

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5207**

Chapter 318, Laws of 2002

57th Legislature  
2002 Regular Session

HEALTH CARE INFORMATION--DNA

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002  
YEAS 42 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House March 5, 2002  
YEAS 97 NAYS 0

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

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5207** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

Approved April 2, 2002

FILED

April 2, 2002 - 10:40 a.m.

GARY LOCKE  
**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5207

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AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington                      57th Legislature                      2001 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles)

READ FIRST TIME 02/26/01.

1            AN ACT Relating to individually identifiable DNA testing  
2 information; and amending RCW 70.02.010.

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

4            **Sec. 1.** RCW 70.02.010 and 1993 c 448 s 1 are each amended to read  
5 as follows:

6            (~~As used in this chapter, unless the context otherwise requires:~~)  
7 The definitions in this section apply throughout this chapter unless  
8 the context clearly requires otherwise.

9            (1) "Audit" means an assessment, evaluation, determination, or  
10 investigation of a health care provider by a person not employed by or  
11 affiliated with the provider to determine compliance with:

12            (a) Statutory, regulatory, fiscal, medical, or scientific  
13 standards;

14            (b) A private or public program of payments to a health care  
15 provider; or

16            (c) Requirements for licensing, accreditation, or certification.

17            (2) "Directory information" means information disclosing the  
18 presence, and for the purpose of identification, the name, residence,  
19 sex, and the general health condition of a particular patient who is a

1 patient in a health care facility or who is currently receiving  
2 emergency health care in a health care facility.

3 (3) "General health condition" means the patient's health status  
4 described in terms of "critical," "poor," "fair," "good," "excellent,"  
5 or terms denoting similar conditions.

6 (4) "Health care" means any care, service, or procedure provided by  
7 a health care provider:

8 (a) To diagnose, treat, or maintain a patient's physical or mental  
9 condition; or

10 (b) That affects the structure or any function of the human body.

11 (5) "Health care facility" means a hospital, clinic, nursing home,  
12 laboratory, office, or similar place where a health care provider  
13 provides health care to patients.

14 (6) "Health care information" means any information, whether oral  
15 or recorded in any form or medium, that identifies or can readily be  
16 associated with the identity of a patient and directly relates to the  
17 patient's health care, including a patient's deoxyribonucleic acid and  
18 identified sequence of chemical base pairs. The term includes any  
19 record of disclosures of health care information.

20 (7) "Health care provider" means a person who is licensed,  
21 certified, registered, or otherwise authorized by the law of this state  
22 to provide health care in the ordinary course of business or practice  
23 of a profession.

24 (8) "Institutional review board" means any board, committee, or  
25 other group formally designated by an institution, or authorized under  
26 federal or state law, to review, approve the initiation of, or conduct  
27 periodic review of research programs to assure the protection of the  
28 rights and welfare of human research subjects.

29 (9) "Maintain," as related to health care information, means to  
30 hold, possess, preserve, retain, store, or control that information.

31 (10) "Patient" means an individual who receives or has received  
32 health care. The term includes a deceased individual who has received  
33 health care.

34 (11) "Person" means an individual, corporation, business trust,  
35 estate, trust, partnership, association, joint venture, government,  
36 governmental subdivision or agency, or any other legal or commercial  
37 entity.

38 (12) "Reasonable fee" means the charges for duplicating or  
39 searching the record, but shall not exceed sixty-five cents per page

1 for the first thirty pages and fifty cents per page for all other  
2 pages. In addition, a clerical fee for searching and handling may be  
3 charged not to exceed fifteen dollars. These amounts shall be adjusted  
4 biennially in accordance with changes in the consumer price index, all  
5 consumers, for Seattle-Tacoma metropolitan statistical area as  
6 determined by the secretary of health. However, where editing of  
7 records by a health care provider is required by statute and is done by  
8 the provider personally, the fee may be the usual and customary charge  
9 for a basic office visit.

10 (13) "Third-party payor" means an insurer regulated under Title 48  
11 RCW authorized to transact business in this state or other  
12 jurisdiction, including a health care service contractor, and health  
13 maintenance organization; or an employee welfare benefit plan; or a  
14 state or federal health benefit program.

Passed the Senate March 11, 2002.

Passed the House March 5, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.