
SENATE BILL 6056

State of Washington

55th Legislature

1997 Regular Session

By Senators Wojahn, Fairley and Thibaudeau; by request of Governor Locke

Read first time 03/10/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the office of health policy; amending RCW
2 43.70.066, 43.70.068, and 43.72.310; reenacting and amending RCW
3 42.17.310; adding new sections to chapter 43.73 RCW; adding a new
4 section to chapter 41.06 RCW; repealing RCW 43.73.010, 43.73.020, and
5 43.73.040; providing an effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.73 RCW
8 to read as follows:

9 (1) The governor shall establish an office of health policy by July
10 1, 1997. The office is to develop coordinated and cost-effective
11 methods of purchasing health care for state government and to provide
12 policy analysis and recommendations to the governor and appropriate
13 committees of the legislature on methods to improve the state health
14 care system.

15 (2) The office has the following responsibilities:

16 (a) Develop by January 1, 1999, a coordinated and cost-effective
17 purchasing process for health care services purchased by the health
18 care authority and the medical assistance program of the department of
19 social and health services. In developing the process, the office

1 shall consider: A single request for proposal and review instrument
2 for any common components; a single contract period; uniform standards
3 for financial requirements, data requirements, and quality improvement
4 requirements; and coordination of related staff of the department of
5 social and health services and the state health care authority;

6 (i) Seek necessary federal waivers to implement this section;

7 (ii) Analyze state statutes and recommend amendments, if any,
8 necessary to implement this section to the appropriate committees of
9 the legislature by December 1, 1998;

10 (b) In cooperation with other health-related state agencies,
11 analyze the feasibility and desirability of including other state
12 purchased health care programs in the coordinated purchasing process
13 set forth in this section and report its findings to the appropriate
14 committees of the legislature by July 1, 1999;

15 (c) Establish an advisory committee, in coordination with the
16 office of financial management and appropriate legislative
17 representatives, to make recommendations on the long-term stabilization
18 of the health services account by November 1, 1998;

19 (d) Work with an interagency group of all health-related state
20 agencies to identify duplication and inefficiencies in state health
21 care purchasing, management, and regulatory activities and make
22 recommendations to the governor on ways to improve the state's health
23 care activities;

24 (e) Make periodic recommendations to the appropriate committees of
25 the legislature on methods to improve the state health care system.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.73 RCW
27 to read as follows:

28 The governor shall appoint the director of the office of health
29 policy who shall be the administrative officer and appointing authority
30 of the office. The director shall have the authority to employ
31 personnel in accordance with chapter 41.06 RCW and prescribe their
32 duties. The director may employ up to eight personnel exempt from the
33 provisions of chapter 41.06 RCW. The director shall also have the
34 following powers and duties:

35 (1) Enter into contracts on behalf of the office;

36 (2) Accept and expend donations, grants, and other funds received
37 by the office;

1 (3) Appoint advisory committees including consumers, providers,
2 business representatives, labor representatives, insurance industry
3 representatives, and other interested parties; and

4 (4) Undertake studies, research, and analysis necessary to support
5 activities of the office.

6 **Sec. 3.** RCW 43.70.066 and 1995 c 267 s 4 are each amended to read
7 as follows:

8 (1) The department of health in consultation with the office of
9 health policy (~~board~~) shall study the feasibility of a uniform
10 quality assurance and improvement program for use by all public and
11 private health plans and health care providers and facilities. In this
12 study, the department shall consult with:

13 (a) Public and private purchasers of health care services;

14 (b) Health carriers;

15 (c) Health care providers and facilities; and

16 (d) Consumers of health services.

17 (2) In conducting the study, the department shall propose standards
18 that meet the needs of affected persons and organizations, whether
19 public or private, without creation of differing levels of quality
20 assurance. All consumers of health services should be afforded the
21 same level of quality assurance.

