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**SUBSTITUTE SENATE BILL 5671**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Ericksen, Becker, Delvin, and Honeyford)

READ FIRST TIME 02/18/11.

1 AN ACT Relating to hospital and emergency service personnel  
2 reporting requirements to local enforcement; and amending RCW  
3 70.41.440.

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

5 **Sec. 1.** RCW 70.41.440 and 2009 c 359 s 2 are each amended to read  
6 as follows:

7 (1) A hospital shall report to a local law enforcement authority as  
8 soon as reasonably possible, taking into consideration a patient's  
9 emergency care needs, when the hospital (a) provides treatment for a  
10 bullet wound, gunshot wound, or stab wound to a patient who is  
11 unconscious; or (b) receives or provides treatment to a patient who is  
12 deceased or dies after admission from a drug-related overdose. ((A))  
13 Hospitals shall establish a written policy to identify the person or  
14 persons responsible for making the report.

15 (2) Any emergency service personnel shall report to a local law  
16 enforcement authority as soon as reasonably possible, taking into  
17 consideration a patient's emergency care needs, when the emergency  
18 service personnel is called to the aid of a patient who is already

1 deceased or dies prior to transport from a drug-related overdose.  
2 Emergency service personnel shall establish a written policy to  
3 identify the person or persons responsible for making the report.

4 (3) The report required under subsection (1) of this section must  
5 include the following information, if known:

6 (a) The name, residence, sex, and age of the patient;

7 (b) Whether the patient has received a bullet wound, gunshot wound,  
8 ~~((or))~~ stab wound, or has died as the result of a drug-related  
9 overdose; and

10 (c) The name of the health care provider providing treatment for  
11 the bullet wound, gunshot wound, ~~((or))~~ stab wound, or drug-related  
12 overdose.

13 ~~((3))~~ (4) Nothing in this section shall limit a person's duty to  
14 report under RCW 26.44.030 or 74.34.035.

15 ~~((4))~~ (5) Any bullets, clothing, or other foreign objects that  
16 are removed from a patient for whom a hospital is required to make a  
17 report pursuant to subsection (1) of this section shall be preserved  
18 and kept in custody in such a way that the identity and integrity  
19 thereof are reasonably maintained until the bullets, clothing, or other  
20 foreign objects are taken into possession by a law enforcement  
21 authority or the hospital's normal period for retention of such items  
22 expires, whichever occurs first.

23 ~~((5))~~ (6) Any hospital, emergency service personnel, or person  
24 who in good faith, and without gross negligence or willful or wanton  
25 misconduct, makes a report required by this section, cooperates in an  
26 investigation or criminal or judicial proceeding related to such  
27 report, or maintains bullets, clothing, or other foreign objects, or  
28 provides such items to a law enforcement authority as described in  
29 subsection ~~((4))~~ (5) of this section, is immune from civil or  
30 criminal liability or professional licensure action arising out of or  
31 related to the report and its contents or the absence of information in  
32 the report, cooperation in an investigation or criminal or judicial  
33 proceeding, and the maintenance or provision to a law enforcement  
34 authority of bullets, clothing, or other foreign objects under  
35 subsection ~~((4))~~ (5) of this section.

36 ~~((6))~~ (7) The physician-patient privilege described in RCW  
37 5.60.060(4), the registered nurse-patient privilege described in RCW  
38 5.62.020, and any other health care provider-patient privilege created

1 or recognized by law are not a basis for excluding as evidence in any  
2 criminal proceeding any report, or information contained in a report  
3 made under this section.

4 ((+7)) (8) All reporting, preservation, or other requirements of  
5 this section are secondary to patient care needs and may be delayed or  
6 compromised without penalty to the hospital or person required to  
7 fulfill the requirements of this section.

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