

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5258

Chapter 16, Laws of 2001

57th Legislature
2001 Regular Session

HEALTH CARE INFORMATION--RECORDS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 12, 2001
YEAS 46 NAYS 1

ROSA FRANKLIN
President of the Senate

Passed by the House April 4, 2001
YEAS 92 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved April 13, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5258** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

April 13, 2001 - 10:15 a.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5258

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles

Read first time 01/17/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to disclosure of health care information; and
2 amending RCW 70.24.084 and 70.02.150.

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

4 **Sec. 1.** RCW 70.24.084 and 1999 c 391 s 4 are each amended to read
5 as follows:

6 (1) Any person aggrieved by a violation of this chapter shall have
7 a right of action in superior court and may recover for each violation:

8 (a) Against any person who negligently violates a provision of this
9 chapter, one thousand dollars, or actual damages, whichever is greater,
10 for each violation.

11 (b) Against any person who intentionally or recklessly violates a
12 provision of this chapter, ten thousand dollars, or actual damages,
13 whichever is greater, for each violation.

14 (c) Reasonable attorneys' fees and costs.

15 (d) Such other relief, including an injunction, as the court may
16 deem appropriate.

17 (2) Any action under this chapter is barred unless the action is
18 commenced within three years after the cause of action accrues.

1 (3) Nothing in this chapter limits the rights of the subject of a
2 test for a sexually transmitted disease to recover damages or other
3 relief under any other applicable law.

4 (4) Nothing in this chapter may be construed to impose civil
5 liability or criminal sanction for disclosure of a test result for a
6 sexually transmitted disease in accordance with any reporting
7 requirement for a diagnosed case of sexually transmitted disease by the
8 department or the centers for disease control of the United States
9 public health service.

10 (5) It is a negligent violation of this chapter to cause an
11 unauthorized communication of confidential sexually transmitted disease
12 information by facsimile transmission or otherwise communicating the
13 information to an unauthorized recipient when the sender knew or had
14 reason to know the facsimile transmission telephone number or other
15 transmittal information was incorrect or outdated.

16 **Sec. 2.** RCW 70.02.150 and 1991 c 335 s 701 are each amended to
17 read as follows:

18 A health care provider shall effect reasonable safeguards for the
19 security of all health care information it maintains.

20 Reasonable safeguards shall include affirmative action to delete
21 outdated and incorrect facsimile transmission or other telephone
22 transmittal numbers from computer, facsimile, or other data bases.
23 When health care information is transmitted electronically to a
24 recipient who is not regularly transmitted health care information from
25 the health care provider, the health care provider shall verify that
26 the number is accurate prior to transmission.

Passed the Senate March 12, 2001.

Passed the House April 4, 2001.

Approved by the Governor April 13, 2001.

Filed in Office of Secretary of State April 13, 2001.