

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1477

Chapter 298, Laws of 2017

65th Legislature
2017 Regular Session

HEALTH INFORMATION DISCLOSURE--PERSONS WITH CLOSE RELATIONSHIP--
THREATS

EFFECTIVE DATE: 7/23/2017 -- Except for section 6, which becomes
effective 4/1/2018.

Passed by the House April 20, 2017
Yeas 74 Nays 22

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 19, 2017
Yeas 48 Nays 1

CYRUS HABIB

President of the Senate

Approved May 16, 2017 10:27 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1477** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2017

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1477

AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Kilduff, Muri, Lytton, Stambaugh, Orwall, McDonald, Robinson, Lovick, Goodman, Sells, Appleton, and Fey)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to disclosure of health-related information with
2 persons with a close relationship with a patient; amending RCW
3 70.02.050, 70.02.200, 70.02.220, and 70.02.230; reenacting and
4 amending RCW 70.02.230; adding a new section to chapter 70.02 RCW;
5 providing an effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.02
8 RCW to read as follows:

9 (1)(a) A health care provider or health care facility may use or
10 disclose the health care information of a patient without obtaining
11 an authorization from the patient or the patient's personal
12 representative if the conditions in (b) of this subsection are met
13 and:

14 (i) The disclosure is to a family member, including a patient's
15 state registered domestic partner, other relative, a close personal
16 friend, or other person identified by the patient, and the health
17 care information is directly relevant to the person's involvement
18 with the patient's health care or payment related to the patient's
19 health care; or

20 (ii) The use or disclosure is for the purpose of notifying, or
21 assisting in the notification of, including identifying or locating,

1 a family member, a personal representative of the patient, or another
2 person responsible for the care of the patient of the patient's
3 location, general condition, or death.

4 (b) A health care provider or health care facility may make the
5 uses and disclosures described in (a) of this subsection if:

6 (i) The patient is not present or obtaining the patient's
7 authorization or providing the opportunity to agree or object to the
8 use or disclosure is not practicable due to the patient's incapacity
9 or an emergency circumstance, the health care provider or health care
10 facility may in the exercise of professional judgment, determine
11 whether the use or disclosure is in the best interests of the patient
12 and, if so, disclose only the health care information that is
13 directly relevant to the person's involvement with the patient's
14 health care or payment related to the patient's health care; or

15 (ii) The patient is present for, or otherwise available prior to,
16 the use or disclosure and has the capacity to make health care
17 decisions, the health care provider or health care facility may use
18 or disclose the information if it:

19 (A) Obtains the patient's agreement;

20 (B) Provides the patient with the opportunity to object to the
21 use or disclosure, and the patient does not express an objection; or

22 (C) Reasonably infers from the circumstances, based on the
23 exercise of professional judgment, that the patient does not object
24 to the use or disclosure.

25 (2) With respect to information and records related to mental
26 health services provided to a patient by a health care provider, the
27 health care information disclosed under this section may include, to
28 the extent consistent with the health care provider's professional
29 judgment and standards of ethical conduct:

30 (a) The patient's diagnoses and the treatment recommendations;

31 (b) Issues concerning the safety of the patient, including risk
32 factors for suicide, steps that can be taken to make the patient's
33 home safer, and a safety plan to monitor and support the patient;

34 (c) Information about resources that are available in the
35 community to help the patient, such as case management and support
36 groups; and

37 (d) The process to ensure that the patient safely transitions to
38 a higher or lower level of care, including an interim safety plan.

1 (3) Any use or disclosure of health care information under this
2 section must be limited to the minimum necessary to accomplish the
3 purpose of the use or disclosure.

4 (4) A health care provider or health care facility is not subject
5 to any civil liability for making or not making a use or disclosure
6 in accordance with this section.

7 **Sec. 2.** RCW 70.02.050 and 2014 c 220 s 6 are each amended to
8 read as follows:

9 (1) A health care provider or health care facility may disclose
10 health care information, except for information and records related
11 to sexually transmitted diseases which are addressed in RCW
12 70.02.220, about a patient without the patient's authorization to the
13 extent a recipient needs to know the information, if the disclosure
14 is:

15 (a) To a person who the provider or facility reasonably believes
16 is providing health care to the patient;

17 (b) To any other person who requires health care information for
18 health care education, or to provide planning, quality assurance,
19 peer review, or administrative, legal, financial, actuarial services
20 to, or other health care operations for or on behalf of the health
21 care provider or health care facility; or for assisting the health
22 care provider or health care facility in the delivery of health care
23 and the health care provider or health care facility reasonably
24 believes that the person:

25 (i) Will not use or disclose the health care information for any
26 other purpose; and

27 (ii) Will take appropriate steps to protect the health care
28 information;

29 (c) To any person if the health care provider or health care
30 facility (~~reasonably~~) believes, in good faith, that use or
31 disclosure (~~((will avoid or minimize an imminent danger))~~) is necessary
32 to prevent or lessen a serious and imminent threat to the health or
33 safety of (~~((the patient or any other individual, however))~~) a person
34 or the public, and the information is disclosed only to a person or
35 persons reasonably able to prevent or lessen the threat, including
36 the target of the threat. There is no obligation under this chapter
37 on the part of the provider or facility to so disclose(~~((The fact of~~
38 ~~admission to a provider for mental health services and all~~
39 ~~information and records compiled, obtained, or maintained in the~~

1 ~~course of providing mental health services to either voluntary or~~
2 ~~involuntary recipients of services at public or private agencies is~~
3 ~~not subject to disclosure unless disclosure is permitted in RCW~~
4 ~~70.02.230)); or~~

5 (d) For payment, including information necessary for a recipient
6 to make a claim, or for a claim to be made on behalf of a recipient
7 for aid, insurance, or medical assistance to which he or she may be
8 entitled.

9 (2) A health care provider shall disclose health care
10 information, except for information and records related to sexually
11 transmitted diseases, unless otherwise authorized in RCW 70.02.220,
12 about a patient without the patient's authorization if the disclosure
13 is:

14 (a) To federal, state, or local public health authorities, to the
15 extent the health care provider is required by law to report health
16 care information; when needed to determine compliance with state or
17 federal licensure, certification or registration rules or laws, or to
18 investigate unprofessional conduct or ability to practice with
19 reasonable skill and safety under chapter 18.130 RCW. Any health care
20 information obtained under this subsection is exempt from public
21 inspection and copying pursuant to chapter 42.56 RCW; or

22 (b) When needed to protect the public health.

