 two years.

34 (3) To be valid, a disclosure authorization to a health care
35 provider or health care facility shall:

- 36 (a) Be in writing, dated, and signed by the patient;
37 (b) Identify the nature of the information to be disclosed;
38 (c) Identify the name and institutional affiliation of the person
39 or class of persons to whom the information is to be disclosed;

1 (d) Identify the provider or class of providers who are to make
2 the disclosure;

3 (e) Identify the patient; and

4 (f) Contain an expiration date or an expiration event that
5 relates to the patient or the purpose of the use or disclosure.

6 (4) Unless disclosure without authorization is otherwise
7 permitted under RCW 70.02.050 or the federal health insurance
8 portability and accountability act of 1996 and its implementing
9 regulations, an authorization may permit the disclosure of health
10 care information to a class of persons that includes:

11 (a) Researchers if the health care provider or health care
12 facility obtains the informed consent for the use of the patient's
13 health care information for research purposes; or

14 (b) Third-party payors if the information is only disclosed for
15 payment purposes.

16 (5) Except as provided by this chapter, the signing of an
17 authorization by a patient is not a waiver of any rights a patient
18 has under other statutes, the rules of evidence, or common law.

19 (6) When an authorization permits the disclosure of health care
20 information to a financial institution or an employer of the patient
21 for purposes other than payment, the authorization as it pertains to
22 those disclosures shall expire one year after the signing of the
23 authorization, unless the authorization is renewed by the patient.

24 (7) A health care provider or health care facility shall retain
25 the original or a copy of each authorization or revocation in
26 conjunction with any health care information from which disclosures
27 are made.

28 (8) Where the patient is under the supervision of the department
29 of corrections, an authorization signed pursuant to this section for
30 health care information related to mental health or drug or alcohol
31 treatment expires at the end of the term of supervision, unless the
32 patient is part of a treatment program that requires the continued
33 exchange of information until the end of the period of treatment.

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