22 (3) At a minimum, the study shall include but not be limited to the
23 following program components and indicators appropriate for consumer
24 disclosure:

25 (a) Health care provider training, credentialing, and licensure
26 standards;

27 (b) Health care facility credentialing and recredentialing;

28 (c) Staff ratios in health care facilities;

29 (d) Annual mortality and morbidity rates of cases based on a
30 defined set of procedures performed or diagnoses treated in health care
31 facilities, adjusted to fairly consider variable factors such as
32 patient demographics and case severity;

33 (e) The average total cost and average length of hospital stay for
34 a defined set of procedures and diagnoses;

35 (f) The total number of the defined set of procedures, by
36 specialty, performed by each physician at a health care facility within
37 the previous twelve months;

1 (g) Utilization performance profiles by provider, both primary care
2 and specialty care, that have been adjusted to fairly consider variable
3 factors such as patient demographics and severity of case;

4 (h) Health plan fiscal performance standards;

5 (i) Health care provider and facility recordkeeping and reporting
6 standards;

7 (j) Health care utilization management that monitors trends in
8 health service underutilization, as well as overutilization of
9 services;

10 (k) Health monitoring that is responsive to consumer, purchaser,
11 and public health assessment needs; and

12 (l) Assessment of consumer satisfaction and disclosure of consumer
13 survey results.

14 (4) In conducting the study, the department shall develop standards
15 that permit each health care facility, provider group, or health
16 carrier to assume responsibility for and determine the physical method
17 of collection, storage, and assimilation of quality indicators for
18 consumer disclosure. The study may define the forms, frequency, and
19 posting requirements for disclosure of information.

20 In developing proposed standards under this subsection, the
21 department shall identify options that would minimize provider burden
22 and administrative cost resulting from duplicative private sector data
23 submission requirements.

24 (5) The department shall submit a preliminary report to the
25 legislature by December 31, 1995, including recommendations for initial
26 legislation pursuant to subsection (6) of this section, and shall
27 submit supplementary reports and recommendations as completed,
28 consistent with appropriated funds and staffing.

29 (6) The department shall not adopt any rule implementing the
30 uniform quality assurance program or consumer disclosure provisions
31 unless expressly directed to do so by an act of law.

32 **Sec. 4.** RCW 43.70.068 and 1995 c 267 s 5 are each amended to read
33 as follows:

34 (~~No later than July 1, 1995, the health care policy board~~) The
35 office of health policy together with the department of health, the
36 health care authority, the department of social and health services,
37 the office of the insurance commissioner, and the department of labor
38 and industries shall form an interagency group for coordination and

1 consultation on quality assurance activities and collaboration on
2 (~~final~~) recommendations for the (~~study~~) reports required under RCW
3 43.70.066. (~~By December 31, 1996, the group shall review all state~~
4 ~~agency programs governing health service quality assurance, in light of~~
5 ~~legislative actions pursuant to RCW 43.70.066(6), and shall recommend~~
6 ~~to the legislature, the consolidation, coordination, or elimination of~~
7 ~~rules and programs that would be made unnecessary pursuant to the~~
8 ~~development of a uniform quality assurance and improvement program.))~~

9 **Sec. 5.** RCW 43.72.310 and 1995 c 267 s 8 are each amended to read
10 as follows:

11 (1) Until May 8, 1995, and after June 30, 1996, a (~~certified~~
12 ~~health plan~~) health carrier, health care facility, health care
13 provider, or other person involved in the development, delivery, or
14 marketing of health care or (~~certified health plans~~) health carriers
15 may request, in writing, that the (~~commission~~) office of health
16 policy obtain an informal opinion from the attorney general as to
17 whether particular conduct is authorized by chapter 492, Laws of 1993.
18 Trade secret or proprietary information contained in a request for
19 informal opinion shall be identified as such and shall not be disclosed
20 other than to an authorized employee of the (~~commission~~) office of
21 health policy or attorney general without the consent of the party
22 making the request, except that information in summary or aggregate
23 form and market share data may be contained in the informal opinion
24 issued by the attorney general. The attorney general shall issue such
25 opinion within thirty days of receipt of a written request for an
26 opinion or within thirty days of receipt of any additional information
27 requested by the attorney general necessary for rendering an opinion
28 unless extended by the attorney general for good cause shown. If the
29 attorney general concludes that such conduct is not authorized by
30 chapter 492, Laws of 1993, the person or organization making the
31 request may petition the (~~commission~~) office of health policy for
32 review and approval of such conduct in accordance with subsection (3)
33 of this section.

