

SENATE BILL REPORT

HB 1444

As Reported By Senate Committee On:
Health & Long-Term Care, April 2, 2003

Title: An act relating to protection of proprietary or confidential information acquired through state health services purchasing.

Brief Description: Protecting proprietary or confidential information acquired through state health services purchasing.

Sponsors: Representatives Haigh, Eickmeyer, Clibborn, Dickerson, Rockefeller and Morrell.

Brief History:

Committee Activity: Health & Long-Term Care: 3/20/03, 4/2/03 [DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Staff: Jonathan Seib (786-7427)

Background: The state's Open Public Meetings Act generally requires that anyone be allowed to attend the meetings of a public agency's governing body. An exception is provided, however, for executive sessions held to consider any of several issues listed in the act, from which the public may be excluded.

The public records law requires that records of state agencies be open to public inspection and copying, and also includes certain exceptions.

The Health Care Authority is also explicitly authorized to exempt from public disclosure information related to contract bids and proprietary information requested from health carriers and other vendors, and to hold executive sessions to discuss the same.

There is concern that the exceptions in current law are insufficient to cover every circumstance in which the Health Care Authority or other state agencies may need access to sensitive information, jeopardizing some cost-effective health care purchasing strategies.

Summary of Amended Bill: The governing body of any public agency, including the Health Care Authority, and any technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care, may meet in executive session to consider proprietary or confidential nonpublished information related to such purchases.

Certain proprietary or confidential information obtained by the Health Care Authority or the Department of Social and Health Services related to the development, acquisition, or implementation of state purchased health care services is exempt from public disclosure.

A person who challenges a request for, or designation of, exempt information by the Health Care Authority may seek judicial review.

Amended Bill Compared to Original Bill: The striking amendment specifies the particular type of committee to which the open public meeting and public disclosure exemption will apply, and adds a public disclosure exemption for certain information related to state purchased health care services submitted to the Department of Social and Health Services.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is an important piece of the state's effort to pursue more cost effective health care purchasing strategies, including strategies to address the high cost of prescription drugs. It will allow the Health Care Authority to seek proprietary information with the assurance that such information will not be made public. It will expand the useful information to which the agency has access. The bill should be amended to include the Department of Social and Health Services.

Testimony Against: None.

Testified: PRO: Representative Haigh, prime sponsor; Dennis Martin, Health Care Authority; Lisa Thatcher, GlaxoSmithKline.