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## Health Care & Wellness Committee

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### HB 2102

**Brief Description:** Establishing requirements for the disclosure of health care information for qualifying persons to receive paid family and medical leave benefits.

**Sponsors:** Representatives Berry, Reed, Ormsby, Nance and Pollet.

#### Brief Summary of Bill

- Requires health care providers to disclose health care information required for benefits eligibility under the Paid Family and Medical Leave (PFML) Program within five working days of receiving patient authorization.
- Prohibits health care providers and health care facilities from charging a fee for the disclosure of health care information to the Employment Security Department in connection with applications for PFML benefits.

**Hearing Date:** 1/16/24

**Staff:** Emily Poole (786-7106).

#### **Background:**

##### Paid Family and Medical Leave.

The state Paid Family and Medical Leave (PFML) Program, administered by the Employment Security Department (Department), provides paid family and medical leave for eligible workers who have worked at least 820 hours during a qualifying period. The PFML benefits are generally provided: when an employee is bonding after the birth or placement of a child; because of an employee's or family member's serious health condition; or for a military exigency. Under the PFML Program, a "serious health condition" generally means an illness,

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injury, impairment, or physical or mental condition that involves: (1) inpatient hospital, hospice, or residential medical care; or (2) continuing treatment by a health care provider for periods of incapacity, pregnancy, or certain chronic conditions causing incapacity.

To receive PFML benefits, among other requirements, the employee must provide a document authorizing the family member's or employee's health care provider, as applicable, to disclose the family member's or employee's health care information in the form of the certification of a serious health condition.

#### Fees for Providing Health Care Information.

Under the Uniform Health Care Information Act, a patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility must generally honor such an authorization and, if requested, provide a copy of the recorded health care information. Subject to certain exceptions, health care providers may charge a reasonable fee for providing copies of health care records.

#### **Summary of Bill:**

A health care provider must disclose health care information required by the PFML Program for qualifying a patient or the patient's family member for paid family or medical leave to the Department within five working days of receipt of a request and authorization from the patient. The health care provider must also provide a copy of the requested information to the patient. If a health care facility requires administrative review before allowing a provider to submit the requested information to the Department, the administrative review process must comply with these requirements.

A health care provider or health care facility may not charge a fee for providing the requested health care information to the Department.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.