

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6499

Chapter 323, Laws of 2020

66th Legislature
2020 Regular Session

RETIREMENT PLANS--MEDICAL INFORMATION CONFIDENTIALITY

EFFECTIVE DATE: June 11, 2020

Passed by the Senate February 13,
2020

Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 6, 2020

Yeas 96 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved April 2, 2020 3:10 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6499** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 3, 2020

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6499

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Schoesler, Hunt, Kuderer, Becker, Conway, and Hasegawa; by request of Department of Retirement Systems)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to protecting the confidentiality of retirement
2 system files and records relating to health information; amending RCW
3 42.56.360; and adding a new section to chapter 41.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04
6 RCW to read as follows:

7 Medical information contained in files and records of members of
8 retirement plans administered by the department of retirement systems
9 or the law enforcement officers' and firefighters' plan 2 retirement
10 board, under the provisions of this title, are confidential and
11 exempt from public inspection and copying under chapter 42.56 RCW.
12 However:

13 (1) Representatives of an applicant may review an application
14 file or receive specific information from an application file with
15 the signed authorization of the applicant.

16 (2) Health care providers treating or examining applicants
17 claiming disability retirement benefits under this title, or
18 physicians giving medical advice to the department of retirement
19 systems regarding any application, may, at the discretion of the
20 department of retirement systems, inspect the application files and
21 records of applicants.

1 (3) At the discretion of the department of retirement systems,
2 persons rendering assistance to the department at any stage of the
3 proceedings on any matter pertaining to the administration of this
4 title may inspect the health information contained in application
5 files and records of applicants.

6 **Sec. 2.** RCW 42.56.360 and 2016 c 238 s 2 are each amended to
7 read as follows:

8 (1) The following health care information is exempt from
9 disclosure under this chapter:

10 (a) Information obtained by the pharmacy quality assurance
11 commission as provided in RCW 69.45.090;

12 (b) Information obtained by the pharmacy quality assurance
13 commission or the department of health and its representatives as
14 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

15 (c) Information and documents created specifically for, and
16 collected and maintained by a quality improvement committee under RCW
17 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
18 under RCW 4.24.250, or by a quality assurance committee pursuant to
19 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW
20 43.70.056, for reporting of health care-associated infections under
21 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),
22 and reports regarding adverse events under RCW 70.56.020(2)(b),
23 regardless of which agency is in possession of the information and
24 documents;

25 (d)(i) Proprietary financial and commercial information that the
26 submitting entity, with review by the department of health,
27 specifically identifies at the time it is submitted and that is
28 provided to or obtained by the department of health in connection
29 with an application for, or the supervision of, an antitrust
30 exemption sought by the submitting entity under RCW 43.72.310;

31 (ii) If a request for such information is received, the
32 submitting entity must be notified of the request. Within ten
33 business days of receipt of the notice, the submitting entity shall
34 provide a written statement of the continuing need for
35 confidentiality, which shall be provided to the requester. Upon
36 receipt of such notice, the department of health shall continue to
37 treat information designated under this subsection (1)(d) as exempt
38 from disclosure;

1 (iii) If the requester initiates an action to compel disclosure
2 under this chapter, the submitting entity must be joined as a party
3 to demonstrate the continuing need for confidentiality;

4 (e) Records of the entity obtained in an action under RCW
5 18.71.300 through 18.71.340;

6 (f) Complaints filed under chapter 18.130 RCW after July 27,
7 1997, to the extent provided in RCW 18.130.095(1);

8 (g) Information obtained by the department of health under
9 chapter 70.225 RCW;

10 (h) Information collected by the department of health under
11 chapter 70.245 RCW except as provided in RCW 70.245.150;

12 (i) Cardiac and stroke system performance data submitted to
13 national, state, or local data collection systems under RCW
14 70.168.150(2)(b);

15 (j) All documents, including completed forms, received pursuant
16 to a wellness program under RCW 41.04.362, but not statistical
17 reports that do not identify an individual; (~~and~~)

18 (k) Data and information exempt from disclosure under RCW
19 43.371.040; and

20 (l) Medical information contained in files and records of members
21 of retirement plans administered by the department of retirement
22 systems or the law enforcement officers' and firefighters' plan 2
23 retirement board, as provided to the department of retirement systems
24 under section 1 of this act.

25 (2) Chapter 70.02 RCW applies to public inspection and copying of
26 health care information of patients.

27 (3)(a) Documents related to infant mortality reviews conducted
28 pursuant to RCW 70.05.170 are exempt from disclosure as provided for
29 in RCW 70.05.170(3).

30 (b)(i) If an agency provides copies of public records to another
31 agency that are exempt from public disclosure under this subsection
32 (3), those records remain exempt to the same extent the records were
33 exempt in the possession of the originating entity.

34 (ii) For notice purposes only, agencies providing exempt records
35 under this subsection (3) to other agencies may mark any exempt
36 records as "exempt" so that the receiving agency is aware of the
37 exemption, however whether or not a record is marked exempt does not
38 affect whether the record is actually exempt from disclosure.

1 (4) Information and documents related to maternal mortality
2 reviews conducted pursuant to RCW 70.54.450 are confidential and
3 exempt from public inspection and copying.

Passed by the Senate February 13, 2020.

Passed by the House March 6, 2020.

Approved by the Governor April 2, 2020.

Filed in Office of Secretary of State April 3, 2020.

--- **END** ---