

SENATE BILL REPORT

SHB 2102

As Reported by Senate Committee On:
Health & Long Term Care, February 20, 2024

Title: An act relating to establishing requirements for the disclosure of health care information for qualifying persons to receive paid family and medical leave benefits.

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

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Berry, Reed, Ormsby, Nance and Pollet).

Brief History: Passed House: 2/8/24, 97-0.

Committee Activity: Health & Long Term Care: 2/16/24, 2/20/24 [DP].

Brief Summary of Bill

- Requires health care providers to provide a certification of a serious health condition required for benefits eligibility under the Paid Family and Medical Leave (PFML) Program within seven calendar days of receiving patient authorization.
- Prohibits health care providers and health care facilities from charging a fee for a certification of a serious health condition in connection with applications for PFML benefits.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden, Randall and Van De Wege.

Staff: Greg Attanasio (786-7410)

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

Background: The state Paid Family and Medical Leave (PFML) Program, administered by the Employment Security Department (ESD), 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, 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.

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 provide a certification of a serious health condition as required by the PFML Program for qualifying a patient for PFML benefits within seven calendar days of receipt of a request and authorization from the patient. If a health care facility requires administrative review before allowing a provider to provide a certification of a serious health condition, the administrative review process must comply with this timing requirement.

A health care provider or health care facility may not charge a fee for the execution of a certification of a serious health condition, but a health care provider may charge a fee associated with any office visit necessary for evaluating the patient.

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: There are currently delays in providing benefits due to obtaining the serious medical condition certification form. This time

requirement will expedite providing benefits to those entitled to them.

Persons Testifying: PRO: Joe Kendo, Washington State labor Council; Consuelo Rodriguez, La Casa Hogar; Carrie Glover, WithinReach.

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