

---

**SUBSTITUTE HOUSE BILL 1239**

---

**State of Washington                      65th Legislature                      2017 Regular Session**

**By House Health Care & Wellness (originally sponsored by Representative Sullivan)**

READ FIRST TIME 02/02/17.

1            AN ACT Relating to requests for medical records to support an  
2 application for social security benefits; amending RCW 70.02.030,  
3 70.02.045, and 70.02.080; and adding a new section to chapter 48.43  
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 70.02.030 and 2014 c 220 s 15 are each amended to  
7 read as follows:

8            (1) A patient may authorize a health care provider or health care  
9 facility to disclose the patient's health care information. A health  
10 care provider or health care facility shall honor an authorization  
11 and, if requested, provide a copy of the recorded health care  
12 information unless the health care provider or health care facility  
13 denies the patient access to health care information under RCW  
14 70.02.090.

15            (2)(a) Except as provided in (b) of this subsection, a health  
16 care provider or health care facility may charge a reasonable fee for  
17 providing the health care information and is not required to honor an  
18 authorization until the fee is paid.

19            (b) Upon request of a patient or a patient's personal  
20 representative, a health care facility or health care provider shall  
21 provide the patient or representative with one copy of the patient's

1 health care information free of charge if the patient is appealing  
2 the denial of federal supplemental security income or social security  
3 disability benefits. The patient or representative must complete a  
4 disclosure authorization and provide it to the health care facility  
5 or health care provider. The health care facility or health care  
6 provider may provide the health care information in either paper or  
7 electronic format. A health care facility or health care provider is  
8 not required to provide a patient or a patient's personal  
9 representative with a free copy of health care information that has  
10 previously been provided free of charge pursuant to a request within  
11 the preceding two years.

12 (3) To be valid, a disclosure authorization to a health care  
13 provider or health care facility shall:

14 (a) Be in writing, dated, and signed by the patient;

15 (b) Identify the nature of the information to be disclosed;

16 (c) Identify the name and institutional affiliation of the person  
17 or class of persons to whom the information is to be disclosed;

18 (d) Identify the provider or class of providers who are to make  
19 the disclosure;

20 (e) Identify the patient; and

21 (f) Contain an expiration date or an expiration event that  
22 relates to the patient or the purpose of the use or disclosure.

23 (4) Unless disclosure without authorization is otherwise  
24 permitted under RCW 70.02.050 or the federal health insurance  
25 portability and accountability act of 1996 and its implementing  
26 regulations, an authorization may permit the disclosure of health  
27 care information to a class of persons that includes:

28 (a) Researchers if the health care provider or health care  
29 facility obtains the informed consent for the use of the patient's  
30 health care information for research purposes; or

31 (b) Third-party payors if the information is only disclosed for  
32 payment purposes.

33 (5) Except as provided by this chapter, the signing of an  
34 authorization by a patient is not a waiver of any rights a patient  
35 has under other statutes, the rules of evidence, or common law.

36 (6) When an authorization permits the disclosure of health care  
37 information to a financial institution or an employer of the patient  
38 for purposes other than payment, the authorization as it pertains to  
39 those disclosures shall expire one year after the signing of the  
40 authorization, unless the authorization is renewed by the patient.

1 (7) A health care provider or health care facility shall retain  
2 the original or a copy of each authorization or revocation in  
3 conjunction with any health care information from which disclosures  
4 are made.

5 (8) Where the patient is under the supervision of the department  
6 of corrections, an authorization signed pursuant to this section for  
7 health care information related to mental health or drug or alcohol  
8 treatment expires at the end of the term of supervision, unless the  
9 patient is part of a treatment program that requires the continued  
10 exchange of information until the end of the period of treatment.

11 **Sec. 2.** RCW 70.02.045 and 2015 c 289 s 1 are each amended to  
12 read as follows:

13 Third-party payors shall not release health care information  
14 disclosed under this chapter, except as required by chapter 43.371  
15 RCW and section 4 of this act and to the extent that health care  
16 providers are authorized to do so under RCW 70.02.050, 70.02.200, and  
17 70.02.210.

18 **Sec. 3.** RCW 70.02.080 and 1993 c 448 s 5 are each amended to  
19 read as follows:

20 (1) Upon receipt of a written request from a patient to examine  
21 or copy all or part of the patient's recorded health care  
22 information, a health care provider, as promptly as required under  
23 the circumstances, but no later than fifteen working days after  
24 receiving the request shall:

25 (a) Make the information available for examination during regular  
26 business hours and provide a copy, if requested, to the patient;

27 (b) Inform the patient if the information does not exist or  
28 cannot be found;

29 (c) If the health care provider does not maintain a record of the  
30 information, inform the patient and provide the name and address, if  
31 known, of the health care provider who maintains the record;

32 (d) If the information is in use or unusual circumstances have  
33 delayed handling the request, inform the patient and specify in  
34 writing the reasons for the delay and the earliest date, not later  
35 than twenty-one working days after receiving the request, when the  
36 information will be available for examination or copying or when the  
37 request will be otherwise disposed of; or

1 (e) Deny the request, in whole or in part, under RCW 70.02.090  
2 and inform the patient.

3 (2) Upon request, the health care provider shall provide an  
4 explanation of any code or abbreviation used in the health care  
5 information. If a record of the particular health care information  
6 requested is not maintained by the health care provider in the  
7 requested form, the health care provider is not required to create a  
8 new record or reformulate an existing record to make the health care  
9 information available in the requested form. Except as provided in  
10 RCW 70.02.030, the health care provider may charge a reasonable fee  
11 for providing the health care information and is not required to  
12 permit examination or copying until the fee is paid.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43  
14 RCW to read as follows:

15 Upon request of a covered person or a covered person's personal  
16 representative, an issuer shall provide the covered person or  
17 representative with one copy of the covered person's health care  
18 information free of charge if the covered person is appealing the  
19 denial of federal supplemental security income or social security  
20 disability benefits. The health care facility or health care provider  
21 may provide the health care information in either paper or electronic  
22 format. An issuer is not required to provide a covered person or a  
23 covered person's personal representative with a free copy of health  
24 care information that has previously been provided free of charge  
25 pursuant to a request within the preceding two years. For purposes of  
26 this section, "health care information" has the same meaning as in  
27 RCW 70.02.010.

--- END ---