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**SUBSTITUTE HOUSE BILL 1496**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Berry, Bronoske, Abbarno, Lekanoff, Doglio, Peterson, Reed, Griffey, Simmons, Goodman, Parshley, Ormsby, Fosse, Pollet, Hill, Salahuddin, and Scott)

READ FIRST TIME 02/03/26.

1 AN ACT Relating to strengthening patients' rights regarding their  
2 health care information by promoting access to information and  
3 providing enforcement protections for the appropriate use of the  
4 information; amending RCW 70.02.010, 70.02.010, 70.02.030, 70.02.080,  
5 70.02.090, 70.02.170, and 70.02.220; reenacting and amending RCW  
6 70.02.260; adding a new section to chapter 70.02 RCW; providing an  
7 effective date; and providing an expiration date.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.02  
10 RCW to read as follows:

11 (1) Except as provided in subsection (2) of this section, RCW  
12 70.02.370, and the federal health insurance portability and  
13 accountability act of 1996 and its implementing regulations, a health  
14 care provider or health care facility may charge a reasonable fee for  
15 providing health care information to a person and is not required to  
16 honor an authorization until the fee is paid.

17 (2)(a) A health care provider or health care facility may not  
18 charge a fee of more than \$50 for providing a patient's health care  
19 information that is stored electronically at the time of the request  
20 and delivered in an electronic format to:

21 (i) The patient;

1 (ii) The patient's representative, including a person authorized  
2 to consent to health care for the patient under RCW 70.02.130;

3 (iii) A licensed attorney who is representing the patient; or

4 (iv) A community-based or system-based advocate designated by the  
5 patient.

6 (b) The \$50 fee limit for providing electronic health records in  
7 an electronic format in (a) of this subsection applies to any third  
8 party acting on behalf of a health care provider or health care  
9 facility, including any agent, vendor, or business associate.

10 **Sec. 2.** RCW 70.02.010 and 2024 c 209 s 31 are each amended to  
11 read as follows:

12 The definitions in this section apply throughout this chapter  
13 unless the context clearly requires otherwise.

14 (1) "Admission" has the same meaning as in RCW 71.05.020.

15 (2) "Audit" means an assessment, evaluation, determination, or  
16 investigation of a health care provider by a person not employed by  
17 or affiliated with the provider to determine compliance with:

18 (a) Statutory, regulatory, fiscal, medical, or scientific  
19 standards;

20 (b) A private or public program of payments to a health care  
21 provider; or

22 (c) Requirements for licensing, accreditation, or certification.

23 (3) "Authority" means the Washington state health care authority.

24 (4) "Commitment" has the same meaning as in RCW 71.05.020.

25 (5) "Custody" has the same meaning as in RCW 71.05.020.

26 (6) "Deidentified" means health information that does not  
27 identify an individual and with respect to which there is no  
28 reasonable basis to believe that the information can be used to  
29 identify an individual.

30 (7) "Department" means the department of social and health  
31 services.

32 (8) "Designated crisis responder" has the same meaning as in RCW  
33 71.05.020 or 71.34.020, as applicable.

34 (9) "Detention" or "detain" has the same meaning as in RCW  
35 71.05.020.

36 (10) "Directory information" means information disclosing the  
37 presence, and for the purpose of identification, the name, location  
38 within a health care facility, and the general health condition of a  
39 particular patient who is a patient in a health care facility or who

1 is currently receiving emergency health care in a health care  
2 facility.

3 (11) "Discharge" has the same meaning as in RCW 71.05.020.

4 (12) "Evaluation and treatment facility" has the same meaning as  
5 in RCW 71.05.020 or 71.34.020, as applicable.

6 (13) "Federal, state, or local law enforcement authorities" means  
7 an officer of any agency or authority in the United States, a state,  
8 a tribe, a territory, or a political subdivision of a state, a tribe,  
9 or a territory who is empowered by law to: (a) Investigate or conduct  
10 an official inquiry into a potential criminal violation of law; or  
11 (b) prosecute or otherwise conduct a criminal proceeding arising from  
12 an alleged violation of law.

13 (14) "General health condition" means the patient's health status  
14 described in terms of "critical," "poor," "fair," "good,"  
15 "excellent," or terms denoting similar conditions.

16 (15) "Health care" means any care, service, or procedure provided  
17 by a health care provider:

18 (a) To diagnose, treat, or maintain a patient's physical or  
19 mental condition; or

20 (b) That affects the structure or any function of the human body.

21 (16) "Health care facility" means a hospital, clinic, nursing  
22 home, laboratory, office, or similar place where a health care  
23 provider provides health care to patients.

24 (17) "Health care information" means any information, whether  
25 oral or recorded in any form or medium, that identifies or can  
26 readily be associated with the identity of a patient and directly  
27 relates to the patient's health care, including a patient's  
28 deoxyribonucleic acid and identified sequence of chemical base pairs.  
29 The term includes any required accounting of disclosures of health  
30 care information.

31 (18) "Health care operations" means any of the following  
32 activities of a health care provider, health care facility, or third-  
33 party payor to the extent that the activities are related to  
34 functions that make an entity a health care provider, a health care  
35 facility, or a third-party payor:

36 (a) Conducting: Quality assessment and improvement activities,  
37 including outcomes evaluation and development of clinical guidelines,  
38 if the obtaining of generalizable knowledge is not the primary  
39 purpose of any studies resulting from such activities; population-  
40 based activities relating to improving health or reducing health care

1 costs, protocol development, case management and care coordination,  
2 contacting of health care providers and patients with information  
3 about treatment alternatives; and related functions that do not  
4 include treatment;

5 (b) Reviewing the competence or qualifications of health care  
6 professionals, evaluating practitioner and provider performance and  
7 third-party payor performance, conducting training programs in which  
8 students, trainees, or practitioners in areas of health care learn  
9 under supervision to practice or improve their skills as health care  
10 providers, training of nonhealth care professionals, accreditation,  
11 certification, licensing, or credentialing activities;

12 (c) Underwriting, premium rating, and other activities relating  
13 to the creation, renewal, or replacement of a contract of health  
14 insurance or health benefits, and ceding, securing, or placing a  
15 contract for reinsurance of risk relating to claims for health care,  
16 including stop-loss insurance and excess of loss insurance, if any  
17 applicable legal requirements are met;

18 (d) Conducting or arranging for medical review, legal services,  
19 and auditing functions, including fraud and abuse detection and  
20 compliance programs;

21 (e) Business planning and development, such as conducting cost-  
22 management and planning-related analyses related to managing and  
23 operating the health care facility or third-party payor, including  
24 formulary development and administration, development, or improvement  
25 of methods of payment or coverage policies; and

26 (f) Business management and general administrative activities of  
27 the health care facility, health care provider, or third-party payor  
28 including, but not limited to:

29 (i) Management activities relating to implementation of and  
30 compliance with the requirements of this chapter;

31 (ii) Customer service, including the provision of data analyses  
32 for policyholders, plan sponsors, or other customers, provided that  
33 health care information is not disclosed to such policyholder, plan  
34 sponsor, or customer;

35 (iii) Resolution of internal grievances;

36 (iv) The sale, transfer, merger, or consolidation of all or part  
37 of a health care provider, health care facility, or third-party payor  
38 with another health care provider, health care facility, or third-  
39 party payor or an entity that following such activity will become a

1 health care provider, health care facility, or third-party payor, and  
2 due diligence related to such activity; and

3 (v) Consistent with applicable legal requirements, creating  
4 deidentified health care information or a limited data set for the  
5 benefit of the health care provider, health care facility, or third-  
6 party payor.