23 **Sec. 3.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to
24 read as follows:

25 (1) In addition to the disclosures authorized by RCW 70.02.050
26 and 70.02.210, a health care provider or health care facility may
27 disclose health care information, except for information and records
28 related to sexually transmitted diseases and information related to
29 mental health services which are addressed by RCW 70.02.220 through
30 70.02.260, about a patient without the patient's authorization, to:

31 (a) Any other health care provider or health care facility
32 reasonably believed to have previously provided health care to the
33 patient, to the extent necessary to provide health care to the
34 patient, unless the patient has instructed the health care provider
35 or health care facility in writing not to make the disclosure;

36 (b) ~~((Immediate family members of the patient, including a~~
37 ~~patient's state registered domestic partner, or any other individual~~
38 ~~with whom the patient is known to have a close personal relationship,~~
39 ~~if made in accordance with good medical or other professional~~

1 ~~practice, unless the patient has instructed the health care provider~~
2 ~~or health care facility in writing not to make the disclosure;))~~
3 Persons under section 1 of this act if the conditions in section 1 of
4 this act are met;

5 (c) A health care provider or health care facility who is the
6 successor in interest to the health care provider or health care
7 facility maintaining the health care information;

8 (d) A person who obtains information for purposes of an audit, if
9 that person agrees in writing to:

10 (i) Remove or destroy, at the earliest opportunity consistent
11 with the purpose of the audit, information that would enable the
12 patient to be identified; and

13 (ii) Not to disclose the information further, except to
14 accomplish the audit or report unlawful or improper conduct involving
15 fraud in payment for health care by a health care provider or
16 patient, or other unlawful conduct by the health care provider;

17 (e) Provide directory information, unless the patient has
18 instructed the health care provider or health care facility not to
19 make the disclosure;

20 (f) Fire, police, sheriff, or other public authority, that
21 brought, or caused to be brought, the patient to the health care
22 facility or health care provider if the disclosure is limited to the
23 patient's name, residence, sex, age, occupation, condition,
24 diagnosis, estimated or actual discharge date, or extent and location
25 of injuries as determined by a physician, and whether the patient was
26 conscious when admitted;

27 (g) Federal, state, or local law enforcement authorities and the
28 health care provider, health care facility, or third-party payor
29 believes in good faith that the health care information disclosed
30 constitutes evidence of criminal conduct that occurred on the
31 premises of the health care provider, health care facility, or third-
32 party payor;

33 (h) Another health care provider, health care facility, or third-
34 party payor for the health care operations of the health care
35 provider, health care facility, or third-party payor that receives
36 the information, if each entity has or had a relationship with the
37 patient who is the subject of the health care information being
38 requested, the health care information pertains to such relationship,
39 and the disclosure is for the purposes described in RCW 70.02.010(17)

40 (a) and (b);

1 (i) An official of a penal or other custodial institution in
2 which the patient is detained; and

3 (j) Any law enforcement officer, corrections officer, or guard
4 supplied by a law enforcement or corrections agency who is
5 accompanying a patient pursuant to RCW 10.110.020, only to the extent
6 the disclosure is incidental to the fulfillment of the role of the
7 law enforcement officer, corrections officer, or guard under RCW
8 10.110.020.

9 (2) In addition to the disclosures required by RCW 70.02.050 and
10 70.02.210, a health care provider shall disclose health care
11 information, except for information related to sexually transmitted
12 diseases and information related to mental health services which are
13 addressed by RCW 70.02.220 through 70.02.260, about a patient without
14 the patient's authorization if the disclosure is:

15 (a) To federal, state, or local law enforcement authorities to
16 the extent the health care provider is required by law;

17 (b) To federal, state, or local law enforcement authorities, upon
18 receipt of a written or oral request made to a nursing supervisor,
19 administrator, or designated privacy official, in a case in which the
20 patient is being treated or has been treated for a bullet wound,
21 gunshot wound, powder burn, or other injury arising from or caused by
22 the discharge of a firearm, or an injury caused by a knife, an ice
23 pick, or any other sharp or pointed instrument which federal, state,
24 or local law enforcement authorities reasonably believe to have been
25 intentionally inflicted upon a person, or a blunt force injury that
26 federal, state, or local law enforcement authorities reasonably
27 believe resulted from a criminal act, the following information, if
28 known:

29 (i) The name of the patient;

30 (ii) The patient's residence;

31 (iii) The patient's sex;

32 (iv) The patient's age;

33 (v) The patient's condition;

34 (vi) The patient's diagnosis, or extent and location of injuries
35 as determined by a health care provider;

36 (vii) Whether the patient was conscious when admitted;

37 (viii) The name of the health care provider making the
38 determination in (b)(v), (vi), and (vii) of this subsection;

39 (ix) Whether the patient has been transferred to another
40 facility; and

- 1 (x) The patient's discharge time and date;
2 (c) Pursuant to compulsory process in accordance with RCW
3 70.02.060.

4 **Sec. 4.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to
5 read as follows:

6 (1) No person may disclose or be compelled to disclose the
7 identity of any person who has investigated, considered, or requested
8 a test or treatment for a sexually transmitted disease, except as
9 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

10 (2) No person may disclose or be compelled to disclose
11 information and records related to sexually transmitted diseases,
12 except as authorized by this section, RCW 70.02.210, section 1 of
13 this act, or chapter 70.24 RCW. A person may disclose information
14 related to sexually transmitted diseases about a patient without the
15 patient's authorization, to the extent a recipient needs to know the
16 information, if the disclosure is to:

17 (a) The subject of the test or the subject's legal representative
18 for health care decisions in accordance with RCW 7.70.065, with the
19 exception of such a representative of a minor fourteen years of age
20 or over and otherwise competent;

21 (b) The state public health officer as defined in RCW 70.24.017,
22 a local public health officer, or the centers for disease control of
23 the United States public health service in accordance with reporting
24 requirements for a diagnosed case of a sexually transmitted disease;

