
HOUSE BILL 1239

State of Washington

65th Legislature

2017 Regular Session

By Representative Sullivan

Read first time 01/13/17. Referred to Committee on Health Care & Wellness.

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 social security disability benefits. The
3 patient or representative may request that the health care
4 information be provided in either paper or electronic format.

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

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

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

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

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

13 (e) Identify the patient; and

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

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

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

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

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

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

34 (7) A health care provider or health care facility shall retain
35 the original or a copy of each authorization or revocation in
36 conjunction with any health care information from which disclosures
37 are made.

38 (8) Where the patient is under the supervision of the department
39 of corrections, an authorization signed pursuant to this section for
40 health care information related to mental health or drug or alcohol

1 treatment expires at the end of the term of supervision, unless the
2 patient is part of a treatment program that requires the continued
3 exchange of information until the end of the period of treatment.

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

6 Third-party payors shall not release health care information
7 disclosed under this chapter, except as required by chapter 43.371
8 RCW and section 4 of this act and to the extent that health care
9 providers are authorized to do so under RCW 70.02.050, 70.02.200, and
10 70.02.210.

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

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

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

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

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

25 (d) If the information is in use or unusual circumstances have
26 delayed handling the request, inform the patient and specify in
27 writing the reasons for the delay and the earliest date, not later
28 than twenty-one working days after receiving the request, when the
29 information will be available for examination or copying or when the
30 request will be otherwise disposed of; or

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

33 (2) Upon request, the health care provider shall provide an
34 explanation of any code or abbreviation used in the health care
35 information. If a record of the particular health care information
36 requested is not maintained by the health care provider in the
37 requested form, the health care provider is not required to create a
38 new record or reformulate an existing record to make the health care

1 information available in the requested form. Except as provided in
2 RCW 70.02.030, the health care provider may charge a reasonable fee
3 for providing the health care information and is not required to
4 permit examination or copying until the fee is paid.

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

7 Upon request of a covered person or a covered person's personal
8 representative, an issuer shall provide the covered person or
9 representative with one copy of the covered person's health care
10 information free of charge if the covered person is appealing the
11 denial of federal social security disability benefits. The covered
12 person or representative may request that the health care information
13 be provided in either paper or electronic format. For purposes of
14 this section, "health care information" has the same meaning as in
15 RCW 70.02.010.

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