

HOUSE BILL REPORT

SB 6329

As Passed House:

March 4, 1998

Title: An act relating to disclosure of health care information without patient's authorization.

Brief Description: Providing for a certain disclosure of health care information without patient's authorization.

Sponsors: Senators Deccio, Thibaudeau, Wood and Loveland.

Brief History:

Committee Activity:

Health Care: 2/27/98 [DPA].

Floor Activity:

Passed House: 3/4/98, 97-0.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended. Signed by 7 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Skinner, Vice Chairman; Anderson; Parlette; Sherstad and Zellinsky.

Minority Report: Do not pass. Signed by 4 members: Representatives Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Conway and Wood.

Staff: Bill Hagens (786-7131).

Background: Currently, a health care provider may disclose health care information about a patient without the patient's authorization under circumstances specified in statute.

County coroners and medical examiners serve in an official capacity to determine the cause and manner of death. There are no specific credentials associated with this position. By statute they may act as sheriff in certain circumstances. Medical examiners are forensic pathologists. While current law permits the disclosure of patient health information to law enforcement officials, there is no clear statutory authority for this information to be released to county coroners.

There is also concern that due to physician-patient confidentiality, physicians who perform blood alcohol tests in emergency room situations cannot report the results to the police.

Summary of Amended Bill: County coroners and medical examiners are specifically allowed to receive health care information from health care providers. A health care provider may report to law enforcement the blood alcohol level of a person involved in a motor vehicle accident if the blood alcohol level is .10 or more and receive certain immunity in doing so.

Amended Bill Compared to Original Bill: Provisions that permit a health care provider to report to law enforcement the blood alcohol level of a person involved in a motor vehicle accident is added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill will make it easier for coroners to fulfill their duties. Numerous studies show that drunk drivers involved in accidents typically have blood alcohol levels twice the legal limit and those that are brought to emergency rooms escape prosecution 85 to 95 percent of the time.

Testimony Against: Today's physicians have too many statutory requirements, which can have a detrimental affect on their work.

Testified: Martha Reed, Mason County Coroner and Washington Association of Coroners/Medical Examiners; Chuck Pilcher; Carl Nelson, Washington State Medical Association; and Susie Tracy, Washington Academy of Emergency Physicians and Washington State Medical Association.