

SENATE BILL REPORT

ESB 6121

AS PASSED SENATE, FEBRUARY 12, 1992

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

SPONSORS: Senators Bauer, West, M. Kreidler, Amondson, Wojahn and L. Smith

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, M. Kreidler, Niemi, and Wojahn.

Staff: Martin Lovinger (786-7443)

Hearing Dates: January 30, 1992; February 5, 1992

BACKGROUND:

Under current law information and records of patients of mental institutions are confidential and may be disclosed only as permitted by law. In 1991 the Legislature passed a medical records law which includes a procedure for the next of kin of a deceased patient to obtain the patient's medical records. However, the statutes that apply to the records of a patient of a mental institution were specifically excluded from the access provisions of the 1991 enactment. It is felt that with regard to patients of mental institutions, the deceased patient's rights and interest in his or her records should go to the person responsible for the deceased patient's affairs.

SUMMARY:

Information and records of a deceased mental patient may be disclosed to a patient's next of kin, guardian, or conservator in the event of the patient's death. The personal representative of the deceased has all the rights of access to the records and information as the patient had.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill has the support of the Department of Social and Health Services.

TESTIMONY AGAINST: None

TESTIFIED: Kathy Burns, DSHS, Mental Health (pro)