25 (c) A health facility or health care provider that procures,
26 processes, distributes, or uses: (i) A human body part, tissue, or
27 blood from a deceased person with respect to medical information
28 regarding that person; (ii) semen, including that was provided prior
29 to March 23, 1988, for the purpose of artificial insemination; or
30 (iii) blood specimens;

31 (d) Any state or local public health officer conducting an
32 investigation pursuant to RCW 70.24.024, so long as the record was
33 obtained by means of court-ordered HIV testing pursuant to RCW
34 70.24.340 or 70.24.024;

35 (e) A person allowed access to the record by a court order
36 granted after application showing good cause therefor. In assessing
37 good cause, the court shall weigh the public interest and the need
38 for disclosure against the injury to the patient, to the physician-
39 patient relationship, and to the treatment services. Upon the

1 granting of the order, the court, in determining the extent to which
2 any disclosure of all or any part of the record of any such test is
3 necessary, shall impose appropriate safeguards against unauthorized
4 disclosure. An order authorizing disclosure must: (i) Limit
5 disclosure to those parts of the patient's record deemed essential to
6 fulfill the objective for which the order was granted; (ii) limit
7 disclosure to those persons whose need for information is the basis
8 for the order; and (iii) include any other appropriate measures to
9 keep disclosure to a minimum for the protection of the patient, the
10 physician-patient relationship, and the treatment services;

11 (f) Persons who, because of their behavioral interaction with the
12 infected individual, have been placed at risk for acquisition of a
13 sexually transmitted disease, as provided in RCW 70.24.022, if the
14 health officer or authorized representative believes that the exposed
15 person was unaware that a risk of disease exposure existed and that
16 the disclosure of the identity of the infected person is necessary;

17 (g) A law enforcement officer, firefighter, health care provider,
18 health care facility staff person, department of correction's staff
19 person, jail staff person, or other persons as defined by the board
20 of health in rule pursuant to RCW 70.24.340(4), who has requested a
21 test of a person whose bodily fluids he or she has been substantially
22 exposed to, pursuant to RCW 70.24.340(4), if a state or local public
23 health officer performs the test;

24 (h) Claims management personnel employed by or associated with an
25 insurer, health care service contractor, health maintenance
26 organization, self-funded health plan, state administered health care
27 claims payer, or any other payer of health care claims where such
28 disclosure is to be used solely for the prompt and accurate
29 evaluation and payment of medical or related claims. Information
30 released under this subsection must be confidential and may not be
31 released or available to persons who are not involved in handling or
32 determining medical claims payment; and

33 (i) A department of social and health services worker, a child
34 placing agency worker, or a guardian ad litem who is responsible for
35 making or reviewing placement or case-planning decisions or
36 recommendations to the court regarding a child, who is less than
37 fourteen years of age, has a sexually transmitted disease, and is in
38 the custody of the department of social and health services or a
39 licensed child placing agency. This information may also be received
40 by a person responsible for providing residential care for such a

1 child when the department of social and health services or a licensed
2 child placing agency determines that it is necessary for the
3 provision of child care services.

4 (3) No person to whom the results of a test for a sexually
5 transmitted disease have been disclosed pursuant to subsection (2) of
6 this section may disclose the test results to another person except
7 as authorized by that subsection.

8 (4) The release of sexually transmitted disease information
9 regarding an offender or detained person, except as provided in
10 subsection (2)(d) of this section, is governed as follows:

11 (a) The sexually transmitted disease status of a department of
12 corrections offender who has had a mandatory test conducted pursuant
13 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
14 by department of corrections health care providers and local public
15 health officers to the department of corrections health care
16 administrator or infection control coordinator of the facility in
17 which the offender is housed. The information made available to the
18 health care administrator or the infection control coordinator under
19 this subsection (4)(a) may be used only for disease prevention or
20 control and for protection of the safety and security of the staff,
21 offenders, and the public. The information may be submitted to
22 transporting officers and receiving facilities, including facilities
23 that are not under the department of corrections' jurisdiction
24 according to the provisions of (d) and (e) of this subsection.

25 (b) The sexually transmitted disease status of a person detained
26 in a jail who has had a mandatory test conducted pursuant to RCW
27 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
28 local public health officer to a jail health care administrator or
29 infection control coordinator. The information made available to a
30 health care administrator under this subsection (4)(b) may be used
31 only for disease prevention or control and for protection of the
32 safety and security of the staff, offenders, detainees, and the
33 public. The information may be submitted to transporting officers and
34 receiving facilities according to the provisions of (d) and (e) of
35 this subsection.

36 (c) Information regarding the sexually transmitted disease status
37 of an offender or detained person is confidential and may be
38 disclosed by a correctional health care administrator or infection
39 control coordinator or local jail health care administrator or
40 infection control coordinator only as necessary for disease

1 prevention or control and for protection of the safety and security
2 of the staff, offenders, and the public. Unauthorized disclosure of
3 this information to any person may result in disciplinary action, in
4 addition to the penalties prescribed in RCW 70.24.080 or any other
5 penalties as may be prescribed by law.

6 (d) Notwithstanding the limitations on disclosure contained in
7 (a), (b), and (c) of this subsection, whenever any member of a jail
8 staff or department of corrections staff has been substantially
9 exposed to the bodily fluids of an offender or detained person, then
10 the results of any tests conducted pursuant to RCW 70.24.340(1),
11 70.24.360, or 70.24.370, must be immediately disclosed to the staff
12 person in accordance with the Washington Administrative Code rules
13 governing employees' occupational exposure to blood-borne pathogens.
14 Disclosure must be accompanied by appropriate counseling for the
15 staff member, including information regarding follow-up testing and
16 treatment. Disclosure must also include notice that subsequent
17 disclosure of the information in violation of this chapter or use of
18 the information to harass or discriminate against the offender or
19 detainee may result in disciplinary action, in addition to the
20 penalties prescribed in RCW 70.24.080, and imposition of other
21 penalties prescribed by law.

22 (e) The staff member must also be informed whether the offender
23 or detained person had any other communicable disease, as defined in
24 RCW 72.09.251(3), when the staff person was substantially exposed to
25 the offender's or detainee's bodily fluids.

26 (f) The test results of voluntary and anonymous HIV testing or
27 HIV-related condition, as defined in RCW 70.24.017, may not be
28 disclosed to a staff person except as provided in this section and
29 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care
30 administrator or infection control coordinator may provide the staff
31 member with information about how to obtain the offender's or
32 detainee's test results under this section and RCW 70.02.050(1)
33 (~~(e)~~) (d) and 70.24.340(4).

