
HOUSE BILL 1214

State of Washington

53rd Legislature

1993 Regular Session

By Representative Appelwick

Read first time 01/20/93. Referred to Committee on Health Care.

1 AN ACT Relating to public health; and amending RCW 70.02.010 and
2 70.02.080.

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

4 **Sec. 1.** RCW 70.02.010 and 1991 c 335 s 102 are each amended to
5 read as follows:

6 As used in this chapter, unless the context otherwise requires:

7 (1) "Audit" means an assessment, evaluation, determination, or
8 investigation of a health care provider by a person not employed by or
9 affiliated with the provider to determine compliance with:

10 (a) Statutory, regulatory, fiscal, medical, or scientific
11 standards;

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

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

15 (2) "Directory information" means information disclosing the
16 presence and the general health condition of a particular patient who
17 is a patient in a health care facility or who is currently receiving
18 emergency health care in a health care facility.

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

4 (4) "Health care" means any care, service, or procedure provided by
5 a health care provider:

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

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

9 (5) "Health care facility" means a hospital, clinic, nursing home,
10 laboratory, office, or similar place where a health care provider
11 provides health care to patients.

12 (6) "Health care information" means any information, whether oral
13 or recorded in any form or medium, that identifies or can readily be
14 associated with the identity of a patient and directly relates to the
15 patient's health care. The term includes any record of disclosures of
16 health care information.

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

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

26 (9) "Maintain," as related to health care information, means to
27 hold, possess, preserve, retain, store, or control that information.

28 (10) "Patient" means an individual who receives or has received
29 health care. The term includes a deceased individual who has received
30 health care.

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

35 ~~((12) "Reasonable fee" means the charges for duplicating or~~
36 ~~searching the record specified in RCW 36.18.020 (8) or (16),~~
37 ~~respectively. However, where editing of records by a health care~~
38 ~~provider is required by statute and is done by the provider personally,~~

1 ~~the fee may be the usual and customary charge for a basic office~~
2 ~~visit.))~~

3 **Sec. 2.** RCW 70.02.080 and 1991 c 335 s 301 are each amended to
4 read as follows:

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

10 (a) Make the information available for examination during regular
11 business hours and provide a copy, if requested, to the patient;

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

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

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

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

25 (2) Upon request, the health care provider shall provide an
26 explanation of any code or abbreviation used in the health care
27 information. If a record of the particular health care information
28 requested is not maintained by the health care provider in the
29 requested form, the health care provider is not required to create a
30 new record or reformulate an existing record to make the health care
31 information available in the requested form. The health care provider
32 may charge a reasonable fee, not to exceed the health care provider's
33 actual cost, for providing the health care information and is not
34 required to permit examination or copying until the fee is paid.

35 (a) The health care provider may charge a reasonable fee, not to
36 exceed the health care provider's actual cost for providing health care
37 information and is not required to permit examination or copying until
38 the fee is paid.

1 (b) Reasonable fee for providing copies shall not exceed the
2 following:
3 (i) A clerical fee for searching, copying, and handling not to
4 exceed ten dollars;
5 (ii) A per page copying charge not to exceed twenty-five cents per
6 page;
7 (iii) The actual cost of postage; and
8 (iv) Where editing of records by a health care provider is required
9 by statute and is done by the provider personally, an editing fee not
10 to exceed the usual and customary charge for a basic office visit.

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