34 (2) After obtaining the written opinion of the attorney general and
35 consistent with such opinion, the (~~health services commission~~) office
36 of health policy:

37 (a) May authorize conduct by a (~~certified health plan~~) health
38 carrier, health care facility, health care provider, or any other

1 person that could tend to lessen competition in the relevant market
2 upon a strong showing that the conduct is likely to achieve the policy
3 goals of chapter 492, Laws of 1993 and a more competitive alternative
4 is impractical;

5 (b) Shall adopt rules governing conduct among providers, health
6 care facilities, and (~~certified health plans~~) health carriers
7 including rules governing provider and facility contracts with
8 (~~certified health plans~~) health carriers, rules governing the use of
9 "most favored nation" clauses and exclusive dealing clauses in such
10 contracts, and rules providing that (~~certified health plans~~) health
11 carriers in rural areas contract with a sufficient number and type of
12 health care providers and facilities to ensure consumer access to local
13 health care services;

14 (c) Shall adopt rules permitting health care providers within the
15 service area of a plan to collectively negotiate the terms and
16 conditions of contracts with a (~~certified health plan~~) health carrier
17 including the ability of providers to meet and communicate for the
18 purposes of these negotiations; and

19 (d) Shall adopt rules governing cooperative activities among health
20 care facilities and providers.

21 (3) Until May 8, 1995, and after June 30, 1996, a (~~certified~~
22 ~~health plan~~) health carrier, health care facility, health care
23 provider, or any other person involved in the development, delivery,
24 and marketing of health services or (~~certified health plans~~) health
25 carriers may file a written petition with the (~~commission~~) office of
26 health policy requesting approval of conduct that could tend to lessen
27 competition in the relevant market. Such petition shall be filed in a
28 form and manner prescribed by rule of the (~~commission~~) office of
29 health policy.

30 The (~~commission~~) office of health policy shall issue a written
31 decision approving or denying a petition filed under this section
32 within ninety days of receipt of a properly completed written petition
33 unless extended by the (~~commission~~) office of health policy for good
34 cause shown. The decision shall set forth findings as to benefits and
35 disadvantages and conclusions as to whether the benefits outweigh the
36 disadvantages.

37 (4) In authorizing conduct and adopting rules of conduct under this
38 section, the (~~commission~~) office of health policy with the advice of
39 the attorney general, shall consider the benefits of such conduct in

1 furthering the goals of health care reform including but not limited
2 to:

- 3 (a) Enhancement of the quality of health services to consumers;
- 4 (b) Gains in cost efficiency of health services;
- 5 (c) Improvements in utilization of health services and equipment;
- 6 (d) Avoidance of duplication of health services resources; or
- 7 (e) And as to (b) and (c) of this subsection: (i) Facilitates the
8 exchange of information relating to performance expectations; (ii)
9 simplifies the negotiation of delivery arrangements and relationships;
10 and (iii) reduces the transactions costs on the part of ((certified
11 health plans)) health carriers and providers in negotiating more cost-
12 effective delivery arrangements.

13 These benefits must outweigh disadvantages including and not
14 limited to:

- 15 (i) Reduced competition among ((certified health plans)) health
16 carriers, health care providers, or health care facilities;
- 17 (ii) Adverse impact on quality, availability, or price of health
18 care services to consumers; or
- 19 (iii) The availability of arrangements less restrictive to
20 competition that achieve the same benefits.

21 (5) Conduct authorized by the ((commission)) office of health
22 policy shall be deemed taken pursuant to state statute and in the
23 furtherance of the public purposes of the state of Washington.

24 (6) With the assistance of the attorney general's office, the
25 ((commission)) office of health policy shall actively supervise any
26 conduct authorized under this section to determine whether such conduct
27 or rules permitting certain conduct should be continued and whether a
28 more competitive alternative is practical. The ((commission)) office
29 of health policy shall periodically review petitioned conduct through,
30 at least, annual progress reports from petitioners, annual or more
31 frequent reviews by the ((commission)) office of health policy that
32 evaluate whether the conduct is consistent with the petition, and
33 whether the benefits continue to outweigh any disadvantages. If the
34 ((commission)) office of health policy determines that the likely
35 benefits of any conduct approved through rule, petition, or otherwise
36 by the ((commission)) office of health policy no longer outweigh the
37 disadvantages attributable to potential reduction in competition, the
38 ((commission)) office of health policy shall order a modification or
39 discontinuance of such conduct. Conduct ordered discontinued by the

1 ((~~commission~~)) office of health policy shall no longer be deemed to be
2 taken pursuant to state statute and in the furtherance of the public
3 purposes of the state of Washington.

4 (7) Nothing contained in chapter 492, Laws of 1993 is intended to
5 in any way limit the ability of rural hospital districts to enter into
6 cooperative agreements and contracts pursuant to RCW 70.44.450 and
7 chapter 39.34 RCW.