34 (5) The requirements of this section do not apply to the
35 customary methods utilized for the exchange of medical information
36 among health care providers in order to provide health care services
37 to the patient, nor do they apply within health care facilities where
38 there is a need for access to confidential medical information to
39 fulfill professional duties.

1 (6) Upon request of the victim, disclosure of test results under
2 this section to victims of sexual offenses under chapter 9A.44 RCW
3 must be made if the result is negative or positive. The county
4 prosecuting attorney shall notify the victim of the right to such
5 disclosure. The disclosure must be accompanied by appropriate
6 counseling, including information regarding follow-up testing.

7 (7) A person, including a health care facility or health care
8 provider, shall disclose the identity of any person who has
9 investigated, considered, or requested a test or treatment for a
10 sexually transmitted disease and information and records related to
11 sexually transmitted diseases to federal, state, or local public
12 health authorities, to the extent the health care provider is
13 required by law to report health care information; when needed to
14 determine compliance with state or federal certification or
15 registration rules or laws; or when needed to protect the public
16 health. Any health care information obtained under this subsection is
17 exempt from public inspection and copying pursuant to chapter 42.56
18 RCW.

19 **Sec. 5.** RCW 70.02.230 and 2014 c 225 s 71 and 2014 c 220 s 9 are
20 each reenacted and amended to read as follows:

21 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
22 (~~70.96A.150,~~) 74.09.295, 70.02.210, 70.02.240, 70.02.250, and
23 70.02.260, or pursuant to a valid authorization under RCW 70.02.030,
24 the fact of admission to a provider for mental health services and
25 all information and records compiled, obtained, or maintained in the
26 course of providing mental health services to either voluntary or
27 involuntary recipients of services at public or private agencies must
28 be confidential.

29 (2) Information and records related to mental health services,
30 other than those obtained through treatment under chapter 71.34 RCW,
31 may be disclosed only:

32 (a) In communications between qualified professional persons to
33 meet the requirements of chapter 71.05 RCW, in the provision of
34 services or appropriate referrals, or in the course of guardianship
35 proceedings if provided to a professional person:

- 36 (i) Employed by the facility;
37 (ii) Who has medical responsibility for the patient's care;
38 (iii) Who is a designated mental health professional;
39 (iv) Who is providing services under chapter 71.24 RCW;

1 (v) Who is employed by a state or local correctional facility
2 where the person is confined or supervised; or

3 (vi) Who is providing evaluation, treatment, or follow-up
4 services under chapter 10.77 RCW;

5 (b) When the communications regard the special needs of a patient
6 and the necessary circumstances giving rise to such needs and the
7 disclosure is made by a facility providing services to the operator
8 of a facility in which the patient resides or will reside;

9 (c)(i) When the person receiving services, or his or her
10 guardian, designates persons to whom information or records may be
11 released, or if the person is a minor, when his or her parents make
12 such a designation;

13 (ii) A public or private agency shall release to a person's next
14 of kin, attorney, personal representative, guardian, or conservator,
15 if any:

16 (A) The information that the person is presently a patient in the
17 facility or that the person is seriously physically ill;

18 (B) A statement evaluating the mental and physical condition of
19 the patient, and a statement of the probable duration of the
20 patient's confinement, if such information is requested by the next
21 of kin, attorney, personal representative, guardian, or conservator;
22 and

23 (iii) Other information requested by the next of kin or attorney
24 as may be necessary to decide whether or not proceedings should be
25 instituted to appoint a guardian or conservator;

26 (d)(i) To the courts as necessary to the administration of
27 chapter 71.05 RCW or to a court ordering an evaluation or treatment
28 under chapter 10.77 RCW solely for the purpose of preventing the
29 entry of any evaluation or treatment order that is inconsistent with
30 any order entered under chapter 71.05 RCW.

31 (ii) To a court or its designee in which a motion under chapter
32 10.77 RCW has been made for involuntary medication of a defendant for
33 the purpose of competency restoration.

34 (iii) Disclosure under this subsection is mandatory for the
35 purpose of the federal health insurance portability and
36 accountability act;

37 (e)(i) When a mental health professional is requested by a
38 representative of a law enforcement or corrections agency, including
39 a police officer, sheriff, community corrections officer, a municipal
40 attorney, or prosecuting attorney to undertake an investigation or

1 provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the
2 mental health professional shall, if requested to do so, advise the
3 representative in writing of the results of the investigation
4 including a statement of reasons for the decision to detain or
5 release the person investigated. The written report must be submitted
6 within seventy-two hours of the completion of the investigation or
7 the request from the law enforcement or corrections representative,
8 whichever occurs later.

9 (ii) Disclosure under this subsection is mandatory for the
10 purposes of the federal health insurance portability and
11 accountability act;

12 (f) To the attorney of the detained person;

13 (g) To the prosecuting attorney as necessary to carry out the
14 responsibilities of the office under RCW 71.05.330(2),
15 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
16 access to records regarding the committed person's treatment and
17 prognosis, medication, behavior problems, and other records relevant
18 to the issue of whether treatment less restrictive than inpatient
19 treatment is in the best interest of the committed person or others.
20 Information must be disclosed only after giving notice to the
21 committed person and the person's counsel;

22 (h)(i) To appropriate law enforcement agencies and to a person,
23 when the identity of the person is known to the public or private
24 agency, whose health and safety has been threatened, or who is known
25 to have been repeatedly harassed, by the patient. The person may
26 designate a representative to receive the disclosure. The disclosure
27 must be made by the professional person in charge of the public or
28 private agency or his or her designee and must include the dates of
29 commitment, admission, discharge, or release, authorized or
30 unauthorized absence from the agency's facility, and only any other
31 information that is pertinent to the threat or harassment. The agency
32 or its employees are not civilly liable for the decision to disclose
33 or not, so long as the decision was reached in good faith and without
34 gross negligence.