7 (19) "Health care provider" means a person who is licensed,  
8 certified, registered, or otherwise authorized by the law of this  
9 state to provide health care in the ordinary course of business or  
10 practice of a profession.

11 (20) "Human immunodeficiency virus" or "HIV" has the same meaning  
12 as in RCW 70.24.017.

13 (21) "Imminent" has the same meaning as in RCW 71.05.020.

14 (22) "Indian health care provider" has the same meaning as in RCW  
15 43.71B.010(11).

16 (23) "Information and records related to mental health services"  
17 means a type of health care information that relates to all  
18 information and records compiled, obtained, or maintained in the  
19 course of providing services by a mental health service agency or  
20 mental health professional to persons who are receiving or have  
21 received services for mental illness. The term includes mental health  
22 information contained in a medical bill, registration records, and  
23 all other records regarding the person maintained by the department,  
24 by the authority, by behavioral health administrative services  
25 organizations and their staff, managed care organizations contracted  
26 with the authority under chapter 74.09 RCW and their staff, and by  
27 treatment facilities. The term further includes documents of legal  
28 proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic  
29 health care information. For health care information maintained by a  
30 hospital as defined in RCW 70.41.020 or a health care facility or  
31 health care provider that participates with a hospital in an  
32 organized health care arrangement defined under federal law,  
33 "information and records related to mental health services" is  
34 limited to information and records of services provided by a mental  
35 health professional or information and records of services created by  
36 a hospital-operated community behavioral health program as defined in  
37 RCW 71.24.025. The term does not include psychotherapy notes.

38 (24) "Information and records related to sexually transmitted  
39 diseases" means a type of health care information that relates to the  
40 identity of any person upon whom an HIV antibody test or other

1 sexually transmitted infection test is performed, the results of such  
2 tests, and any information relating to diagnosis of or treatment for  
3 any confirmed sexually transmitted infections.

4 (25) "Institutional review board" means any board, committee, or  
5 other group formally designated by an institution, or authorized  
6 under federal or state law, to review, approve the initiation of, or  
7 conduct periodic review of research programs to assure the protection  
8 of the rights and welfare of human research subjects.

9 ~~((26)) ("Legal counsel" has the same meaning as in RCW 71.05.020.~~  
10 ~~(27))~~ (27) "Local public health officer" has the same meaning as the  
11 term "local health officer" as defined in RCW 70.24.017.

12 ~~((28))~~ (27) "Maintain," as related to health care information,  
13 means to hold, possess, preserve, retain, store, or control that  
14 information.

15 ~~((29))~~ (28) "Managed care organization" has the same meaning as  
16 provided in RCW 71.24.025.

17 ~~((30))~~ (29) "Mental health professional" means a psychiatrist,  
18 psychologist, psychiatric advanced registered nurse practitioner,  
19 psychiatric nurse, or social worker, and such other mental health  
20 professionals as may be defined by rules adopted by the secretary of  
21 health under chapter 71.05 RCW, whether that person works in a  
22 private or public setting.

23 ~~((31))~~ (30) "Mental health service agency" means a public or  
24 private agency that provides services to persons with mental  
25 disorders as defined under RCW 71.05.020 or 71.34.020 and receives  
26 funding from public sources. This includes evaluation and treatment  
27 facilities as defined in RCW 71.34.020, community mental health  
28 service delivery systems, or community behavioral health programs, as  
29 defined in RCW 71.24.025, and facilities conducting competency  
30 evaluations and restoration under chapter 10.77 RCW.

31 ~~((32))~~ (31) "Minor" has the same meaning as in RCW 71.34.020.

32 ~~((33))~~ (32) "Parent" has the same meaning as in RCW 71.34.020.

33 ~~((34))~~ (33) "Patient" means an individual who receives or has  
34 received health care. The term includes a deceased individual who has  
35 received health care.

36 ~~((35))~~ (34) "Payment" means:

37 (a) The activities undertaken by:

38 (i) A third-party payor to obtain premiums or to determine or  
39 fulfill its responsibility for coverage and provision of benefits by  
40 the third-party payor; or

1 (ii) A health care provider, health care facility, or third-party  
2 payor, to obtain or provide reimbursement for the provision of health  
3 care; and

4 (b) The activities in (a) of this subsection that relate to the  
5 patient to whom health care is provided and that include, but are not  
6 limited to:

7 (i) Determinations of eligibility or coverage, including  
8 coordination of benefits or the determination of cost-sharing  
9 amounts, and adjudication or subrogation of health benefit claims;

10 (ii) Risk adjusting amounts due based on enrollee health status  
11 and demographic characteristics;

12 (iii) Billing, claims management, collection activities,  
13 obtaining payment under a contract for reinsurance, including stop-  
14 loss insurance and excess of loss insurance, and related health care  
15 data processing;

16 (iv) Review of health care services with respect to medical  
17 necessity, coverage under a health plan, appropriateness of care, or  
18 justification of charges;

19 (v) Utilization review activities, including precertification and  
20 preauthorization of services, and concurrent and retrospective review  
21 of services; and

22 (vi) Disclosure to consumer reporting agencies of any of the  
23 following health care information relating to collection of premiums  
24 or reimbursement:

25 (A) Name and address;

26 (B) Date of birth;

27 (C) Social security number;

28 (D) Payment history;

29 (E) Account number; and

30 (F) Name and address of the health care provider, health care  
31 facility, and/or third-party payor.

32 (~~(36)~~) (35) "Person" means an individual, corporation, business  
33 trust, estate, trust, partnership, association, joint venture,  
34 government, governmental subdivision or agency, or any other legal or  
35 commercial entity.

36 (~~(37)~~) (36) "Professional person" has the same meaning as in  
37 RCW 71.05.020.

38 (~~(38)~~) (37) "Psychiatric advanced registered nurse  
39 practitioner" has the same meaning as in RCW 71.05.020.

1       (~~(39)~~) (38) "Psychotherapy notes" means notes recorded, in any  
2 medium, by a mental health professional documenting or analyzing the  
3 contents of conversations during a private counseling session or  
4 group, joint, or family counseling session, and that are separated  
5 from the rest of the individual's medical record. The term excludes  
6 (~~(mediation)~~) medication prescription and monitoring, counseling  
7 session start and stop times, the modalities and frequencies of  
8 treatment furnished, results of clinical tests, and any summary of  
9 the following items: Diagnosis, functional status, the treatment  
10 plan, symptoms, prognosis, and progress to date.

