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**SUBSTITUTE SENATE BILL 5187**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Goings, Roach, Haugen, Johnson, Winsley and Rasmussen)

Read first time 03/05/97.

1       AN ACT Relating to the exchange of medical information in emergency  
2 situations; adding a new section to chapter 70.24 RCW; and creating a  
3 new section.

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

5       NEW SECTION.   **Sec. 1.** This act is intended to create a very  
6 limited exception to the restrictions in this chapter on sharing of  
7 information. It is the intent of the legislature that this limited  
8 exception will protect emergency, law enforcement, and medical  
9 personnel by reducing the possibility of injury or the transmission of  
10 a pathogen occurring. It is also the intent of the legislature that  
11 neither the level of care nor privacy be jeopardized by allowing  
12 certain information be shared with emergency, law enforcement, and  
13 medical personnel.

14       NEW SECTION.   **Sec. 2.** A new section is added to chapter 70.24 RCW  
15 to read as follows:

16       (1) Notwithstanding any prohibitions in this chapter to the  
17 contrary, emergency personnel, including fire fighters, certified  
18 prehospital EMS personnel, law enforcement officers, and medical

1 professionals treating persons at the scene of an emergency, may  
2 exchange medical information about the person receiving treatment  
3 reasonably believed under the circumstances by the person or persons  
4 providing treatment to be necessary to provide treatment, and are  
5 immune from civil action for damages prescribed by this chapter.

6 (2) Emergency personnel, including fire fighters, emergency medical  
7 technicians, law enforcement officers, and medical professionals  
8 treating persons at the scene of an emergency may disclose medical  
9 information about the person receiving treatment to licensed  
10 individuals to whom the injured or arrested person is delivered for  
11 medical treatment.

12 (3) The immunity from liability under subsections (1) and (2) of  
13 this section applies only:

14 (a) If the information was obtained voluntarily from (i) the  
15 injured person at the scene; or (ii) from a third party at the scene in  
16 the event the injured party is incapacitated; and

17 (b) The information is disclosed only among emergency personnel at  
18 the scene and to licensed individuals to whom the injured or arrested  
19 person is delivered for medical treatment.

20 (4) No person who is provided any information under this section  
21 may reduce the quality of services or treatment he or she provides to  
22 a person as a result of obtaining the information.

23 (5) Information about a person's condition should not be exchanged  
24 or disclosed in a manner that would allow persons other than the  
25 emergency personnel to learn of the condition.

26 (6) As used in this section, "voluntarily" includes upon request of  
27 the people providing treatment or performing official law enforcement  
28 duties.

29 (7) A person who violates this section shall be held strictly  
30 liable for damages.

31 (8) This section does not apply to information exchanged in  
32 accordance with Senate Bill No. ---- (S-0458/97).

33 (9) As used in this section, "emergency" means an event or set of  
34 circumstances that, in response to the alleged commission of an offense  
35 or in response to an emergency assistance call, demands immediate  
36 action to preserve public health, protect life, protect public

1 property, or to provide relief to any stricken person or community  
2 overtaken by such occurrences.

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