

HOUSE BILL REPORT

ESB 6121

*As Reported By House Committee on:
Health Care*

Title: An act relating to the release of patient information and records.

Brief Description: Providing for the release of a deceased patient's information and records.

Sponsor(s): Senators Bauer, West, M. Kreidler, Amondson, Wojahn and L. Smith.

Brief History:

Reported by House Committee on:
Health Care, February 24, 1992, DPA.

**HOUSE COMMITTEE ON
HEALTH CARE**

Majority Report: *Do pass as amended.* Signed by 9 members: Representatives Braddock, Chair; Day, Vice Chair; Moyer, Ranking Minority Member; Casada, Assistant Ranking Minority Member; Cantwell; Edmondson; Franklin; Morris; and Paris.

Staff: John Welsh (786-7133).

Background: Under current law, the information and records of deceased mental health patients are confidential. These records cannot be disclosed to the patient's next of kin or legal representatives who are entitled to know only that the patient has died. Neither can these records be disclosed to the Department of Health for the purpose of determining compliance with state or federal professional credentialing requirements.

The Uniform Health Information Act, enacted by the Legislature in 1991, includes a procedure for disclosing a deceased patient's health records to the patient's next of kin or other legal representative, as well as to the Department of Health. However, this law does not apply to information and records of mental patients.

Summary of Amended Bill: Information and records of a deceased mental health patient may be disclosed to the patient's next of kin, guardian, or conservator. The

patient's personal representatives may exercise all the rights of the deceased patient.

This information may also be disclosed to the Department of Health for the purpose of assuring compliance with state and federal licensure, certification, or registration legal requirements, but this information must otherwise remain confidential.

Amended Bill Compared to Engrossed Bill: The Department of Health is given access to a mental health patient's record to the extent of assuring compliance with state and federal licensure, certification, or registration requirements, so long as the department maintains confidentiality.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is a need to harmonize the disclosure laws of the state to permit a patient's next of kin to obtain access to the health information and records. The legal representatives have a right to assert all the rights of the deceased patient, but need access to the records in order to assert these rights.

Testimony Against: None.

Witnesses: Kathy Burns and Mary Barrett, Department of Social and Health Services Mental Health (pro).