11       (~~(40)~~) (39) "Reasonable fee" means the charges for duplicating  
12 or searching the record, but shall not exceed 65 cents per page for  
13 the first 30 pages and 50 cents per page for all other pages. In  
14 addition, a clerical fee for searching and handling may be charged  
15 not to exceed \$15. These amounts shall be adjusted biennially in  
16 accordance with changes in the consumer price index, all consumers,  
17 for Seattle-Tacoma metropolitan statistical area as determined by the  
18 secretary of health. However, where editing of records by a health  
19 care provider is required by statute and is done by the provider  
20 personally, the fee may be the usual and customary charge for a basic  
21 office visit.

22       (~~(41)~~) (40) "Release" has the same meaning as in RCW 71.05.020.

23       (~~(42)~~) (41) "Resource management services" has the same meaning  
24 as in RCW 71.05.020.

25       (~~(43)~~) (42) "Serious violent offense" has the same meaning as  
26 in RCW 9.94A.030.

27       (~~(44)~~) (43) "Sexually transmitted infection" or "sexually  
28 transmitted disease" has the same meaning as "sexually transmitted  
29 disease" in RCW 70.24.017.

30       (~~(45)~~) (44) "Test for a sexually transmitted disease" has the  
31 same meaning as in RCW 70.24.017.

32       (~~(46)~~) (45) "Third-party payor" means an insurer regulated  
33 under Title 48 RCW authorized to transact business in this state or  
34 other jurisdiction, including a health care service contractor, and  
35 health maintenance organization; or an employee welfare benefit plan,  
36 excluding fitness or wellness plans; or a state or federal health  
37 benefit program.

38       (~~(47)~~) (46) "Treatment" means the provision, coordination, or  
39 management of health care and related services by one or more health  
40 care providers or health care facilities, including the coordination

1 or management of health care by a health care provider or health care  
2 facility with a third party; consultation between health care  
3 providers or health care facilities relating to a patient; or the  
4 referral of a patient for health care from one health care provider  
5 or health care facility to another.

6 ~~((48))~~ (47) "Tribal public health authority" means a tribe that  
7 is responsible for public health matters as a part of its official  
8 mandate.

9 ~~((49))~~ (48) "Tribal public health officer" means the individual  
10 appointed as the health officer for the tribe.

11 ~~((50))~~ (49) "Tribe" has the same meaning as in RCW 71.24.025.

12 **Sec. 3.** RCW 70.02.010 and 2025 c 58 s 5128 are each amended to  
13 read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

16 (1) "Admission" has the same meaning as in RCW 71.05.020.

17 (2) "Audit" means an assessment, evaluation, determination, or  
18 investigation of a health care provider by a person not employed by  
19 or affiliated with the provider to determine compliance with:

20 (a) Statutory, regulatory, fiscal, medical, or scientific  
21 standards;

22 (b) A private or public program of payments to a health care  
23 provider; or

24 (c) Requirements for licensing, accreditation, or certification.

25 (3) "Authority" means the Washington state health care authority.

26 (4) "Commitment" has the same meaning as in RCW 71.05.020.

27 (5) "Custody" has the same meaning as in RCW 71.05.020.

28 (6) "Deidentified" means health information that does not  
29 identify an individual and with respect to which there is no  
30 reasonable basis to believe that the information can be used to  
31 identify an individual.

32 (7) "Department" means the department of social and health  
33 services.

34 (8) "Designated crisis responder" has the same meaning as in RCW  
35 71.05.020 or 71.34.020, as applicable.

36 (9) "Detention" or "detain" has the same meaning as in RCW  
37 71.05.020.

38 (10) "Directory information" means information disclosing the  
39 presence, and for the purpose of identification, the name, location

1 within a health care facility, and the general health condition of a  
2 particular patient who is a patient in a health care facility or who  
3 is currently receiving emergency health care in a health care  
4 facility.

5 (11) "Discharge" has the same meaning as in RCW 71.05.020.

6 (12) "Evaluation and treatment facility" has the same meaning as  
7 in RCW 71.05.020 or 71.34.020, as applicable.

8 (13) "Federal, state, or local law enforcement authorities" means  
9 an officer of any agency or authority in the United States, a state,  
10 a tribe, a territory, or a political subdivision of a state, a tribe,  
11 or a territory who is empowered by law to: (a) Investigate or conduct  
12 an official inquiry into a potential criminal violation of law; or  
13 (b) prosecute or otherwise conduct a criminal proceeding arising from  
14 an alleged violation of law.

15 (14) "General health condition" means the patient's health status  
16 described in terms of "critical," "poor," "fair," "good,"  
17 "excellent," or terms denoting similar conditions.

18 (15) "Health care" means any care, service, or procedure provided  
19 by a health care provider:

20 (a) To diagnose, treat, or maintain a patient's physical or  
21 mental condition; or

22 (b) That affects the structure or any function of the human body.

23 (16) "Health care facility" means a hospital, clinic, nursing  
24 home, laboratory, office, or similar place where a health care  
25 provider provides health care to patients.

26 (17) "Health care information" means any information, whether  
27 oral or recorded in any form or medium, that identifies or can  
28 readily be associated with the identity of a patient and directly  
29 relates to the patient's health care, including a patient's  
30 deoxyribonucleic acid and identified sequence of chemical base pairs.  
31 The term includes any required accounting of disclosures of health  
32 care information.

33 (18) "Health care operations" means any of the following  
34 activities of a health care provider, health care facility, or third-  
35 party payor to the extent that the activities are related to  
36 functions that make an entity a health care provider, a health care  
37 facility, or a third-party payor:

38 (a) Conducting: Quality assessment and improvement activities,  
39 including outcomes evaluation and development of clinical guidelines,  
40 if the obtaining of generalizable knowledge is not the primary

1 purpose of any studies resulting from such activities; population-  
2 based activities relating to improving health or reducing health care  
3 costs, protocol development, case management and care coordination,  
4 contacting of health care providers and patients with information  
5 about treatment alternatives; and related functions that do not  
6 include treatment;

7 (b) Reviewing the competence or qualifications of health care  
8 professionals, evaluating practitioner and provider performance and  
9 third-party payor performance, conducting training programs in which  
10 students, trainees, or practitioners in areas of health care learn  
11 under supervision to practice or improve their skills as health care  
12 providers, training of nonhealth care professionals, accreditation,  
13 certification, licensing, or credentialing activities;

14 (c) Underwriting, premium rating, and other activities relating  
15 to the creation, renewal, or replacement of a contract of health  
16 insurance or health benefits, and ceding, securing, or placing a  
17 contract for reinsurance of risk relating to claims for health care,  
18 including stop-loss insurance and excess of loss insurance, if any  
19 applicable legal requirements are met;

20 (d) Conducting or arranging for medical review, legal services,  
21 and auditing functions, including fraud and abuse detection and  
22 compliance programs;

