

VETO MESSAGE ON ESSB 6265

April 4, 2014

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 16, Engrossed Substitute Senate Bill No. 6265 entitled:

"AN ACT Relating to state and local agencies that obtain patient health care information."

This bill is the result of a multi-year effort by stakeholders and legislators to consolidate and strengthen patient privacy protections and standards. It includes a Department of Health request bill for hospital data that are important for research and health improvement.

The measure establishes protocols for entities not covered by the Health Insurance Portability and Accountability Act -- popularly known as HIPAA -- if they inadvertently receive patient health information **and** prohibits them from disclosing the information. Among a number of provisions, the measure provides exceptions to the right of a patient to receive an accounting of all disclosures of information and records related to *mental* health that are the same as the exceptions for *general* health care information.

However, I am vetoing Section 16 due to an error that would create an ambiguity in law concerning how third-party payors share health care data necessary to process claim payments. The intent of the Legislature was clearly to apply the same exception process for third-party payors as is available under chapter 70.02 RCW for health care providers, but Section 16 inadvertently deletes "health care providers," which is a critical cross-reference term to apply the exception. The ambiguity could be disruptive for many self-insured employers and their third-party payors.

I am grateful to Sen. Frockt and Rep. Cody for their outstanding work on this bill.

For these reasons I have vetoed Section 16 of Engrossed Substitute Senate Bill No. 6265.

With the exception of Section 16, Engrossed Substitute Senate Bill No. 6265 is approved.

Respectfully submitted,  
Jay Inslee  
Governor