

SENATE BILL REPORT

SB 5056

As Reported by Senate Committee On:
Health & Long-Term Care, February 02, 2009

Title: An act relating to health care professionals reporting violent injuries.

Brief Description: Requiring health care professionals to report violent injuries.

Sponsors: Senators Brandland, Regala, Keiser and McAuliffe.

Brief History:

Committee Activity: Health & Long-Term Care: 1/22/09, 2/02/09 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Becker, Fairley, Marr, Murray and Parlette.

Staff: Edith Rice (786-7444)

Background: The Health Insurance Portability and Accountability Act (HIPAA) and state law generally limit disclosure of a patient's health care information, if a patient has not authorized disclosure. However, both HIPAA and state law permit disclosure of health care information without a patient's authorization under some circumstances. If a state law permits such disclosure, a patient's authorization is not required under HIPAA.

Current state law permits health care providers to disclose certain health care information to law enforcement if the information is *requested* by law enforcement. However, it does not require that health care facilities or personnel report patients to law enforcement who may have sustained a gunshot or knife wound. As a result, if a patient who is a crime victim is not conscious or is unable to request law enforcement be contacted, the health care facility does not do so. The result has been that law enforcement personnel have been unable in some circumstances to obtain information timely because they were not aware that a gunshot or knife wound victim had been brought to a health care facility. In addition, some health care personnel have interpreted current law as prohibiting them from providing physical belongings of patients to law enforcement without patient authorization. Finally, some health

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care personnel have refused to disclose to law enforcement the name of the health care facility that a patient was being transported to.

Summary of Bill (Recommended Substitute): Health care providers such as doctors, nurses, and hospitals must report gunshot or stab wounds to law enforcement as soon as reasonably possible, if a patient is unconscious or unable to make such a report. Information to be included in the report is specified. Bullets or clothing removed from the patient must be reasonably maintained and provided to law enforcement. Health care providers are immune from liability for acting in compliance with this law and are not subject to the physician-patient privilege or the registered nurse privilege.

Emergency medical personnel treating a patient with a bullet wound, knife wound, or a blunt force injury must provide specific information to law enforcement personnel when this information is requested. This includes the patient's name, address, gender, age, condition, whether the patient was conscious, whether the patient appears to be under the influence of alcohol or drugs, the name of the emergency medical personnel providing care, and the name of the facility the patient is being transported to. Emergency medical personnel are immune from liability for disclosing this information to law enforcement.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): Health care providers can report gunshot or stab wounds "as soon as reasonably possible" and no longer need to report "immediately."

Bullets or clothing removed from the patient must be "reasonably maintained" by health care providers, and they need not guarantee the identity and the integrity of potential evidence.

The obligation to provide information to law enforcement personnel is subordinate to the provision of patient health care.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Law enforcement could lose important evidence if hospitals don't share this information. This bill benefits victims. It is a public safety issue, and recognizes that medics may be the first on a scene. We do not intend to deter victims from seeking health care.

Persons Testifying: PRO: Senator Brandland, prime sponsor; Dan Kimball, Thurston County Sheriff's Office; Pamela Loginsky, Washington Association of Prosecuting Attorneys.