23 (e) Business planning and development, such as conducting cost-  
24 management and planning-related analyses related to managing and  
25 operating the health care facility or third-party payor, including  
26 formulary development and administration, development, or improvement  
27 of methods of payment or coverage policies; and

28 (f) Business management and general administrative activities of  
29 the health care facility, health care provider, or third-party payor  
30 including, but not limited to:

31 (i) Management activities relating to implementation of and  
32 compliance with the requirements of this chapter;

33 (ii) Customer service, including the provision of data analyses  
34 for policyholders, plan sponsors, or other customers, provided that  
35 health care information is not disclosed to such policyholder, plan  
36 sponsor, or customer;

37 (iii) Resolution of internal grievances;

38 (iv) The sale, transfer, merger, or consolidation of all or part  
39 of a health care provider, health care facility, or third-party payor  
40 with another health care provider, health care facility, or third-

1 party payor or an entity that following such activity will become a  
2 health care provider, health care facility, or third-party payor, and  
3 due diligence related to such activity; and

4 (v) Consistent with applicable legal requirements, creating  
5 deidentified health care information or a limited data set for the  
6 benefit of the health care provider, health care facility, or third-  
7 party payor.

8 (19) "Health care provider" means a person who is licensed,  
9 certified, registered, or otherwise authorized by the law of this  
10 state to provide health care in the ordinary course of business or  
11 practice of a profession.

12 (20) "Human immunodeficiency virus" or "HIV" has the same meaning  
13 as in RCW 70.24.017.

14 (21) "Imminent" has the same meaning as in RCW 71.05.020.

15 (22) "Indian health care provider" has the same meaning as in RCW  
16 43.71B.010(11).

17 (23) "Information and records related to mental health services"  
18 means a type of health care information that relates to all  
19 information and records compiled, obtained, or maintained in the  
20 course of providing services by a mental health service agency or  
21 mental health professional to persons who are receiving or have  
22 received services for mental illness. The term includes mental health  
23 information contained in a medical bill, registration records, and  
24 all other records regarding the person maintained by the department,  
25 by the authority, by behavioral health administrative services  
26 organizations and their staff, managed care organizations contracted  
27 with the authority under chapter 74.09 RCW and their staff, and by  
28 treatment facilities. The term further includes documents of legal  
29 proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic  
30 health care information. For health care information maintained by a  
31 hospital as defined in RCW 70.41.020 or a health care facility or  
32 health care provider that participates with a hospital in an  
33 organized health care arrangement defined under federal law,  
34 "information and records related to mental health services" is  
35 limited to information and records of services provided by a mental  
36 health professional or information and records of services created by  
37 a hospital-operated community behavioral health program as defined in  
38 RCW 71.24.025. The term does not include psychotherapy notes.

39 (24) "Information and records related to sexually transmitted  
40 diseases" means a type of health care information that relates to the

1 identity of any person upon whom an HIV antibody test or other  
2 sexually transmitted infection test is performed, the results of such  
3 tests, and any information relating to diagnosis of or treatment for  
4 any confirmed sexually transmitted infections.

5 (25) "Institutional review board" means any board, committee, or  
6 other group formally designated by an institution, or authorized  
7 under federal or state law, to review, approve the initiation of, or  
8 conduct periodic review of research programs to assure the protection  
9 of the rights and welfare of human research subjects.

10 (~~(26)~~) (~~"Legal counsel" has the same meaning as in RCW 71.05.020.~~  
11 ~~(27)~~) "Local public health officer" has the same meaning as the  
12 term "local health officer" as defined in RCW 70.24.017.

13 (~~(28)~~) (27) "Maintain," as related to health care information,  
14 means to hold, possess, preserve, retain, store, or control that  
15 information.

16 (~~(29)~~) (28) "Managed care organization" has the same meaning as  
17 provided in RCW 71.24.025.

18 (~~(30)~~) (29) "Mental health professional" means a psychiatrist,  
19 psychologist, psychiatric advanced practice registered nurse,  
20 psychiatric nurse, or social worker, and such other mental health  
21 professionals as may be defined by rules adopted by the secretary of  
22 health under chapter 71.05 RCW, whether that person works in a  
23 private or public setting.

24 (~~(31)~~) (30) "Mental health service agency" means a public or  
25 private agency that provides services to persons with mental  
26 disorders as defined under RCW 71.05.020 or 71.34.020 and receives  
27 funding from public sources. This includes evaluation and treatment  
28 facilities as defined in RCW 71.34.020, community mental health  
29 service delivery systems, or community behavioral health programs, as  
30 defined in RCW 71.24.025, and facilities conducting competency  
31 evaluations and restoration under chapter 10.77 RCW.

32 (~~(32)~~) (31) "Minor" has the same meaning as in RCW 71.34.020.

33 (~~(33)~~) (32) "Parent" has the same meaning as in RCW 71.34.020.

34 (~~(34)~~) (33) "Patient" means an individual who receives or has  
35 received health care. The term includes a deceased individual who has  
36 received health care.

37 (~~(35)~~) (34) "Payment" means:

38 (a) The activities undertaken by:

1 (i) A third-party payor to obtain premiums or to determine or  
2 fulfill its responsibility for coverage and provision of benefits by  
3 the third-party payor; or

4 (ii) A health care provider, health care facility, or third-party  
5 payor, to obtain or provide reimbursement for the provision of health  
6 care; and

7 (b) The activities in (a) of this subsection that relate to the  
8 patient to whom health care is provided and that include, but are not  
9 limited to:

10 (i) Determinations of eligibility or coverage, including  
11 coordination of benefits or the determination of cost-sharing  
12 amounts, and adjudication or subrogation of health benefit claims;

13 (ii) Risk adjusting amounts due based on enrollee health status  
14 and demographic characteristics;

15 (iii) Billing, claims management, collection activities,  
16 obtaining payment under a contract for reinsurance, including stop-  
17 loss insurance and excess of loss insurance, and related health care  
18 data processing;

19 (iv) Review of health care services with respect to medical  
20 necessity, coverage under a health plan, appropriateness of care, or  
21 justification of charges;

22 (v) Utilization review activities, including precertification and  
23 preauthorization of services, and concurrent and retrospective review  
24 of services; and

25 (vi) Disclosure to consumer reporting agencies of any of the  
26 following health care information relating to collection of premiums  
27 or reimbursement:

28 (A) Name and address;

29 (B) Date of birth;

30 (C) Social security number;

31 (D) Payment history;

32 (E) Account number; and

33 (F) Name and address of the health care provider, health care  
34 facility, and/or third-party payor.

35 (~~(36)~~) (35) "Person" means an individual, corporation, business  
36 trust, estate, trust, partnership, association, joint venture,  
37 government, governmental subdivision or agency, or any other legal or  
38 commercial entity.

39 (~~(37)~~) (36) "Professional person" has the same meaning as in  
40 RCW 71.05.020.

1       (~~(38)~~) (37) "Psychiatric advanced practice registered nurse"  
2 has the same meaning as in RCW 71.05.020.

