

CERTIFICATION OF ENROLLMENT

SENATE BILL 6469

Chapter 39, Laws of 2002

57th Legislature
2002 Regular Session

MENTAL HEALTH SERVICES--OFFENDER INFORMATION

EFFECTIVE DATE: 6/13/02

Passed by the Senate February 13, 2002
YEAS 44 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 **SENATE BILL 6469** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved March 14, 2002

FILED

March 14, 2002 - 11:22 a.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6469

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Senators Long, Costa, Hargrove and Winsley; by request of Department of Corrections, Indeterminate Sentence Review Board and Department of Social and Health Services

Read first time 01/17/2002. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to information concerning mental health services
2 provided to offenders; and amending RCW 71.34.225 and 71.05.445.

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

4 **Sec. 1.** RCW 71.34.225 and 2000 c 75 s 2 are each amended to read
5 as follows:

6 (1) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Information related to mental health services" means all
9 information and records compiled, obtained, or maintained in the course
10 of providing services to either voluntary or involuntary recipients of
11 services by a mental health service provider. This may include
12 documents of legal proceedings under this chapter or chapter 71.05 or
13 10.77 RCW, or somatic health care information.

14 (b) "Mental health service provider" means a public or private
15 agency that provides services to persons with mental disorders as
16 defined under RCW 71.34.020 and receives funding from public sources.
17 This includes evaluation and treatment facilities as defined in RCW
18 71.34.020, community mental health service delivery systems, or
19 community mental health programs, as defined in RCW 71.24.025, and

1 facilities conducting competency evaluations and restoration under
2 chapter 10.77 RCW.

3 (2) Information related to mental health services delivered to a
4 person subject to chapter 9.94A or 9.95 RCW shall be released, upon
5 request, by a mental health service provider to department of
6 corrections personnel for whom the information is necessary to carry
7 out the responsibilities of their office. The information must be
8 provided only for the purpose of completing presentence investigations,
9 supervision of an incarcerated person, planning for and provision of
10 supervision of a person, or assessment of a person's risk to the
11 community. The request shall be in writing and shall not require the
12 consent of the subject of the records.

13 (3) The information to be released to the department of corrections
14 shall include all relevant records and reports, as defined by rule,
15 necessary for the department of corrections to carry out its duties,
16 including those records and reports identified in subsection (2) of
17 this section.

18 (4) The department and the department of corrections, in
19 consultation with regional support networks, mental health service
20 providers as defined in subsection (1) of this section, mental health
21 consumers, and advocates for persons with mental illness, shall adopt
22 rules to implement the provisions of this section related to the type
23 and scope of information to be released. These rules shall:

24 (a) Enhance and facilitate the ability of the department of
25 corrections to carry out its responsibility of planning and ensuring
26 community protection with respect to persons subject to sentencing
27 under chapter 9.94A or 9.95 RCW, including accessing and releasing or
28 disclosing information of persons who received mental health services
29 as a minor; and

30 (b) Establish requirements for the notification of persons under
31 the supervision of the department of corrections regarding the
32 provisions of this section.

33 (5) The information received by the department of corrections under
34 this section shall remain confidential and subject to the limitations
35 on disclosure outlined in RCW 71.34.200, except as provided in RCW
36 72.09.585.

37 (6) No mental health service provider or individual employed by a
38 mental health service provider shall be held responsible for

1 information released to or used by the department of corrections under
2 the provisions of this section or rules adopted under this section.

3 (7) Whenever federal law or federal regulations restrict the
4 release of information contained in the treatment records of any
5 patient who receives treatment for alcoholism or drug dependency, the
6 release of the information may be restricted as necessary to comply
7 with federal law and regulations.

8 (8) This section does not modify the terms and conditions of
9 disclosure of information related to sexually transmitted diseases
10 under chapter 70.24 RCW.

11 **Sec. 2.** RCW 71.05.445 and 2000 c 75 s 3 are each amended to read
12 as follows:

13 (1) The definitions in this subsection apply throughout this
14 section unless the context clearly requires otherwise.

15 (a) "Information related to mental health services" means all
16 information and records compiled, obtained, or maintained in the course
17 of providing services to either voluntary or involuntary recipients of
18 services by a mental health service provider. This may include
19 documents of legal proceedings under this chapter or chapter 71.34 or
20 10.77 RCW, or somatic health care information.

21 (b) "Mental health service provider" means a public or private
22 agency that provides services to persons with mental disorders as
23 defined under RCW 71.05.020 and receives funding from public sources.
24 This includes evaluation and treatment facilities as defined in RCW
25 71.05.020, community mental health service delivery systems, or
26 community mental health programs as defined in RCW 71.24.025, and
27 facilities conducting competency evaluations and restoration under
28 chapter 10.77 RCW.

29 (2) Information related to mental health services delivered to a
30 person subject to chapter 9.94A or 9.95 RCW shall be released, upon
31 request, by a mental health service provider to department of
32 corrections personnel for whom the information is necessary to carry
33 out the responsibilities of their office. The information must be
34 provided only for the purpose of completing presentence investigations,
35 supervision of an incarcerated person, planning for and provision of
36 supervision of a person, or assessment of a person's risk to the
37 community. The request shall be in writing and shall not require the
38 consent of the subject of the records.

1 (3) The information to be released to the department of corrections
2 shall include all relevant records and reports, as defined by rule,
3 necessary for the department of corrections to carry out its duties,
4 including those records and reports identified in subsection (2) of
5 this section.

6 (4) The department and the department of corrections, in
7 consultation with regional support networks, mental health service
8 providers as defined in subsection (1) of this section, mental health
9 consumers, and advocates for persons with mental illness, shall adopt
10 rules to implement the provisions of this section related to the type
11 and scope of information to be released. These rules shall:

12 (a) Enhance and facilitate the ability of the department of
13 corrections to carry out its responsibility of planning and ensuring
14 community protection with respect to persons subject to sentencing
15 under chapter 9.94A or 9.95 RCW, including accessing and releasing or
16 disclosing information of persons who received mental health services
17 as a minor; and

18 (b) Establish requirements for the notification of persons under
19 the supervision of the department of corrections regarding the
20 provisions of this section.

21 (5) The information received by the department of corrections under
22 this section shall remain confidential and subject to the limitations
23 on disclosure outlined in chapter 71.05 RCW, except as provided in RCW
24 72.09.585.

25 (6) No mental health service provider or individual employed by a
26 mental health service provider shall be held responsible for
27 information released to or used by the department of corrections under
28 the provisions of this section or rules adopted under this section
29 except under RCW 71.05.670 and 71.05.440.

30 (7) Whenever federal law or federal regulations restrict the
31 release of information contained in the treatment records of any
32 patient who receives treatment for alcoholism or drug dependency, the
33 release of the information may be restricted as necessary to comply
34 with federal law and regulations.

35 (8) This section does not modify the terms and conditions of
36 disclosure of information related to sexually transmitted diseases
37 under chapter 70.24 RCW.

Passed the Senate February 13, 2002.
Passed the House March 5, 2002.
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