

1 **SB 6116** - H AMD TO H AMD (6116 AMH MULL PICU 44) **429**  
2 By Representatives Campbell and others

3 On page 6, line 27, after "chapter." insert the following  
4 material:

1  
2 NEW SECTION. **Sec. 5.** The legislature finds and declares that  
3 just as workers and citizens have a right to know of the presence of  
4 toxic and potentially dangerous materials in their workplace and  
5 community, patients of health care professionals have a right to know  
6 whether or not they are being treated by a person who is suffering  
7 from, or infected with, a life-threatening disease or illness that is  
8 potentially capable of being transmitted to the patient.

9 The legislature further finds and declares that the right of health  
10 care professionals to privacy, although important, is far outweighed by  
11 the right of the consumer-patient to full and complete information  
12 concerning any possible risks of treatment.

13 The legislature therefore determines that to balance these  
14 competing interests while maintaining the maximum privacy for the  
15 parties involved, it is in the public interest to establish a  
16 comprehensive procedure for the disclosure of information regarding  
17 communicable diseases to patients and to provide a procedure for the  
18 enforcement of the disclosure requirement.

19 NEW SECTION. **Sec. 6.** This chapter shall be known as the patient  
20 right to know act.

21 NEW SECTION. **Sec. 7.** (1) This chapter applies only to health care  
22 professionals licensed under the chapters specified in this section.  
23 This chapter does not apply to any business or profession not licensed  
24 under the chapters specified in this section.

1 (2) This chapter applies to the following health care  
2 professionals:

3 (a) Acupuncturists certified under chapter 18.06 RCW;

4 (b) Dental hygienists licensed under chapter 18.29 RCW;

5 (c) Dentists licensed under chapter 18.32 RCW;

6 (d) Midwives licensed under chapter 18.50 RCW;

7 (e) Osteopathic physicians and surgeons licensed under chapter  
8 18.57 RCW;

9 (f) Osteopathic physician's assistants certified under chapter  
10 18.57A RCW;

11 (g) Physicians licensed under chapter 18.71 RCW;

12 (h) Physician assistants licensed under chapter 18.71A RCW;

13 (i) Registered nurses, advanced registered nurses, and licensed  
14 practical nurses licensed under chapter 18.79 RCW; and

15 (j) Nursing assistants under chapter 18.88A RCW.

16 NEW SECTION. **Sec. 8.** Notwithstanding any other provision of law,  
17 any health care professional listed in section 4 of this act who is  
18 sick or infected with a dangerous or infectious disease, or with any  
19 disease required by the state board of health to be reported, shall, in  
20 every case, before treating or caring for a patient in any manner  
21 involving physical contact, notify the patient or the patient's  
22 guardian, in writing, of the nature of the disease which the health  
23 care professional is suffering from or infected with.

24 NEW SECTION. **Sec. 9.** The failure of a health care professional to  
25 give the notice required by section 5 of this act shall be deemed to be  
26 unprofessional conduct under any applicable licensing and disciplinary  
27 provisions related to such health care professional.

28 NEW SECTION. **Sec. 10.** The failure of a health care professional to  
29 give the notice required by section 5 of this act, and the patient's  
30 subsequent contraction of the disease of which the health care  
31 professional is suffering from or infected by, shall be prima facie  
32 evidence of a criminal violation of RCW 70.54.050.

33 NEW SECTION. **Sec. 11.** The failure of a health care professional to  
34 give the notice required by section 5 of this act is a matter affecting  
35 the public interest for the purpose of applying chapter 19.86 RCW. The

1 failure of a health care professional to give the notice required by  
2 section 5 of this act is not reasonable in relation to the development  
3 and preservation of business. A violation of this chapter constitutes  
4 an unfair or deceptive act or practice in trade or commerce for the  
5 purpose of applying chapter 19.86 RCW.

6 NEW SECTION. **Sec. 12.** In any civil action for damages arising from  
7 a failure of a health care professional to give the notice required by  
8 section 5 of this act, upon proof by the plaintiff that the required  
9 notice was not given and that the patient contracted the disease which  
10 the health care professional was suffering from or was infected with,  
11 the burden of proof shall then shift to the defendant to prove that the  
12 patient did not contract or become infected with the disease from the  
13 health care professional.

14 NEW SECTION. **Sec. 13.** If any provision of this chapter or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 14.** Sections 5 through 13 of this act shall  
19 constitute a new chapter in Title 70 RCW.

20 NEW SECTION. **Sec. 15.** Sections 5 through 13 of this act are  
21 necessary for the immediate preservation of the public peace, health,  
22 or safety, or support of the state government and its existing public  
23 institutions, and shall take effect immediately."

24 Correct internal references and title accordingly.

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