3       (~~(39)~~) (38) "Psychotherapy notes" means notes recorded, in any  
4 medium, by a mental health professional documenting or analyzing the  
5 contents of conversations during a private counseling session or  
6 group, joint, or family counseling session, and that are separated  
7 from the rest of the individual's medical record. The term excludes  
8 (~~(mediation)~~) medication prescription and monitoring, counseling  
9 session start and stop times, the modalities and frequencies of  
10 treatment furnished, results of clinical tests, and any summary of  
11 the following items: Diagnosis, functional status, the treatment  
12 plan, symptoms, prognosis, and progress to date.

13       (~~(40)~~) (39) "Reasonable fee" means the charges for duplicating  
14 or searching the record, but shall not exceed 65 cents per page for  
15 the first 30 pages and 50 cents per page for all other pages. In  
16 addition, a clerical fee for searching and handling may be charged  
17 not to exceed \$15. These amounts shall be adjusted biennially in  
18 accordance with changes in the consumer price index, all consumers,  
19 for Seattle-Tacoma metropolitan statistical area as determined by the  
20 secretary of health. However, where editing of records by a health  
21 care provider is required by statute and is done by the provider  
22 personally, the fee may be the usual and customary charge for a basic  
23 office visit.

24       (~~(41)~~) (40) "Release" has the same meaning as in RCW 71.05.020.

25       (~~(42)~~) (41) "Resource management services" has the same meaning  
26 as in RCW 71.05.020.

27       (~~(43)~~) (42) "Serious violent offense" has the same meaning as  
28 in RCW 9.94A.030.

29       (~~(44)~~) (43) "Sexually transmitted infection" or "sexually  
30 transmitted disease" has the same meaning as "sexually transmitted  
31 disease" in RCW 70.24.017.

32       (~~(45)~~) (44) "Test for a sexually transmitted disease" has the  
33 same meaning as in RCW 70.24.017.

34       (~~(46)~~) (45) "Third-party payor" means an insurer regulated  
35 under Title 48 RCW authorized to transact business in this state or  
36 other jurisdiction, including a health care service contractor, and  
37 health maintenance organization; or an employee welfare benefit plan,  
38 excluding fitness or wellness plans; or a state or federal health  
39 benefit program.

1        ~~((47))~~ (46) "Treatment" means the provision, coordination, or  
2 management of health care and related services by one or more health  
3 care providers or health care facilities, including the coordination  
4 or management of health care by a health care provider or health care  
5 facility with a third party; consultation between health care  
6 providers or health care facilities relating to a patient; or the  
7 referral of a patient for health care from one health care provider  
8 or health care facility to another.

9        ~~((48))~~ (47) "Tribal public health authority" means a tribe that  
10 is responsible for public health matters as a part of its official  
11 mandate.

12        ~~((49))~~ (48) "Tribal public health officer" means the individual  
13 appointed as the health officer for the tribe.

14        ~~((50))~~ (49) "Tribe" has the same meaning as in RCW 71.24.025.

15        **Sec. 4.** RCW 70.02.030 and 2024 c 150 s 2 are each amended to  
16 read as follows:

17        (1) A patient may authorize a health care provider or health care  
18 facility to disclose the patient's health care information. A health  
19 care provider or health care facility shall honor an authorization  
20 and, if requested, ~~((provide a copy of))~~ assist the designated  
21 recipient with obtaining the recorded health care information unless  
22 the health care provider or health care facility denies the patient  
23 access to health care information under RCW 70.02.090 or an exemption  
24 required under federal law.

25        (2) ~~((a) Except as provided in (b) of this subsection and RCW~~  
26 ~~70.02.370, a health care provider or health care facility may charge~~  
27 ~~a reasonable fee for providing the health care information and is not~~  
28 ~~required to honor an authorization until the fee is paid.~~

29        ~~(b) Upon request of a patient or a patient's personal~~  
30 ~~representative, a health care facility or health care provider shall~~  
31 ~~provide the patient or representative with one copy of the patient's~~  
32 ~~health care information free of charge if the patient is appealing~~  
33 ~~the denial of federal supplemental security income or social security~~  
34 ~~disability benefits. The patient or representative may complete a~~  
35 ~~disclosure authorization specifying the health care information~~  
36 ~~requested and provide it to the health care facility or health care~~  
37 ~~provider. The health care facility or health care provider may~~  
38 ~~provide the health care information in either paper or electronic~~  
39 ~~format. A health care facility or health care provider is not~~

1 ~~required to provide a patient or a patient's personal representative~~  
2 ~~with a free copy of health care information that has previously been~~  
3 ~~provided free of charge pursuant to a request within the preceding~~  
4 ~~two years.~~

5 ~~(3))~~ To be valid, a disclosure authorization to a health care  
6 provider or health care facility shall:

7 (a) Be in writing, dated, and signed by the patient;

8 (b) Identify the nature of the information to be disclosed;

9 (c) Identify the name and institutional affiliation of the person  
10 or class of persons to whom the information is to be disclosed;

11 (d) Identify the provider or class of providers who are to make  
12 the disclosure;

13 (e) Identify the patient; and

14 (f) Contain an expiration date or an expiration event that  
15 relates to the patient or the purpose of the use or disclosure.

16 ~~((4))~~ (3) Unless disclosure without authorization is otherwise  
17 permitted under RCW 70.02.050 or the federal health insurance  
18 portability and accountability act of 1996 and its implementing  
19 regulations, an authorization may permit the disclosure of health  
20 care information to a class of persons that includes:

21 (a) Researchers if the health care provider or health care  
22 facility obtains the informed consent for the use of the patient's  
23 health care information for research purposes; or

24 (b) Third-party payors if the information is only disclosed for  
25 payment purposes.

26 ~~((5))~~ (4) Except as provided by this chapter, the signing of an  
27 authorization by a patient is not a waiver of any rights a patient  
28 has under other statutes, the rules of evidence, or common law.

29 ~~((6))~~ (5) When an authorization permits the disclosure of  
30 health care information to a financial institution or an employer of  
31 the patient for purposes other than payment, the authorization as it  
32 pertains to those disclosures shall expire one year after the signing  
33 of the authorization, unless the authorization is renewed by the  
34 patient.

35 ~~((7))~~ (6) A health care provider or health care facility shall  
36 retain the original or a copy of each authorization or revocation in  
37 conjunction with any health care information from which disclosures  
38 are made.

39 ~~((8))~~ (7) Where the patient is under the supervision of the  
40 department of corrections, an authorization signed pursuant to this

1 section for health care information related to mental health or drug  
2 or alcohol treatment expires at the end of the term of supervision,  
3 unless the patient is part of a treatment program that requires the  
4 continued exchange of information until the end of the period of  
5 treatment.