35 (ii) Disclosure under this subsection is mandatory for the
36 purposes of the federal health insurance portability and
37 accountability act;

38 (i)(i) To appropriate corrections and law enforcement agencies
39 all necessary and relevant information in the event of a crisis or
40 emergent situation that poses a significant and imminent risk to the

1 public. The mental health service agency or its employees are not
2 civilly liable for the decision to disclose or not so long as the
3 decision was reached in good faith and without gross negligence.

4 (ii) Disclosure under this subsection is mandatory for the
5 purposes of the health insurance portability and accountability act;

6 (j) To the persons designated in RCW 71.05.425 for the purposes
7 described in those sections;

8 (k) Upon the death of a person. The person's next of kin,
9 personal representative, guardian, or conservator, if any, must be
10 notified. Next of kin who are of legal age and competent must be
11 notified under this section in the following order: Spouse, parents,
12 children, brothers and sisters, and other relatives according to the
13 degree of relation. Access to all records and information compiled,
14 obtained, or maintained in the course of providing services to a
15 deceased patient are governed by RCW 70.02.140;

16 (l) To mark headstones or otherwise memorialize patients interred
17 at state hospital cemeteries. The department of social and health
18 services shall make available the name, date of birth, and date of
19 death of patients buried in state hospital cemeteries fifty years
20 after the death of a patient;

21 (m) To law enforcement officers and to prosecuting attorneys as
22 are necessary to enforce RCW 9.41.040(2)(a)(~~(ii)~~) (iii). The extent
23 of information that may be released is limited as follows:

24 (i) Only the fact, place, and date of involuntary commitment, an
25 official copy of any order or orders of commitment, and an official
26 copy of any written or oral notice of ineligibility to possess a
27 firearm that was provided to the person pursuant to RCW 9.41.047(1),
28 must be disclosed upon request;

29 (ii) The law enforcement and prosecuting attorneys may only
30 release the information obtained to the person's attorney as required
31 by court rule and to a jury or judge, if a jury is waived, that
32 presides over any trial at which the person is charged with violating
33 RCW 9.41.040(2)(a)(~~(ii)~~) (iii);

34 (iii) Disclosure under this subsection is mandatory for the
35 purposes of the federal health insurance portability and
36 accountability act;

37 (n) When a patient would otherwise be subject to the provisions
38 of this section and disclosure is necessary for the protection of the
39 patient or others due to his or her unauthorized disappearance from
40 the facility, and his or her whereabouts is unknown, notice of the

1 disappearance, along with relevant information, may be made to
2 relatives, the department of corrections when the person is under the
3 supervision of the department, and governmental law enforcement
4 agencies designated by the physician or psychiatric advanced
5 registered nurse practitioner in charge of the patient or the
6 professional person in charge of the facility, or his or her
7 professional designee;

8 (o) Pursuant to lawful order of a court;

9 (p) To qualified staff members of the department, to the director
10 of behavioral health organizations, to resource management services
11 responsible for serving a patient, or to service providers designated
12 by resource management services as necessary to determine the
13 progress and adequacy of treatment and to determine whether the
14 person should be transferred to a less restrictive or more
15 appropriate treatment modality or facility;

16 (q) Within the mental health service agency where the patient is
17 receiving treatment, confidential information may be disclosed to
18 persons employed, serving in bona fide training programs, or
19 participating in supervised volunteer programs, at the facility when
20 it is necessary to perform their duties;

21 (r) Within the department as necessary to coordinate treatment
22 for mental illness, developmental disabilities, alcoholism, or drug
23 abuse of persons who are under the supervision of the department;

24 (s) To a licensed physician or psychiatric advanced registered
25 nurse practitioner who has determined that the life or health of the
26 person is in danger and that treatment without the information and
27 records related to mental health services could be injurious to the
28 patient's health. Disclosure must be limited to the portions of the
29 records necessary to meet the medical emergency;

30 (t) Consistent with the requirements of the federal health
31 information portability and accountability act, to a licensed mental
32 health professional or a health care professional licensed under
33 chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is
34 providing care to a person, or to whom a person has been referred for
35 evaluation or treatment, to assure coordinated care and treatment of
36 that person. Psychotherapy notes may not be released without
37 authorization of the person who is the subject of the request for
38 release of information;

1 (u) To administrative and office support staff designated to
2 obtain medical records for those licensed professionals listed in (t)
3 of this subsection;

4 (v) To a facility that is to receive a person who is
5 involuntarily committed under chapter 71.05 RCW, or upon transfer of
6 the person from one evaluation and treatment facility to another. The
7 release of records under this subsection is limited to the
8 information and records related to mental health services required by
9 law, a record or summary of all somatic treatments, and a discharge
10 summary. The discharge summary may include a statement of the
11 patient's problem, the treatment goals, the type of treatment which
12 has been provided, and recommendation for future treatment, but may
13 not include the patient's complete treatment record;

14 (w) To the person's counsel or guardian ad litem, without
15 modification, at any time in order to prepare for involuntary
16 commitment or recommitment proceedings, reexaminations, appeals, or
17 other actions relating to detention, admission, commitment, or
18 patient's rights under chapter 71.05 RCW;

19 (x) To staff members of the protection and advocacy agency or to
20 staff members of a private, nonprofit corporation for the purpose of
21 protecting and advocating the rights of persons with mental disorders
22 or developmental disabilities. Resource management services may limit
23 the release of information to the name, birthdate, and county of
24 residence of the patient, information regarding whether the patient
25 was voluntarily admitted, or involuntarily committed, the date and
26 place of admission, placement, or commitment, the name and address of
27 a guardian of the patient, and the date and place of the guardian's
28 appointment. Any staff member who wishes to obtain additional
29 information must notify the patient's resource management services in
30 writing of the request and of the resource management services' right
31 to object. The staff member shall send the notice by mail to the
32 guardian's address. If the guardian does not object in writing within
33 fifteen days after the notice is mailed, the staff member may obtain
34 the additional information. If the guardian objects in writing within
35 fifteen days after the notice is mailed, the staff member may not
36 obtain the additional information;

37 (y) To all current treating providers of the patient with
38 prescriptive authority who have written a prescription for the
39 patient within the last twelve months. For purposes of coordinating
40 health care, the department may release without written authorization

1 of the patient, information acquired for billing and collection
2 purposes as described in RCW 70.02.050(1)(d). The department shall
3 notify the patient that billing and collection information has been
4 released to named providers, and provide the substance of the
5 information released and the dates of such release. The department
6 may not release counseling, inpatient psychiatric hospitalization, or
7 drug and alcohol treatment information without a signed written
8 release from the client;

9 (z)(i) To the secretary of social and health services for either
10 program evaluation or research, or both so long as the secretary
11 adopts rules for the conduct of the evaluation or research, or both.
12 Such rules must include, but need not be limited to, the requirement
13 that all evaluators and researchers sign an oath of confidentiality
14 substantially as follows:

15 "As a condition of conducting evaluation or research concerning
16 persons who have received services from (fill in the facility,
17 agency, or person) I,, agree not to divulge, publish, or
18 otherwise make known to unauthorized persons or the public any
19 information obtained in the course of such evaluation or research
20 regarding persons who have received services such that the person who
21 received such services is identifiable.