8 (8) Only requests for informal opinions under subsection (1) of
9 this section and petitions under subsection (3) of this section that
10 were received prior to May 8, 1995, or after June 30, 1996, shall be
11 considered.

12 NEW SECTION. Sec. 6. A new section is added to chapter 43.73 RCW
13 to read as follows:

14 (1) The health care policy board is hereby abolished and its
15 powers, duties, and functions are hereby transferred to the office of
16 health policy. All references to the chair or the health care policy
17 board in the Revised Code of Washington shall be construed to mean the
18 director or the office of health policy.

19 (2)(a) All reports, documents, surveys, books, records, files,
20 papers, or written material in the possession of the health care policy
21 board shall be delivered to the custody of the office of health policy.
22 All cabinets, furniture, office equipment, motor vehicles, and other
23 tangible property employed by the health care policy board shall be
24 made available to the office of health policy. All funds, credits, or
25 other assets held by the health care policy board shall be assigned to
26 the office of health policy.

27 (b) Any appropriations made to the health care policy board shall,
28 on the effective date of this section, be transferred and credited to
29 the office of health policy.

30 (c) If any question arises as to the transfer of any personnel,
31 funds, books, documents, records, papers, files, equipment, or other
32 tangible property used or held in the exercise of the powers and the
33 performance of the duties and functions transferred, the director of
34 financial management shall make a determination as to the proper
35 allocation and certify the same to the state agencies concerned.

36 (3) All employees of the health care policy board are transferred
37 to the jurisdiction of the office of health policy consistent with
38 appropriations. All employees classified under chapter 41.06 RCW, the

1 state civil service law, are assigned to the office of health policy to
2 perform their usual duties upon the same terms as formerly, without any
3 loss of rights, subject to any action that may be appropriate
4 thereafter in accordance with the laws and rules governing state civil
5 service.

6 (4) All rules and all pending business before the health care
7 policy board shall be continued and acted upon by the office of health
8 policy. All existing contracts and obligations shall remain in full
9 force and shall be performed by the office of health policy.

10 (5) The transfer of the powers, duties, functions, and personnel of
11 the health care policy board shall not affect the validity of any act
12 performed before the effective date of this section.

13 (6) If apportionments of budgeted funds are required because of the
14 transfers directed by this section, the director of financial
15 management shall certify the apportionments to the agencies affected,
16 the state auditor, and the state treasurer. Each of these shall make
17 the appropriate transfer and adjustments in funds and appropriation
18 accounts and equipment records in accordance with the certification.

19 (7) Nothing contained in this section may be construed to alter any
20 existing collective bargaining unit or the provisions of any existing
21 collective bargaining agreement until the agreement has expired or
22 until the bargaining unit has been modified by action of the personnel
23 board as provided by law.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 41.06 RCW
25 to read as follows:

26 In addition to the exemptions under RCW 41.06.070, the provisions
27 of this chapter shall not apply in the office of health policy to the
28 director and persons exempt under section 2 of this act.

29 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
30 repealed:

- 31 (1) RCW 43.73.010 and 1995 c 265 s 9;
32 (2) RCW 43.73.020 and 1995 c 265 s 10; and
33 (3) RCW 43.73.040 and 1995 c 265 s 12.

34 **Sec. 9.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
35 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
36 follows:

1 (1) The following are exempt from public inspection and copying:

2 (a) Personal information in any files maintained for students in
3 public schools, patients or clients of public institutions or public
4 health agencies, or welfare recipients.

5 (b) Personal information in files maintained for employees,
6 appointees, or elected officials of any public agency to the extent
7 that disclosure would violate their right to privacy.

8 (c) Information required of any taxpayer in connection with the
9 assessment or collection of any tax if the disclosure of the
10 information to other persons would (i) be prohibited to such persons by
11 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
12 in unfair competitive disadvantage to the taxpayer.

13 (d) Specific intelligence information and specific investigative
14 records compiled by investigative, law enforcement, and penology
15 agencies, and state agencies vested with the responsibility to
16 discipline members of any profession, the nondisclosure of which is
17 essential to effective law enforcement or for the protection of any
18 person's right to privacy.

19 (e) Information revealing the identity of persons who are witnesses
20 to or victims of crime or who file complaints with investigative, law
21 enforcement, or penology agencies, other than the public disclosure
22 commission, if disclosure would endanger any person's life, physical
23 safety, or property. If at the time a complaint is filed the
24 complainant, victim or witness indicates a desire for disclosure or
25 nondisclosure, such desire shall govern. However, all complaints filed
26 with the public disclosure commission about any elected official or
27 candidate for public office must be made in writing and signed by the
28 complainant under oath.