6 **Sec. 5.** RCW 70.02.080 and 2018 c 87 s 3 are each amended to read  
7 as follows:

8 (1) Upon receipt of a written request from a patient to (~~examine~~  
9 ~~or copy~~) obtain all or part of the patient's recorded health care  
10 information, a health care provider, as promptly as required under  
11 the circumstances, but no later than (~~fifteen~~) 15 working days  
12 after receiving the request shall:

13 (a) Make the information available for examination during regular  
14 business hours and provide a copy, if requested, to the patient or an  
15 individual listed in section 1(2)(a) of this act;

16 (b) Inform the patient if the information does not exist or  
17 cannot be found;

18 (c) If the health care provider does not maintain a record of the  
19 information, inform the patient and provide the name and address, if  
20 known, of the health care provider who maintains the record;

21 (d) If the information is in use or unusual circumstances have  
22 delayed handling the request, inform the patient and specify in  
23 writing the reasons for the delay and the earliest date, not later  
24 than (~~twenty-one~~) 21 working days after receiving the request, when  
25 the information will be available for examination or copying or when  
26 the request will be otherwise disposed of; or

27 (e) Deny the request, in whole or in part, under RCW 70.02.090  
28 and inform the patient.

29 (2) Upon request, the health care provider shall provide an  
30 explanation of any code or abbreviation used in the health care  
31 information. If a record of the particular health care information  
32 requested is not maintained by the health care provider in the  
33 requested form, the health care provider is not required to create a  
34 new record or reformulate an existing record to make the health care  
35 information available in the requested form. Except as provided in  
36 (~~RCW 70.02.030~~) section 1 of this act, the health care provider may  
37 charge a reasonable fee for (~~providing~~) assisting the designated  
38 recipient to obtain the health care information and is not required

1 to (~~permit examination or copying~~) provide the health care  
2 information until the fee is paid.

3 **Sec. 6.** RCW 70.02.090 and 2005 c 274 s 331 are each amended to  
4 read as follows:

5 (1) Subject to any conflicting requirement in the public records  
6 act, chapter 42.56 RCW, a health care provider may deny access to  
7 health care information by a patient if the health care provider  
8 reasonably concludes that:

9 (a) Knowledge of the health care information would be injurious  
10 to the health of the patient;

11 (b) Knowledge of the health care information could reasonably be  
12 expected to lead to the patient's identification of an individual who  
13 provided the information in confidence and under circumstances in  
14 which confidentiality was appropriate;

15 (c) Knowledge of the health care information could reasonably be  
16 expected to cause danger to the life or safety of any individual;

17 (d) The health care information was compiled and is used solely  
18 for litigation, quality assurance, peer review, or administrative  
19 purposes; or

20 (e) Access to the health care information is otherwise prohibited  
21 by state or federal law.

22 (2) If a health care provider denies a request for (~~examination~~  
23 ~~and copying~~) the patient to obtain health care information under  
24 this section, the provider, to the extent possible, shall segregate  
25 health care information for which access has been denied under  
26 subsection (1) of this section from information for which access  
27 cannot be denied and permit the patient to (~~examine or copy~~) obtain  
28 the disclosable information.

29 (3) If a health care provider denies a patient's request for  
30 (~~examination and copying~~) obtaining health care information, in  
31 whole or in part, under subsection (1)(a) or (c) of this section, the  
32 provider shall permit (~~examination and copying of the record by~~)  
33 another health care provider(~~(τ)~~) to obtain the health care  
34 information if the other health care provider has been selected by  
35 the patient(~~(τ who)~~) and is licensed, certified, registered, or  
36 otherwise authorized under the laws of this state to treat the  
37 patient for the same condition as the health care provider denying  
38 the request. The health care provider denying the request shall  
39 inform the patient of the patient's right to select another health

1 care provider under this subsection. The patient shall be responsible  
2 for arranging for compensation of the other health care provider so  
3 selected.

4 **Sec. 7.** RCW 70.02.170 and 1991 c 335 s 801 are each amended to  
5 read as follows:

6 (1) A person who has complied with this chapter may maintain an  
7 action for the relief provided in this section against a health care  
8 provider or facility who has not complied with this chapter.

9 (2) The court may order the health care provider or other person  
10 to comply with this chapter. Such relief may include actual damages,  
11 but shall not include consequential or incidental damages. The court  
12 shall award reasonable attorneys' fees and all other expenses  
13 reasonably incurred to the prevailing (~~party~~) patient.

14 (3) Any action under this chapter is barred unless the action is  
15 commenced within two years after the cause of action is discovered.

16 (4) A violation of this chapter shall not be deemed a violation  
17 of the consumer protection act, chapter 19.86 RCW.

18 (5) For the purposes of this section, "prevailing patient"  
19 includes:

20 (a) The patient;

21 (b) The patient's legal or authorized representative, including a  
22 person authorized to consent to health care for the patient under RCW  
23 70.02.130;

24 (c) The patient's power of attorney;

25 (d) The patient's guardian; and

26 (e) The patient's estate.

27 **Sec. 8.** RCW 70.02.220 and 2021 c 270 s 5 are each amended to  
28 read as follows:

29 (1) No person may disclose or be compelled to disclose the  
30 identity of any person who has investigated, considered, or requested  
31 a test or treatment for a sexually transmitted disease, except as  
32 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

33 (2) No person may disclose or be compelled to disclose  
34 information and records related to sexually transmitted diseases,  
35 except as authorized by this section, RCW 70.02.210, 70.02.205, or  
36 chapter 70.24 RCW. A person may disclose information related to  
37 sexually transmitted diseases about a patient without the patient's

1 authorization, to the extent a recipient needs to know the  
2 information, if the disclosure is to:

3 (a) The subject of the test or the subject's (~~legal~~)  
4 representative for health care decisions in accordance with RCW  
5 7.70.065, with the exception of such a representative of a minor  
6 (~~fourteen~~) 14 years of age or over and otherwise capable of making  
7 health care decisions;

8 (b) The state health officer as defined in RCW 70.24.017, a local  
9 public health officer, or the centers for disease control of the  
10 United States public health service in accordance with reporting  
11 requirements for a diagnosed case of a sexually transmitted disease;

12 (c) A health facility or health care provider that procures,  
13 processes, distributes, or uses: (i) A human body part, tissue, or  
14 blood from a deceased person with respect to medical information  
15 regarding that person; (ii) semen, including that was provided prior  
16 to March 23, 1988, for the purpose of artificial insemination; or  
17 (iii) blood specimens;

18 (d) Any state or local public health officer conducting an  
19 investigation pursuant to RCW 70.24.024, so long as the record was  
20 obtained by means of court-ordered HIV testing pursuant to RCW  
21 70.24.340 or 70.24.024;

22 (e) A person allowed access to the record by a court order  
23 granted after application showing good cause therefor. In assessing  
24 good cause, the court shall weigh the public interest and the need  
25 for disclosure against the injury to the patient, to the physician-  
26 patient relationship, and to the treatment services. Upon the  
27 granting of the order, the court, in determining the extent to which  
28 any disclosure of all or any part of the record of any such test is  
29 necessary, shall impose appropriate safeguards against unauthorized  
30 disclosure. An order authorizing disclosure must: (i) Limit  
31 disclosure to those parts of the patient's record deemed essential to  
32 fulfill the objective for which the order was granted; (ii) limit  
33 disclosure to those persons whose need for information is the basis  
34 for the order; and (iii) include any other appropriate measures to  
35 keep disclosure to a minimum for the protection of the patient, the  
36 physician-patient relationship, and the treatment services;