22 I recognize that unauthorized release of confidential information
23 may subject me to civil liability under the provisions of state law.
24 /s/"

25 (ii) Nothing in this chapter may be construed to prohibit the
26 compilation and publication of statistical data for use by government
27 or researchers under standards, including standards to assure
28 maintenance of confidentiality, set forth by the secretary;

29 (aa) To any person if the conditions in section 1 of this act are
30 met.

31 (3) Whenever federal law or federal regulations restrict the
32 release of information contained in the information and records
33 related to mental health services of any patient who receives
34 treatment for chemical dependency, the department may restrict the
35 release of the information as necessary to comply with federal law
36 and regulations.

37 (4) Civil liability and immunity for the release of information
38 about a particular person who is committed to the department of
39 social and health services under RCW 71.05.280(3) and

1 71.05.320(~~(+3)~~) (4)(c) after dismissal of a sex offense as defined
2 in RCW 9.94A.030, is governed by RCW 4.24.550.

3 (5) The fact of admission to a provider of mental health
4 services, as well as all records, files, evidence, findings, or
5 orders made, prepared, collected, or maintained pursuant to chapter
6 71.05 RCW are not admissible as evidence in any legal proceeding
7 outside that chapter without the written authorization of the person
8 who was the subject of the proceeding except as provided in RCW
9 70.02.260, in a subsequent criminal prosecution of a person committed
10 pursuant to RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c) on charges
11 that were dismissed pursuant to chapter 10.77 RCW due to incompetency
12 to stand trial, in a civil commitment proceeding pursuant to chapter
13 71.09 RCW, or, in the case of a minor, a guardianship or dependency
14 proceeding. The records and files maintained in any court proceeding
15 pursuant to chapter 71.05 RCW must be confidential and available
16 subsequent to such proceedings only to the person who was the subject
17 of the proceeding or his or her attorney. In addition, the court may
18 order the subsequent release or use of such records or files only
19 upon good cause shown if the court finds that appropriate safeguards
20 for strict confidentiality are and will be maintained.

21 (6)(a) Except as provided in RCW 4.24.550, any person may bring
22 an action against an individual who has willfully released
23 confidential information or records concerning him or her in
24 violation of the provisions of this section, for the greater of the
25 following amounts:

26 (i) One thousand dollars; or

27 (ii) Three times the amount of actual damages sustained, if any.

28 (b) It is not a prerequisite to recovery under this subsection
29 that the plaintiff suffered or was threatened with special, as
30 contrasted with general, damages.

31 (c) Any person may bring an action to enjoin the release of
32 confidential information or records concerning him or her or his or
33 her ward, in violation of the provisions of this section, and may in
34 the same action seek damages as provided in this subsection.

35 (d) The court may award to the plaintiff, should he or she
36 prevail in any action authorized by this subsection, reasonable
37 attorney fees in addition to those otherwise provided by law.

38 (e) If an action is brought under this subsection, no action may
39 be brought under RCW 70.02.170.

1 **Sec. 6.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each amended
2 to read as follows:

3 (1) Except as provided in this section, RCW 70.02.050, 71.05.445,
4 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or
5 pursuant to a valid authorization under RCW 70.02.030, the fact of
6 admission to a provider for mental health services and all
7 information and records compiled, obtained, or maintained in the
8 course of providing mental health services to either voluntary or
9 involuntary recipients of services at public or private agencies must
10 be confidential.

11 (2) Information and records related to mental health services,
12 other than those obtained through treatment under chapter 71.34 RCW,
13 may be disclosed only:

14 (a) In communications between qualified professional persons to
15 meet the requirements of chapter 71.05 RCW, in the provision of
16 services or appropriate referrals, or in the course of guardianship
17 proceedings if provided to a professional person:

18 (i) Employed by the facility;

19 (ii) Who has medical responsibility for the patient's care;

20 (iii) Who is a designated crisis responder;

21 (iv) Who is providing services under chapter 71.24 RCW;

22 (v) Who is employed by a state or local correctional facility
23 where the person is confined or supervised; or

24 (vi) Who is providing evaluation, treatment, or follow-up
25 services under chapter 10.77 RCW;

26 (b) When the communications regard the special needs of a patient
27 and the necessary circumstances giving rise to such needs and the
28 disclosure is made by a facility providing services to the operator
29 of a facility in which the patient resides or will reside;

30 (c)(i) When the person receiving services, or his or her
31 guardian, designates persons to whom information or records may be
32 released, or if the person is a minor, when his or her parents make
33 such a designation;

34 (ii) A public or private agency shall release to a person's next
35 of kin, attorney, personal representative, guardian, or conservator,
36 if any:

37 (A) The information that the person is presently a patient in the
38 facility or that the person is seriously physically ill;

39 (B) A statement evaluating the mental and physical condition of
40 the patient, and a statement of the probable duration of the

1 patient's confinement, if such information is requested by the next
2 of kin, attorney, personal representative, guardian, or conservator;
3 and

4 (iii) Other information requested by the next of kin or attorney
5 as may be necessary to decide whether or not proceedings should be
6 instituted to appoint a guardian or conservator;

7 (d)(i) To the courts as necessary to the administration of
8 chapter 71.05 RCW or to a court ordering an evaluation or treatment
9 under chapter 10.77 RCW solely for the purpose of preventing the
10 entry of any evaluation or treatment order that is inconsistent with
11 any order entered under chapter 71.05 RCW.

12 (ii) To a court or its designee in which a motion under chapter
13 10.77 RCW has been made for involuntary medication of a defendant for
14 the purpose of competency restoration.

