

HB 2025 - S COMM AMD

By Committee on Health & Long-Term Care

ADOPTED 04/07/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read
4 as follows:

5 (1) Except as otherwise provided by law, all treatment records
6 shall remain confidential and may be released only to the persons
7 designated in this section, or to other persons designated in an
8 informed written consent of the patient.

9 (2) Treatment records of a person may be released without informed
10 written consent in the following circumstances:

11 (a) To a person, organization, or agency as necessary for
12 management or financial audits, or program monitoring and evaluation.
13 Information obtained under this subsection shall remain confidential
14 and may not be used in a manner that discloses the name or other
15 identifying information about the person whose records are being
16 released.

17 (b) To the department, the director of regional support networks,
18 or a qualified staff member designated by the director only when
19 necessary to be used for billing or collection purposes. The
20 information shall remain confidential.

21 (c) For purposes of research as permitted in chapter 42.48 RCW.

22 (d) Pursuant to lawful order of a court.

23 (e) To qualified staff members of the department, to the director
24 of regional support networks, to resource management services
25 responsible for serving a patient, or to service providers designated
26 by resource management services as necessary to determine the progress
27 and adequacy of treatment and to determine whether the person should be
28 transferred to a less restrictive or more appropriate treatment
29 modality or facility. The information shall remain confidential.

1 (f) Within the treatment facility where the patient is receiving
2 treatment, confidential information may be disclosed to persons
3 employed, serving in bona fide training programs, or participating in
4 supervised volunteer programs, at the facility when it is necessary to
5 perform their duties.

6 (g) Within the department as necessary to coordinate treatment for
7 mental illness, developmental disabilities, alcoholism, or drug abuse
8 of persons who are under the supervision of the department.

9 (h) To a licensed physician who has determined that the life or
10 health of the person is in danger and that treatment without the
11 information contained in the treatment records could be injurious to
12 the patient's health. Disclosure shall be limited to the portions of
13 the records necessary to meet the medical emergency.

14 (i) Consistent with the requirements of the health information
15 portability and accountability act, to a licensed mental health
16 professional, as defined in RCW 71.05.020, or a health care
17 professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A,
18 18.79, or 18.36A RCW who is providing care to a person, or to whom a
19 person has been referred for evaluation or treatment, to assure
20 coordinated care and treatment of that person. Psychotherapy notes, as
21 defined in 45 C.F.R. Sec. 164.501, may not be released without
22 authorization of the person who is the subject of the request for
23 release of information.

24 (j) To administrative and office support staff designated to obtain
25 medical records for those licensed professionals listed in (i) of this
26 subsection.

27 (k) To a facility that is to receive a person who is involuntarily
28 committed under chapter 71.05 RCW, or upon transfer of the person from
29 one treatment facility to another. The release of records under this
30 subsection shall be limited to the treatment records required by law,
31 a record or summary of all somatic treatments, and a discharge summary.
32 The discharge summary may include a statement of the patient's problem,
33 the treatment goals, the type of treatment which has been provided, and
34 recommendation for future treatment, but may not include the patient's
35 complete treatment record.

36 ((+j)) (l) Notwithstanding the provisions of RCW 71.05.390(7), to
37 a correctional facility or a corrections officer who is responsible for

1 the supervision of a person who is receiving inpatient or outpatient
2 evaluation or treatment. Except as provided in RCW 71.05.445 and
3 71.34.345, release of records under this section is limited to:

4 (i) An evaluation report provided pursuant to a written supervision
5 plan.

6 (ii) The discharge summary, including a record or summary of all
7 somatic treatments, at the termination of any treatment provided as
8 part of the supervision plan.

9 (iii) When a person is returned from a treatment facility to a
10 correctional facility, the information provided under ~~((+j+))~~ (l)(iv)
11 of this subsection.

12 (iv) Any information necessary to establish or implement changes in
13 the person's treatment plan or the level or kind of supervision as
14 determined by resource management services. In cases involving a
15 person transferred back to a correctional facility, disclosure shall be
16 made to clinical staff only.

17 ~~((+k+))~~ (m) To the person's counsel or guardian ad litem, without
18 modification, at any time in order to prepare for involuntary
19 commitment or recommitment proceedings, reexaminations, appeals, or
20 other actions relating to detention, admission, commitment, or
21 patient's rights under chapter 71.05 RCW.

22 ~~((+l+))~~ (n) To staff members of the protection and advocacy agency
23 or to staff members of a private, nonprofit corporation for the purpose
24 of protecting and advocating the rights of persons with mental
25 disorders or developmental disabilities. Resource management services
26 may limit the release of information to the name, birthdate, and county
27 of residence of the patient, information regarding whether the patient
28 was voluntarily admitted, or involuntarily committed, the date and
29 place of admission, placement, or commitment, the name and address of
30 a guardian of the patient, and the date and place of the guardian's
31 appointment. Any staff member who wishes to obtain additional
32 information shall notify the patient's resource management services in
33 writing of the request and of the resource management services' right
34 to object. The staff member shall send the notice by mail to the
35 guardian's address. If the guardian does not object in writing within
36 fifteen days after the notice is mailed, the staff member may obtain
37 the additional information. If the guardian objects in writing within

1 fifteen days after the notice is mailed, the staff member may not
2 obtain the additional information.

3 ~~((m))~~ (o) For purposes of coordinating health care, the
4 department may release without informed written consent of the patient,
5 information acquired for billing and collection purposes as described
6 in (b) of this subsection to all current treating providers of the
7 patient with prescriptive authority who have written a prescription for
8 the patient within the last twelve months. The department shall notify
9 the patient that billing and collection information has been released
10 to named providers, and provide the substance of the information
11 released and the dates of such release. The department shall not
12 release counseling, inpatient psychiatric hospitalization, or drug and
13 alcohol treatment information without a signed written release from the
14 client.

15 (3) Whenever federal law or federal regulations restrict the
16 release of information contained in the treatment records of any
17 patient who receives treatment for chemical dependency, the department
18 may restrict the release of the information as necessary to comply with
19 federal law and regulations."

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20 On page 1, line 2 of the title, after "services;" strike the
21 remainder of the title and insert "and amending RCW 71.05.630."

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