29 (f) Test questions, scoring keys, and other examination data used
30 to administer a license, employment, or academic examination.

31 (g) Except as provided by chapter 8.26 RCW, the contents of real
32 estate appraisals, made for or by any agency relative to the
33 acquisition or sale of property, until the project or prospective sale
34 is abandoned or until such time as all of the property has been
35 acquired or the property to which the sale appraisal relates is sold,
36 but in no event shall disclosure be denied for more than three years
37 after the appraisal.

1 (h) Valuable formulae, designs, drawings, and research data
2 obtained by any agency within five years of the request for disclosure
3 when disclosure would produce private gain and public loss.

4 (i) Preliminary drafts, notes, recommendations, and intra-agency
5 memorandums in which opinions are expressed or policies formulated or
6 recommended except that a specific record shall not be exempt when
7 publicly cited by an agency in connection with any agency action.

8 (j) Records which are relevant to a controversy to which an agency
9 is a party but which records would not be available to another party
10 under the rules of pretrial discovery for causes pending in the
11 superior courts.

12 (k) Records, maps, or other information identifying the location of
13 archaeological sites in order to avoid the looting or depredation of
14 such sites.

15 (l) Any library record, the primary purpose of which is to maintain
16 control of library materials, or to gain access to information, which
17 discloses or could be used to disclose the identity of a library user.

18 (m) Financial information supplied by or on behalf of a person,
19 firm, or corporation for the purpose of qualifying to submit a bid or
20 proposal for (i) a ferry system construction or repair contract as
21 required by RCW 47.60.680 through 47.60.750 or (ii) highway
22 construction or improvement as required by RCW 47.28.070.

23 (n) Railroad company contracts filed prior to July 28, 1991, with
24 the utilities and transportation commission under RCW 81.34.070, except
25 that the summaries of the contracts are open to public inspection and
26 copying as otherwise provided by this chapter.

27 (o) Financial and commercial information and records supplied by
28 private persons pertaining to export services provided pursuant to
29 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
30 export projects pursuant to RCW 43.23.035.

31 (p) Financial disclosures filed by private vocational schools under
32 chapters 28B.85 and 28C.10 RCW.

33 (q) Records filed with the utilities and transportation commission
34 or attorney general under RCW 80.04.095 that a court has determined are
35 confidential under RCW 80.04.095.

36 (r) Financial and commercial information and records supplied by
37 businesses or individuals during application for loans or program
38 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,

1 or during application for economic development loans or program
2 services provided by any local agency.

3 (s) Membership lists or lists of members or owners of interests of
4 units in timeshare projects, subdivisions, camping resorts,
5 condominiums, land developments, or common-interest communities
6 affiliated with such projects, regulated by the department of
7 licensing, in the files or possession of the department.

8 (t) All applications for public employment, including the names of
9 applicants, resumes, and other related materials submitted with respect
10 to an applicant.

11 (u) The residential addresses and residential telephone numbers of
12 employees or volunteers of a public agency which are held by the agency
13 in personnel records, employment or volunteer rosters, or mailing lists
14 of employees or volunteers.

15 (v) The residential addresses and residential telephone numbers of
16 the customers of a public utility contained in the records or lists
17 held by the public utility of which they are customers.

18 (w)(i) The federal social security number of individuals governed
19 under chapter 18.130 RCW maintained in the files of the department of
20 health, except this exemption does not apply to requests made directly
21 to the department from federal, state, and local agencies of
22 government, and national and state licensing, credentialing,
23 investigatory, disciplinary, and examination organizations; (ii) the
24 current residential address and current residential telephone number of
25 a health care provider governed under chapter 18.130 RCW maintained in
26 the files of the department, if the provider requests that this
27 information be withheld from public inspection and copying, and
28 provides to the department an accurate alternate or business address
29 and business telephone number. On or after January 1, 1995, the
30 current residential address and residential telephone number of a
31 health care provider governed under RCW 18.130.140 maintained in the
32 files of the department shall automatically be withheld from public
33 inspection and copying unless the provider specifically requests the
34 information be released, and except as provided for under RCW
35 42.17.260(9).

36 (x) Information obtained by the board of pharmacy as provided in
37 RCW 69.45.090.