15 (iii) Disclosure under this subsection is mandatory for the
16 purpose of the federal health insurance portability and
17 accountability act;

18 (e)(i) When a mental health professional or designated crisis
19 responder is requested by a representative of a law enforcement or
20 corrections agency, including a police officer, sheriff, community
21 corrections officer, a municipal attorney, or prosecuting attorney to
22 undertake an investigation or provide treatment under RCW 71.05.150,
23 10.31.110, or 71.05.153, the mental health professional or designated
24 crisis responder shall, if requested to do so, advise the
25 representative in writing of the results of the investigation
26 including a statement of reasons for the decision to detain or
27 release the person investigated. The written report must be submitted
28 within seventy-two hours of the completion of the investigation or
29 the request from the law enforcement or corrections representative,
30 whichever occurs later.

31 (ii) Disclosure under this subsection is mandatory for the
32 purposes of the federal health insurance portability and
33 accountability act;

34 (f) To the attorney of the detained person;

35 (g) To the prosecuting attorney as necessary to carry out the
36 responsibilities of the office under RCW 71.05.330(2),
37 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided
38 access to records regarding the committed person's treatment and
39 prognosis, medication, behavior problems, and other records relevant
40 to the issue of whether treatment less restrictive than inpatient

1 treatment is in the best interest of the committed person or others.
2 Information must be disclosed only after giving notice to the
3 committed person and the person's counsel;

4 (h)(i) To appropriate law enforcement agencies and to a person,
5 when the identity of the person is known to the public or private
6 agency, whose health and safety has been threatened, or who is known
7 to have been repeatedly harassed, by the patient. The person may
8 designate a representative to receive the disclosure. The disclosure
9 must be made by the professional person in charge of the public or
10 private agency or his or her designee and must include the dates of
11 commitment, admission, discharge, or release, authorized or
12 unauthorized absence from the agency's facility, and only any other
13 information that is pertinent to the threat or harassment. The agency
14 or its employees are not civilly liable for the decision to disclose
15 or not, so long as the decision was reached in good faith and without
16 gross negligence.

17 (ii) Disclosure under this subsection is mandatory for the
18 purposes of the federal health insurance portability and
19 accountability act;

20 (i)(i) To appropriate corrections and law enforcement agencies
21 all necessary and relevant information in the event of a crisis or
22 emergent situation that poses a significant and imminent risk to the
23 public. The mental health service agency or its employees are not
24 civilly liable for the decision to disclose or not so long as the
25 decision was reached in good faith and without gross negligence.

26 (ii) Disclosure under this subsection is mandatory for the
27 purposes of the health insurance portability and accountability act;

28 (j) To the persons designated in RCW 71.05.425 for the purposes
29 described in those sections;

30 (k) Upon the death of a person. The person's next of kin,
31 personal representative, guardian, or conservator, if any, must be
32 notified. Next of kin who are of legal age and competent must be
33 notified under this section in the following order: Spouse, parents,
34 children, brothers and sisters, and other relatives according to the
35 degree of relation. Access to all records and information compiled,
36 obtained, or maintained in the course of providing services to a
37 deceased patient are governed by RCW 70.02.140;

38 (l) To mark headstones or otherwise memorialize patients interred
39 at state hospital cemeteries. The department of social and health
40 services shall make available the name, date of birth, and date of

1 death of patients buried in state hospital cemeteries fifty years
2 after the death of a patient;

3 (m) To law enforcement officers and to prosecuting attorneys as
4 are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of
5 information that may be released is limited as follows:

6 (i) Only the fact, place, and date of involuntary commitment, an
7 official copy of any order or orders of commitment, and an official
8 copy of any written or oral notice of ineligibility to possess a
9 firearm that was provided to the person pursuant to RCW 9.41.047(1),
10 must be disclosed upon request;

11 (ii) The law enforcement and prosecuting attorneys may only
12 release the information obtained to the person's attorney as required
13 by court rule and to a jury or judge, if a jury is waived, that
14 presides over any trial at which the person is charged with violating
15 RCW 9.41.040(2)(a)(iii);

16 (iii) Disclosure under this subsection is mandatory for the
17 purposes of the federal health insurance portability and
18 accountability act;

19 (n) When a patient would otherwise be subject to the provisions
20 of this section and disclosure is necessary for the protection of the
21 patient or others due to his or her unauthorized disappearance from
22 the facility, and his or her whereabouts is unknown, notice of the
23 disappearance, along with relevant information, may be made to
24 relatives, the department of corrections when the person is under the
25 supervision of the department, and governmental law enforcement
26 agencies designated by the physician or psychiatric advanced
27 registered nurse practitioner in charge of the patient or the
28 professional person in charge of the facility, or his or her
29 professional designee;

30 (o) Pursuant to lawful order of a court;

31 (p) To qualified staff members of the department, to the director
32 of behavioral health organizations, to resource management services
33 responsible for serving a patient, or to service providers designated
34 by resource management services as necessary to determine the
35 progress and adequacy of treatment and to determine whether the
36 person should be transferred to a less restrictive or more
37 appropriate treatment modality or facility;

38 (q) Within the mental health service agency where the patient is
39 receiving treatment, confidential information may be disclosed to
40 persons employed, serving in bona fide training programs, or

1 participating in supervised volunteer programs, at the facility when
2 it is necessary to perform their duties;

3 (r) Within the department as necessary to coordinate treatment
4 for mental illness, developmental disabilities, alcoholism, or drug
5 abuse of persons who are under the supervision of the department;

6 (s) To a licensed physician or psychiatric advanced registered
7 nurse practitioner who has determined that the life or health of the
8 person is in danger and that treatment without the information and
9 records related to mental health services could be injurious to the
10 patient's health. Disclosure must be limited to the portions of the
11 records necessary to meet the medical emergency;

12 (t) Consistent with the requirements of the federal health
13 information portability and accountability act, to a licensed mental
14 health professional or a health care professional licensed under
15 chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is
16 providing care to a person, or to whom a person has been referred for
17 evaluation or treatment, to assure coordinated care and treatment of
18 that person. Psychotherapy notes may not be released without
19 authorization of the person who is the subject of the request for
20 release of information;

