

# SENATE BILL REPORT

## HB 2545

---

As Passed Senate - Amended, March 6, 2020

**Title:** An act relating to making jail records available to managed health care systems.

**Brief Description:** Making jail records available to managed health care systems.

**Sponsors:** Representatives Davis, Klippert, Goodman, Robinson, Macri, Griffey, Cody, Sutherland, Graham, Pellicciotti, Leavitt and Ormsby.

**Brief History:** Passed House: 2/12/20, 96-0.

**Committee Activity:** Human Services, Reentry & Rehabilitation: 2/26/20 [DP].

**Floor Activity:**

Passed Senate - Amended: 3/06/20, 48-0.

### Brief Summary of Amended Bill

- Allows jail records to be made available to a managed health care system, including managed care organizations and behavioral health administrative services organizations, for care coordination activities.
- Requires the receiving entity to hold the records in confidence and comply with all relevant privacy laws.

---

### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Majority Report:** Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

**Staff:** Kelsey-anne Fung (786-7479)

**Background:** Jail Records. The records of a person confined in jail are generally confidential. However, records may be released to criminal justice agencies, in jail inspections or jail certification proceedings, in court proceedings upon written order of the court, to the Washington Association of Sheriffs and Police Chiefs, to specified agencies for the purpose of research in the public interest, or with the permission of the person.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In addition, jail records may be released to government agencies to determine eligibility for services, including medical, mental health, chemical dependency treatment, and veterans' services. Records may also be released to government agencies to allow for the provision of treatment to inmates during their confinement or after release. Government agencies that receive jail records must treat the records as confidential and comply with federal and state privacy laws. Jails that provide inmate records under appropriate authority are not responsible for unlawful secondary disclosures of the records.

**Managed Care.** The Health Care Authority provides medical care services to eligible low-income state residents and their families, primarily through the Medicaid program. Coverage for medical services is mostly provided through managed care systems. Managed care is a prepaid, comprehensive system for delivering a complete medical benefits package that is available for eligible families, children under age 19, low-income adults, certain disabled individuals, and pregnant women. Since January 1, 2020, all behavioral health services and medical care services have been fully integrated in a managed care health system for most Medicaid clients.

**Summary of Amended Bill:** Jails record may be made available to a managed health care system, including managed care organizations and behavioral health administrative services organizations, for care coordination activities. The receiving system or organization must treat the records as confidential and comply with all relevant state and federal laws on privacy of disclosed records.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Many thought this was allowed or current practice. Information from jail records is shared with the Health Care Authority (HCA), but there are limitations on what HCA can share with managed care organizations (MCOs), producing incomplete information for MCOs. The current process is not efficient and does not ensure proper coordination and continuity of care. Most inmates who have substance abuse or mental health issues are Medicaid eligible and enrolled with one of five MCOs. While Medicaid coverage is suspended while the person is incarcerated, there are many partnerships between the counties and MCOs for coordination of care and discharge planning for jail inmates. The proposed changes under the bill will allow MCOs to identify the location of the person and which MCO the person is enrolled with, in order to provide timely services upon release.

**Persons Testifying:** PRO: Representative Lauren Davis, Prime Sponsor; Jennifer Alderman, Snohomish County Human Services/Behavioral Health Supervisor; Marissa Ingalls, Coordinated Care of Washington; James McMahan, Washington Association of Sheriffs & Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** No one.