37 (f) Persons who, because of their behavioral interaction with the  
38 infected individual, have been placed at risk for acquisition of a  
39 sexually transmitted disease, as provided in RCW 70.24.022, if the  
40 health officer or authorized representative believes that the exposed

1 person was unaware that a risk of disease exposure existed and that  
2 the disclosure of the identity of the infected person is necessary;

3 (g) A law enforcement officer, firefighter, health care provider,  
4 health care facility staff person, department of correction's staff  
5 person, jail staff person, or other persons as defined by the board  
6 of health in rule pursuant to RCW 70.24.340, who has requested a test  
7 of a person whose bodily fluids he or she has been substantially  
8 exposed to, pursuant to RCW 70.24.340, if a state or local public  
9 health officer performs the test;

10 (h) Claims management personnel employed by or associated with an  
11 insurer, health care service contractor, health maintenance  
12 organization, self-funded health plan, state administered health care  
13 claims payer, or any other payer of health care claims where such  
14 disclosure is to be used solely for the prompt and accurate  
15 evaluation and payment of medical or related claims. Information  
16 released under this subsection must be confidential and may not be  
17 released or available to persons who are not involved in handling or  
18 determining medical claims payment; and

19 (i) A department of children, youth, and families worker, a  
20 child-placing agency worker, or a guardian ad litem who is  
21 responsible for making or reviewing placement or case-planning  
22 decisions or recommendations to the court regarding a child, who is  
23 less than (~~fourteen~~) 14 years of age, has a sexually transmitted  
24 disease, and is in the custody of the department of children, youth,  
25 and families or a licensed child-placing agency. This information may  
26 also be received by a person responsible for providing residential  
27 care for such a child when the department of social and health  
28 services, the department of children, youth, and families, or a  
29 licensed child-placing agency determines that it is necessary for the  
30 provision of child care services.

31 (3) No person to whom the results of a test for a sexually  
32 transmitted disease have been disclosed pursuant to subsection (2) of  
33 this section may disclose the test results to another person except  
34 as authorized by that subsection.

35 (4) The release of sexually transmitted disease information  
36 regarding an offender or detained person, except as provided in  
37 subsection (2)(d) of this section, is governed as follows:

38 (a) The sexually transmitted disease status of a department of  
39 corrections offender who has had a mandatory test conducted pursuant  
40 to RCW 70.24.340(~~(+1)~~), 70.24.360, or 70.24.370 must be made

1 available by department of corrections health care providers and  
2 local public health officers to the department of corrections health  
3 care administrator or infection control coordinator of the facility  
4 in which the offender is housed. The information made available to  
5 the health care administrator or the infection control coordinator  
6 under this subsection (4)(a) may be used only for disease prevention  
7 or control and for protection of the safety and security of the  
8 staff, offenders, and the public. The information may be submitted to  
9 transporting officers and receiving facilities, including facilities  
10 that are not under the department of corrections' jurisdiction  
11 according to the provisions of (d) and (e) of this subsection.

12 (b) The sexually transmitted disease status of a person detained  
13 in a jail who has had a mandatory test conducted pursuant to RCW  
14 70.24.340(~~((1))~~), 70.24.360, or 70.24.370 must be made available by  
15 the local public health officer to a jail health care administrator  
16 or infection control coordinator. The information made available to a  
17 health care administrator under this subsection (4)(b) may be used  
18 only for disease prevention or control and for protection of the  
19 safety and security of the staff, offenders, detainees, and the  
20 public. The information may be submitted to transporting officers and  
21 receiving facilities according to the provisions of (d) and (e) of  
22 this subsection.

23 (c) Information regarding the sexually transmitted disease status  
24 of an offender or detained person is confidential and may be  
25 disclosed by a correctional health care administrator or infection  
26 control coordinator or local jail health care administrator or  
27 infection control coordinator only as necessary for disease  
28 prevention or control and for protection of the safety and security  
29 of the staff, offenders, and the public. Unauthorized disclosure of  
30 this information to any person may result in disciplinary action, in  
31 addition to the penalties prescribed in RCW 70.24.080 or any other  
32 penalties as may be prescribed by law.

33 (d) Notwithstanding the limitations on disclosure contained in  
34 (a), (b), and (c) of this subsection, whenever any member of a jail  
35 staff or department of corrections staff has been substantially  
36 exposed to the bodily fluids of an offender or detained person, then  
37 the results of any tests conducted pursuant to RCW 70.24.340(~~((1))~~),  
38 70.24.360, or 70.24.370, must be immediately disclosed to the staff  
39 person in accordance with the Washington Administrative Code rules  
40 governing employees' occupational exposure to blood-borne pathogens.

1 Disclosure must be accompanied by appropriate counseling for the  
2 staff member, including information regarding follow-up testing and  
3 treatment. Disclosure must also include notice that subsequent  
4 disclosure of the information in violation of this chapter or use of  
5 the information to harass or discriminate against the offender or  
6 detainee may result in disciplinary action, in addition to the  
7 penalties prescribed in RCW 70.24.080, and imposition of other  
8 penalties prescribed by law.

9 (e) The staff member must also be informed whether the offender  
10 or detained person had any other communicable disease, as defined in  
11 RCW 72.09.251(3), when the staff person was substantially exposed to  
12 the offender's or detainee's bodily fluids.

13 (f) The test results of voluntary and anonymous HIV testing or  
14 HIV-related condition(~~(, as defined in RCW 70.24.017,)~~) may not be  
15 disclosed to a staff person except as provided in this section and  
16 RCW 70.02.050(1)(d) and 70.24.340. A health care administrator or  
17 infection control coordinator may provide the staff member with  
18 information about how to obtain the offender's or detainee's test  
19 results under this section and RCW 70.02.050(1)(d) and 70.24.340.

20 (5) The requirements of this section do not apply to the  
21 customary methods utilized for the exchange of medical information  
22 among health care providers in order to provide health care services  
23 to the patient, nor do they apply within health care facilities where  
24 there is a need for access to confidential medical information to  
25 fulfill professional duties.

26 (6) Upon request of the victim, disclosure of test results under  
27 this section to victims of sexual offenses under chapter 9A.44 RCW  
28 must be made if the result is negative or positive. The county  
29 prosecuting attorney shall notify the victim of the right to such  
30 disclosure. The disclosure must be accompanied by appropriate  
31 counseling, including information regarding follow-up testing.