1 (y) Information obtained by the board of pharmacy or the department
2 of health and its representatives as provided in RCW 69.41.044,
3 69.41.280, and 18.64.420.

4 (z) Financial information, business plans, examination reports, and
5 any information produced or obtained in evaluating or examining a
6 business and industrial development corporation organized or seeking
7 certification under chapter 31.24 RCW.

8 (aa) Financial and commercial information supplied to the state
9 investment board by any person when the information relates to the
10 investment of public trust or retirement funds and when disclosure
11 would result in loss to such funds or in private loss to the providers
12 of this information.

13 (bb) Financial and valuable trade information under RCW 51.36.120.

14 (cc) Client records maintained by an agency that is a domestic
15 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
16 crisis center as defined in RCW 70.125.030.

17 (dd) Information that identifies a person who, while an agency
18 employee: (i) Seeks advice, under an informal process established by
19 the employing agency, in order to ascertain his or her rights in
20 connection with a possible unfair practice under chapter 49.60 RCW
21 against the person; and (ii) requests his or her identity or any
22 identifying information not be disclosed.

23 (ee) Investigative records compiled by an employing agency
24 conducting a current investigation of a possible unfair practice under
25 chapter 49.60 RCW or of a possible violation of other federal, state,
26 or local laws prohibiting discrimination in employment.

27 (ff) Business related information protected from public inspection
28 and copying under RCW 15.86.110.

29 (gg) Financial, commercial, operations, and technical and research
30 information and data submitted to or obtained by the clean Washington
31 center in applications for, or delivery of, program services under
32 chapter 70.95H RCW.

33 (hh) Information and documents created specifically for, and
34 collected and maintained by a quality improvement committee pursuant to
35 RCW 43.70.510, regardless of which agency is in possession of the
36 information and documents.

37 (ii) Personal information in files maintained in a data base
38 created under RCW 43.07.360.

1 (jj) Proprietary financial and commercial information that the
2 submitting entity, with review by the office of health policy, or
3 interagency quality committee, specifically identifies at the time it
4 is submitted and that is provided to or obtained by: (i) The office of
5 health policy in connection with an application for, or the supervision
6 of, an antitrust exemption sought by the submitting entity under RCW
7 43.72.310; (ii) the office of health policy under RCW 43.73.030 or
8 section 2, chapter 281, Laws of 1996; or (iii) the interagency quality
9 committee under RCW 43.70.068 in connection with its authority to study
10 health care issues. If a request for such information is received, the
11 submitting entity must be notified of the request. Within ten business
12 days of receipt of the notice, the submitting entity shall provide a
13 written statement of the continuing need for confidentiality, which
14 shall be provided to the requester. Upon receipt of such notice, the
15 office of health policy or interagency quality committee shall continue
16 to treat information designated under this section as exempt from
17 disclosure. If the requester initiates an action to compel disclosure
18 under this chapter, the submitting entity must be joined as a party to
19 demonstrate the continuing need for confidentiality.

20 (kk) Health care information, as defined in RCW 70.02.010(6),
21 obtained by the office of health policy as authorized by RCW 43.73.030
22 or section 2, chapter 281, Laws of 1996 or the interagency quality
23 committee as authorized by RCW 43.70.068 under its authority to study
24 health care issues. Such information shall be released in a form that
25 the record does not identify the recipient of the health care or that
26 would otherwise be permitted by chapter 70.02 RCW without consent of
27 the patient.

28 (2) Except for information described in subsection (1)(c)(i) of
29 this section and confidential income data exempted from public
30 inspection pursuant to RCW 84.40.020, the exemptions of this section
31 are inapplicable to the extent that information, the disclosure of
32 which would violate personal privacy or vital governmental interests,
33 can be deleted from the specific records sought. No exemption may be
34 construed to permit the nondisclosure of statistical information not
35 descriptive of any readily identifiable person or persons.

36 (3) Inspection or copying of any specific records exempt under the
37 provisions of this section may be permitted if the superior court in
38 the county in which the record is maintained finds, after a hearing
39 with notice thereof to every person in interest and the agency, that

1 the exemption of such records is clearly unnecessary to protect any
2 individual's right of privacy or any vital governmental function.

3 (4) Agency responses refusing, in whole or in part, inspection of
4 any public record shall include a statement of the specific exemption
5 authorizing the withholding of the record (or part) and a brief
6 explanation of how the exemption applies to the record withheld.

7 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 July 1, 1997, except section 1 of this act takes effect immediately.

--- END ---