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SENATE BILL 5188

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State of Washington

55th Legislature

1997 Regular Session

By Senators Goings, Long, Hargrove and Zarelli

Read first time 01/17/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to offenders; amending RCW 70.02.050; and creating  
2 a new section.

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

4 NEW SECTION. **Sec. 1.** The people of Washington state have an  
5 interest in obtaining accurate information about inmates who attempt to  
6 use a medical condition to win a release from confinement. Therefore,  
7 the legislature finds that in such cases the people's interest is  
8 greater than the inmate's interest in confidentiality.

9 **Sec. 2.** RCW 70.02.050 and 1993 c 448 s 4 are each amended to read  
10 as follows:

11 (1) A health care provider may disclose health care information  
12 about a patient without the patient's authorization to the extent a  
13 recipient needs to know the information, if the disclosure is:

14 (a) To a person who the provider reasonably believes is providing  
15 health care to the patient;

16 (b) To any other person who requires health care information for  
17 health care education, or to provide planning, quality assurance, peer  
18 review, or administrative, legal, financial, or actuarial services to

1 the health care provider; or for assisting the health care provider in  
2 the delivery of health care and the health care provider reasonably  
3 believes that the person:

4 (i) Will not use or disclose the health care information for any  
5 other purpose; and

6 (ii) Will take appropriate steps to protect the health care  
7 information;

8 (c) To any other health care provider reasonably believed to have  
9 previously provided health care to the patient, to the extent necessary  
10 to provide health care to the patient, unless the patient has  
11 instructed the health care provider in writing not to make the  
12 disclosure;

13 (d) To any person if the health care provider reasonably believes  
14 that disclosure will avoid or minimize an imminent danger to the health  
15 or safety of the patient or any other individual, however there is no  
16 obligation under this chapter on the part of the provider to so  
17 disclose;

18 (e) Oral, and made to immediate family members of the patient, or  
19 any other individual with whom the patient is known to have a close  
20 personal relationship, if made in accordance with good medical or other  
21 professional practice, unless the patient has instructed the health  
22 care provider in writing not to make the disclosure;

23 (f) To a health care provider who is the successor in interest to  
24 the health care provider maintaining the health care information;

25 (g) For use in a research project that an institutional review  
26 board has determined:

27 (i) Is of sufficient importance to outweigh the intrusion into the  
28 privacy of the patient that would result from the disclosure;

29 (ii) Is impracticable without the use or disclosure of the health  
30 care information in individually identifiable form;

31 (iii) Contains reasonable safeguards to protect the information  
32 from redisclosure;

33 (iv) Contains reasonable safeguards to protect against identifying,  
34 directly or indirectly, any patient in any report of the research  
35 project; and

36 (v) Contains procedures to remove or destroy at the earliest  
37 opportunity, consistent with the purposes of the project, information  
38 that would enable the patient to be identified, unless an institutional

1 review board authorizes retention of identifying information for  
2 purposes of another research project;

3 (h) To a person who obtains information for purposes of an audit,  
4 if that person agrees in writing to:

5 (i) Remove or destroy, at the earliest opportunity consistent with  
6 the purpose of the audit, information that would enable the patient to  
7 be identified; and

8 (ii) Not to disclose the information further, except to accomplish  
9 the audit or report unlawful or improper conduct involving fraud in  
10 payment for health care by a health care provider or patient, or other  
11 unlawful conduct by the health care provider;

12 (i) To an official of a penal or other custodial institution in  
13 which the patient is detained;

14 (j) To provide directory information, unless the patient has  
15 instructed the health care provider not to make the disclosure;

16 (k) In the case of a hospital or health care provider to provide,  
17 in cases reported by fire, police, sheriff, or other public authority,  
18 name, residence, sex, age, occupation, condition, diagnosis, or extent  
19 and location of injuries as determined by a physician, and whether the  
20 patient was conscious when admitted.

21 (2) A health care provider shall disclose health care information  
22 about a patient without the patient's authorization if the disclosure  
23 is:

24 (a) To federal, state, or local public health authorities, to the  
25 extent the health care provider is required by law to report health  
26 care information; when needed to determine compliance with state or  
27 federal licensure, certification or registration rules or laws; or when  
28 needed to protect the public health;

29 (b) To federal, state, or local law enforcement authorities to the  
30 extent the health care provider is required by law;

31 (c) Pursuant to compulsory process in accordance with RCW  
32 70.02.060.

33 (3) Notwithstanding RCW 70.24.105(4) or any other provision of this  
34 section, the department of corrections or a local correctional facility  
35 shall without the inmate's authorization, upon request, disclose health  
36 care information that the department or facility obtained in its  
37 capacity as the inmate's health care provider relative to:

38 (a) A person sentenced to death; or

1       (b) A medical condition used by an inmate in confinement as defined  
2 in RCW 9.9A.030 as a ground for an attempt to overturn a conviction, or  
3 to obtain release under a personal restraint petition or any other form  
4 of appeal including a request for pardon or clemency.

5       (4) All state or local agencies obtaining patient health care  
6 information pursuant to this section shall adopt rules establishing  
7 their record acquisition, retention, and security policies that are  
8 consistent with this chapter.

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