

# SENATE BILL REPORT

## SB 5187

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As Reported By Senate Committee On:  
Law & Justice, March 3, 1997

**Title:** An act relating to the exchange of medical information in emergency situations.

**Brief Description:** Authorizing the sharing of medical information in certain emergency situations.

**Sponsors:** Senators Goings, Roach, Haugen, Johnson, Winsley and Rasmussen.

**Brief History:**

**Committee Activity:** Law & Justice: 1/30/97, 3/3/97 [DPS, DNPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Kline, Long, Stevens and Zarelli.

**Minority Report:** Do not pass substitute.

Signed by Senator Fairley.

**Staff:** Harry Steinmetz (786-7421)

**Background:** Under current law, sexually transmitted diseases are recognized to involve sensitive issues of privacy,– and the Legislature has expressed its intent that all programs designed to deal with these diseases afford patients privacy, confidentiality, and dignity.– The Legislature has also expressed its intent to provide a program that is sufficiently flexible to meet emerging needs, deals efficiently and effectively with reducing the incidence of sexually transmitted diseases, and provides patients with a secure knowledge that information they provide will remain private and confidential.–

In some cases there may be a conflict between privacy and medical concerns. It is felt by some that the possibility of accidental injury or the transmission of a pathogen can be reduced by creating a limited exception to the privacy restrictions in current law to allow some sharing of medical information by emergency, law enforcement, and medical personnel in emergencies. It is also felt that this can be done without reducing the level of care or jeopardizing the privacy interests of the person whose medical information is being shared.

**Summary of Substitute Bill:** Even if the disclosure of such information is otherwise restricted, emergency personnel, including fire fighters, certified prehospital EMS personnel law enforcement officers, and medical professionals at the scene of an emergency, are authorized to exchange medical information about the person receiving treatment, if they reasonably believe the information to be necessary for treatment. The medical information

may also be disclosed to licensed individuals to whom the injured person receiving treatment is delivered. Medical information may not be disclosed so as to allow others to find out about it.

Emergency personnel who transmit medical information under this law, even if the transmittal of such information is otherwise restricted, are immune from civil liability, but only if (1) the information was obtained voluntarily from the injured person at the scene or from a third person if the injured person is incapacitated, and (2) the information is only disclosed among emergency personnel at the scene or to licensed individuals to whom the injured person is delivered for treatment. Voluntarily– includes information obtained at the request of people providing treatment or performing law enforcement duties.

No person who is provided information under this law may reduce the level of care as a result of receiving the information.

A person who violates this law is strictly liable for damages.

**Substitute Bill Compared to Original Bill:** The substitute corrects a personnel title.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill helps protect fire and emergency personnel, and other people on the line, by helping them to avoid exposure to infectious disease without jeopardizing the quality of health care provided. People who oppose this bill work in a more controlled environment than do the firefighters and emergency medical personnel. This bill is necessary because people are not receiving the information they should be getting.

**Testimony Against:** This bill is unnecessary because the law already permits the exchange of information that is necessary for the health care of the injured person. This bill also will create confusion and make it more difficult for health care providers to exchange information without liability. The bill is motivated by fear of sexually-transmitted diseases and the best protection is to always use universal precautions.

**Testified:** Susie Tracy, Washington State Medical Association, American Medical Response (con); Byron Byrne, Seattle-King County Department of Public Health (con); Pat McElliott, Washington State Council of Firefighters (pro); Michael Pretz, Central Pierce Fire and Rescue, (pro); Roger Ferris, Washington Fire Commissioners Association (pro).