32 (7) A person, including a health care facility or health care  
33 provider, shall disclose the identity of any person who has  
34 investigated, considered, or requested a test or treatment for a  
35 sexually transmitted disease and information and records related to  
36 sexually transmitted diseases to federal, state, or local public  
37 health authorities, to the extent the health care provider is  
38 required by law to report health care information; when needed to  
39 determine compliance with state or federal certification or  
40 registration rules or laws; or when needed to protect the public

1 health. Any health care information obtained under this subsection is  
2 exempt from public inspection and copying pursuant to chapter 42.56  
3 RCW.

4 **Sec. 9.** RCW 70.02.260 and 2024 c 290 s 6 and 2024 c 209 s 34 are  
5 each reenacted and amended to read as follows:

6 (1)(a) A mental health service agency shall release to the  
7 persons authorized under subsection (2) of this section, upon  
8 request:

9 (i) The fact, place, and date of an involuntary commitment, the  
10 fact and date of discharge or release, and the last known address of  
11 a person who has been committed under chapter 71.05 or 71.34 RCW.

12 (ii) Information and records related to mental health services,  
13 in the format determined under subsection (9) of this section,  
14 concerning a person who:

15 (A) Is currently committed to the custody or supervision of the  
16 department of corrections or the indeterminate sentence review board  
17 under chapter 9.94A or 9.95 RCW;

18 (B) Has been convicted or found not guilty by reason of insanity  
19 of a serious violent offense; or

20 (C) Was charged with a serious violent offense and the charges  
21 were dismissed under RCW 10.77.645.

22 (b) Legal counsel for the mental health service agency, including  
23 a county prosecutor or assistant attorney general who represents the  
24 mental health service agency for the purpose of involuntary  
25 commitment proceedings, may release this information on behalf of the  
26 mental health service agency.

27 (c) Nothing in this subsection requires the disclosure of  
28 attorney work product or attorney-client privileged information.

29 (2) The information subject to release under subsection (1) of  
30 this section must be released to law enforcement officers, city or  
31 county prosecuting attorneys, personnel of a county, city, or tribal  
32 jail or tribal detention or holding facility, designated mental  
33 health professionals or designated crisis responders, as appropriate,  
34 public health officers, therapeutic court personnel as defined in RCW  
35 71.05.020, or personnel of the department of corrections, including  
36 the indeterminate sentence review board and personnel assigned to  
37 perform board-related duties, when such information is requested  
38 during the course of business and for the purpose of carrying out the  
39 responsibilities of the requesting person's office. No mental health

1 service agency or person employed by a mental health service agency,  
2 or its legal counsel, may be liable for information released to or  
3 used under the provisions of this section or rules adopted under this  
4 section except under RCW 71.05.680.

5 (3) A person who requests information under subsection (1)(a)(ii)  
6 of this section must comply with the following restrictions:

7 (a) Information must be requested only for the purposes permitted  
8 by this subsection and for the purpose of carrying out the  
9 responsibilities of the requesting person's office. Appropriate  
10 purposes for requesting information under this section include:

11 (i) Completing presentence investigations or risk assessment  
12 reports;

13 (ii) Assessing a person's risk to the community;

14 (iii) Assessing a person's risk of harm to self or others when  
15 confined in a city or county jail;

16 (iv) Planning for and provision of supervision of an offender,  
17 including decisions related to sanctions for violations of conditions  
18 of community supervision; ~~((and))~~

19 (v) Responding to an offender's failure to report for department  
20 of corrections supervision; and

21 (vi) Assessing the need for an extreme risk protection order  
22 under chapter 7.105 RCW;

23 (b) Information may not be requested under this section unless  
24 the requesting person has reasonable suspicion that the individual  
25 who is the subject of the information:

26 (i) Has engaged in activity indicating that a crime or a  
27 violation of community custody or parole has been committed or, based  
28 upon his or her current or recent past behavior, is likely to be  
29 committed in the near future; or

30 (ii) Is exhibiting signs of a deterioration in mental functioning  
31 which may make the individual appropriate for civil commitment under  
32 chapter 71.05 or 71.34 RCW, or which is associated with a recent  
33 detention or order of commitment under chapter 71.05 or 71.34 RCW or  
34 an order of commitment or dismissal of charges under chapter 10.77  
35 RCW; and

36 (c) Any information received under this section must be held  
37 confidential and subject to the limitations on disclosure outlined in  
38 this chapter, except:

39 (i) The information may be shared with other persons who have the  
40 right to request similar information under subsection (2) of this

1 section, solely for the purpose of coordinating activities related to  
2 the individual who is the subject of the information in a manner  
3 consistent with the official responsibilities of the persons  
4 involved;

5 (ii) The information may be shared with a prosecuting attorney  
6 who is acting in an advisory capacity for a person who receives  
7 information under this section or who is carrying out other official  
8 duties within the scope of this section. A prosecuting attorney under  
9 this subsection is subject to the same restrictions and  
10 confidentiality limitations as the person who requested the  
11 information; and

12 (iii) As provided in RCW 72.09.585.

13 (4) A request for information and records related to mental  
14 health services under this section does not require the consent of  
15 the subject of the records. The request must be provided in writing,  
16 except to the extent authorized in subsection (5) of this section. A  
17 written request may include requests made by email or facsimile so  
18 long as the requesting person is clearly identified. The request must  
19 specify the information being requested.

20 (5) In the event of an emergency situation that poses a  
21 significant risk to the public or the offender, a mental health  
22 service agency, or its legal counsel, shall release information  
23 related to mental health services delivered to the offender and, if  
24 known, information regarding where the offender is likely to be found  
25 to the department of corrections or law enforcement upon request. The  
26 initial request may be written or oral. All oral requests must be  
27 subsequently confirmed in writing. Information released in response  
28 to an oral request is limited to a statement as to whether the  
29 offender is or is not being treated by the mental health service  
30 agency and the address or information about the location or  
31 whereabouts of the offender.

32 (6) Disclosure under this section to state or local law  
33 enforcement authorities is mandatory for the purposes of the federal  
34 health insurance portability and accountability act.

35 (7) Whenever federal law or federal regulations restrict the  
36 release of information contained in the treatment records of any  
37 patient who receives treatment for alcoholism or drug dependency, the  
38 release of the information may be restricted as necessary to comply  
39 with federal law and regulations.

1 (8) This section does not modify the terms and conditions of  
2 disclosure of information related to sexually transmitted diseases  
3 under this chapter.

4 (9) In collaboration with interested organizations, the authority  
5 shall develop a standard form for requests for information related to  
6 mental health services made under this section and a standard format  
7 for information provided in response to the requests. Consistent with  
8 the goals of the health information privacy provisions of the federal  
9 health insurance portability and accountability act, in developing  
10 the standard form for responsive information, the authority shall  
11 design the form in such a way that the information disclosed is  
12 limited to the minimum necessary to serve the purpose for which the  
13 information is requested.

14 (10) For the purposes of this section, "legal counsel" has the  
15 same meaning as in RCW 71.05.020.

16 NEW SECTION. **Sec. 10.** Section 2 of this act expires June 30,  
17 2027.

18 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect June  
19 30, 2027.

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