21 (u) To administrative and office support staff designated to
22 obtain medical records for those licensed professionals listed in (t)
23 of this subsection;

24 (v) To a facility that is to receive a person who is
25 involuntarily committed under chapter 71.05 RCW, or upon transfer of
26 the person from one evaluation and treatment facility to another. The
27 release of records under this subsection is limited to the
28 information and records related to mental health services required by
29 law, a record or summary of all somatic treatments, and a discharge
30 summary. The discharge summary may include a statement of the
31 patient's problem, the treatment goals, the type of treatment which
32 has been provided, and recommendation for future treatment, but may
33 not include the patient's complete treatment record;

34 (w) To the person's counsel or guardian ad litem, without
35 modification, at any time in order to prepare for involuntary
36 commitment or recommitment proceedings, reexaminations, appeals, or
37 other actions relating to detention, admission, commitment, or
38 patient's rights under chapter 71.05 RCW;

39 (x) To staff members of the protection and advocacy agency or to
40 staff members of a private, nonprofit corporation for the purpose of

1 protecting and advocating the rights of persons with mental disorders
2 or developmental disabilities. Resource management services may limit
3 the release of information to the name, birthdate, and county of
4 residence of the patient, information regarding whether the patient
5 was voluntarily admitted, or involuntarily committed, the date and
6 place of admission, placement, or commitment, the name and address of
7 a guardian of the patient, and the date and place of the guardian's
8 appointment. Any staff member who wishes to obtain additional
9 information must notify the patient's resource management services in
10 writing of the request and of the resource management services' right
11 to object. The staff member shall send the notice by mail to the
12 guardian's address. If the guardian does not object in writing within
13 fifteen days after the notice is mailed, the staff member may obtain
14 the additional information. If the guardian objects in writing within
15 fifteen days after the notice is mailed, the staff member may not
16 obtain the additional information;

17 (y) To all current treating providers of the patient with
18 prescriptive authority who have written a prescription for the
19 patient within the last twelve months. For purposes of coordinating
20 health care, the department may release without written authorization
21 of the patient, information acquired for billing and collection
22 purposes as described in RCW 70.02.050(1)(d). The department shall
23 notify the patient that billing and collection information has been
24 released to named providers, and provide the substance of the
25 information released and the dates of such release. The department
26 may not release counseling, inpatient psychiatric hospitalization, or
27 drug and alcohol treatment information without a signed written
28 release from the client;

29 (z)(i) To the secretary of social and health services for either
30 program evaluation or research, or both so long as the secretary
31 adopts rules for the conduct of the evaluation or research, or both.
32 Such rules must include, but need not be limited to, the requirement
33 that all evaluators and researchers sign an oath of confidentiality
34 substantially as follows:

35 "As a condition of conducting evaluation or research concerning
36 persons who have received services from (fill in the facility,
37 agency, or person) I,, agree not to divulge, publish, or
38 otherwise make known to unauthorized persons or the public any
39 information obtained in the course of such evaluation or research

1 regarding persons who have received services such that the person who
2 received such services is identifiable.

3 I recognize that unauthorized release of confidential information
4 may subject me to civil liability under the provisions of state law.
5 /s/"

6 (ii) Nothing in this chapter may be construed to prohibit the
7 compilation and publication of statistical data for use by government
8 or researchers under standards, including standards to assure
9 maintenance of confidentiality, set forth by the secretary;

10 (aa) To any person if the conditions in section 1 of this act are
11 met.

12 (3) Whenever federal law or federal regulations restrict the
13 release of information contained in the information and records
14 related to mental health services of any patient who receives
15 treatment for chemical dependency, the department may restrict the
16 release of the information as necessary to comply with federal law
17 and regulations.

18 (4) Civil liability and immunity for the release of information
19 about a particular person who is committed to the department of
20 social and health services under RCW 71.05.280(3) and 71.05.320(4)(c)
21 after dismissal of a sex offense as defined in RCW 9.94A.030, is
22 governed by RCW 4.24.550.

23 (5) The fact of admission to a provider of mental health
24 services, as well as all records, files, evidence, findings, or
25 orders made, prepared, collected, or maintained pursuant to chapter
26 71.05 RCW are not admissible as evidence in any legal proceeding
27 outside that chapter without the written authorization of the person
28 who was the subject of the proceeding except as provided in RCW
29 70.02.260, in a subsequent criminal prosecution of a person committed
30 pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were
31 dismissed pursuant to chapter 10.77 RCW due to incompetency to stand
32 trial, in a civil commitment proceeding pursuant to chapter 71.09
33 RCW, or, in the case of a minor, a guardianship or dependency
34 proceeding. The records and files maintained in any court proceeding
35 pursuant to chapter 71.05 RCW must be confidential and available
36 subsequent to such proceedings only to the person who was the subject
37 of the proceeding or his or her attorney. In addition, the court may
38 order the subsequent release or use of such records or files only

1 upon good cause shown if the court finds that appropriate safeguards
2 for strict confidentiality are and will be maintained.

3 (6)(a) Except as provided in RCW 4.24.550, any person may bring
4 an action against an individual who has willfully released
5 confidential information or records concerning him or her in
6 violation of the provisions of this section, for the greater of the
7 following amounts:

8 (i) One thousand dollars; or

9 (ii) Three times the amount of actual damages sustained, if any.

10 (b) It is not a prerequisite to recovery under this subsection
11 that the plaintiff suffered or was threatened with special, as
12 contrasted with general, damages.

13 (c) Any person may bring an action to enjoin the release of
14 confidential information or records concerning him or her or his or
15 her ward, in violation of the provisions of this section, and may in
16 the same action seek damages as provided in this subsection.

17 (d) The court may award to the plaintiff, should he or she
18 prevail in any action authorized by this subsection, reasonable
19 attorney fees in addition to those otherwise provided by law.

20 (e) If an action is brought under this subsection, no action may
21 be brought under RCW 70.02.170.

22 NEW SECTION. **Sec. 7.** Section 6 of this act takes effect April
23 1, 2018.

24 NEW SECTION. **Sec. 8.** Section 5 of this act expires April 1,
25 2018.

Passed by the House April 20, 2017.

Passed by the Senate April 19, 2017.

Approved by the Governor May 16, 2017.

Filed in Office of Secretary of State May 16, 2017.

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