
Health Care & Wellness Committee

HB 1366

Brief Description: Concerning limited service pregnancy centers.

Sponsors: Representatives Clibborn, Walsh, Appleton, Goodman, Darneille, Moeller, Green, Carlyle, Fitzgibbon, Frockt, Reykdal, Roberts, Jinkins, Pettigrew, Cody, Pedersen, Van De Wege, Liias, Jacks, Maxwell, Dickerson, Ryu, Lytton, Ormsby, Seaquist, Hasegawa, Upthegrove, McCoy, Eddy, Sells, Haigh, Springer, Hunt, Tharinger, Kenney and Santos.

Brief Summary of Bill

- Requires a limited service pregnancy center (center) to make various disclosures to persons seeking the center's services and prohibits a center from disclosing a service recipient's health care information without written authorization.
- Allows a person aggrieved by a violation to bring a civil action against the center.

Hearing Date: 1/24/11

Staff: Chris Cordes (786-7103).

Background:

Health care credentialing laws generally regulate entities and persons providing specified health care services. Credentialed entities and providers are subject to various requirements and standards of conduct and to various penalties or disciplinary actions for failing to meet the required standards.

With some exceptions, health care providers are not permitted under state or federal law to disclose patient health care information to any other person without the patient's consent. For purposes of Washington's Uniform Health Care Information Act, "health care information" is defined as any information that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A limited service pregnancy center (center) is required to make various disclosures to persons seeking the center's services. A center is prohibited from disclosing the service recipient's health care information without written authorization. A person aggrieved by a violation may bring a civil action against the center.

Centers are organizations that offer or provide, either free or with a fee, pregnancy tests or ultrasounds and information about adoption or abortion, but do not provide prenatal medical care, comprehensive birth control services, and abortion or abortion referral. Centers do not include licensed health care entities or providers. However, a center remains subject to the statutory requirements notwithstanding the presence of a licensed health care provider in its governance, on its staff, or as a volunteer.

General Disclosures.

Centers must disclose to persons seeking services that the center does not provide:

- abortion or comprehensive birth control services or referrals for abortion or comprehensive birth control services; or
- medical care for pregnant women.

This disclosure must be provided:

- verbally upon first contact, whether by phone, electronic mail, or in person;
- by posting, in the county's primary languages and required font sizes, on the main entry door and inside the building where it is visible to the intake area; and
- in the county's primary languages, on the organization's website home page and in advertisements or notices promoting the organization's services.

Pregnancy Testing Disclosures.

If a center uses an over-the-counter pregnancy test, the center must inform the person seeking the test that it is over-the-counter and offer the opportunity to self-administer. The center must provide a free written statement of the results of a pregnancy test, whether the test is over-the-counter or a laboratory test, immediately after the test is completed.

Disclosure of Health Care Information.

If a center collects health care information from a recipient of services, the center may not disclose the service recipient's health care information to any other person or entity without the service recipient's written authorization. If a service recipient requests in writing to be allowed to examine or copy the service recipient's recorded health care information, the center must within 15 working days:

- make the information available and provide a free copy, if requested;
- inform the recipient that the information does not exist or cannot be found; and
- inform the recipient if the center does not maintain the record, and provide the name and address of the entity that does.

The definition of "health care information" is the same as the definition under Washington's Uniform Health Care Information Act.

Civil Action for Violations.

Any person aggrieved by a violation of the center requirements may bring a civil action against the center to enjoin further violations and to recover actual damages and the costs of the suit and reasonable attorneys' fees. Counties and other municipalities are also "persons" for these purposes.

A court may award treble damages and may also, if damages are awarded, impose a civil fine of up to \$1,000 to be paid to the plaintiff.

These remedies are in addition to other remedies that may be available to an aggrieved person.

Appropriation: None.

Fiscal Note: Requested on 1/21/11.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.