**1826-S AMS BH S6977.2 - NOT FOR FLOOR USE**

**SHB 1826** - S COMM AMD

By Subcommittee on Behavioral Health

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 71.05.365 and 2019 c 325 s 3008 are each amended to read as follows:

(1) When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within fourteen days of the determination.

(2) In the case of a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(4)(c) where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the superintendent or professional person in charge of the hospital shall disclose to the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person, any publicly accessible forensic reports and relevant details of a person's criminal history related to the current admission and within the possession of the hospital.

NEW SECTION. **Sec.**  A new section is added to chapter 71.05 RCW to read as follows:

Any information or records received by a law enforcement entity or prosecuting attorney's office under this chapter shall remain confidential and subject to the limitations on disclosure set forth in this chapter and under chapter 70.02 RCW. The misuse or unauthorized disclosure of information or records by any person with whom information is shared pursuant to this act or RCW 70.02.260 shall subject the person, entity or office with which the person is associated, or both, to a civil penalty of five thousand dollars and other applicable civil remedies or sanctions under state and federal law. A suit to enforce this section shall be brought by the attorney general. All penalties recovered shall be paid into the state treasury and credited to the general fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

NEW SECTION. **Sec.**  Nothing in this act shall be construed to authorize the disclosure of protected health information in violation of the federal health insurance portability and accountability act and health care information under chapter 70.02 RCW."

**SHB 1826** - S COMM AMD

By Subcommittee on Behavioral Health

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 71.05.365; adding a new section to chapter 71.05 RCW; creating a new section; and prescribing penalties."

EFFECT: (1) The scope is limited to persons who are involuntarily committed following dismissal of criminal charges classified as a violent offense based on incompetency to stand trial.

(2) Materials to be disclosed are limited to those forensic reports and relevant details of the person's criminal history that are related to the current admission and within the possession of the hospital.

(3) References to law enforcement entities and prosecuting attorney's offices are removed from the description of the $5,000 civil fine for misuse or unauthorized disclosure of information.

(4) The act must not be construed to allow the disclosure of protected health information in violation of HIPAA or health care information under the Uniform Health Care Information Act.