

SENATE BILL REPORT

SB 5239

As Reported by Senate Committee On:
Health & Long-Term Care, January 24, 2025

Title: An act relating to the retention of hospital medical records.

Brief Description: Concerning the retention of hospital medical records.

Sponsors: Senators Slatter, Nobles and Wilson, C..

Brief History:

Committee Activity: Health & Long-Term Care: 1/21/25, 1/24/25 [DPS].

Brief Summary of First Substitute Bill

- Requires hospitals to retain medical records for all patients for a minimum of 26 years.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Orwall, Vice Chair; Muzzall, Ranking Member; Bateman, Chapman, Christian, Harris, Holy, Riccelli, Robinson and Slatter.

Staff: Rohan Bhattacharjee (786-7534)

Background: A hospital must retain and preserve all medical records which are directly related to the care and treatment of an adult patient for a minimum period of ten years following the most recent discharge of the patient.

Records of minors must be retained and preserved for a period of at least three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

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.

Summary of Bill (First Substitute): A hospital must retain and preserve all medical records for a minimum of 26 years. A hospital may retain such medical records on paper, microfilm, electronically, or other media.

This act applies to medical records created and retained prior to the effective date, as well as those which would have been created on or after the effective date. It does not apply to medical records neither retained nor preserved by the hospital if the hospital complied with the retention requirements that existed prior to the effective date of this act. This act does not exempt hospitals from compliance with any other record retention requirements.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (First Substitute):

- Clarifies that all information collected at each unique visit is considered a medical record for purposes of this section.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Streamlining hospital medical record retention by setting a clear 26-year retention period based on the record creation date rather than discharge dates would address challenges in managing outdated records, which are costly to store and difficult to organize due to missing discharge dates. The proposed timeframe accounts for legal requirements for minors and statutes of limitations, ensuring compliance.

OTHER: Support the intent of the legislation. Would like an amendment clarifying that information associated with each unique visit would constitute a medical record.

Persons Testifying: PRO: Senator Vandana Slatter, Prime Sponsor; Rashi Gupta, UW Medicine.

OTHER: Teddi McGuire, Providence Health.

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