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- 2 <u>HB 2861</u> S AMD TO HSC COMM AMD (S4976.2) 194
- 3 By Senators Thibaudeau, Costa, Hargrove and Long
- 4 ADOPTED 3/1/00
- 5 On page 9, after line 29 of the amendment, insert the following:
- 6 "Sec. 11. RCW 70.24.084 and 1999 c 391 s 4 are each amended to 7 read as follows:
- 8 (1) Any person aggrieved by a violation of this chapter shall have 9 a right of action in superior court and may recover for each violation:
- 10 (a) Against any person who negligently violates a provision of this 11 chapter, one thousand dollars, or actual damages, whichever is greater, 12 for each violation.
- (b) Against any person who intentionally or recklessly violates a provision of this chapter, ten thousand dollars, or actual damages, whichever is greater, for each violation.
  - (c) Reasonable attorneys' fees and costs.
- 17 (d) Such other relief, including an injunction, as the court may 18 deem appropriate.
- 19 (2) Any action under this chapter is barred unless the action is 20 commenced within three years after the cause of action accrues.
- 21 (3) Nothing in this chapter limits the rights of the subject of a 22 test for a sexually transmitted disease to recover damages or other 23 relief under any other applicable law.
- (4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.
- 30 (5) It is a negligent violation of this chapter to cause an unauthorized communication of confidential sexually transmitted disease information by facsimile transmission or otherwise communicating the information to an unauthorized recipient when the sender knew or had reason to know the facsimile transmission telephone number or other transmittal information was incorrect or outdated.

- 1 **Sec. 12.** RCW 70.02.150 and 1991 c 335 s 701 are each amended to 2 read as follows:
- A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.
- 5 Reasonable safeguards shall include affirmative action to delete
- 6 <u>outdated and incorrect facsimile transmission or other telephone</u>
- 7 transmittal numbers from computer, facsimile, or other data bases."
- 8 <u>HB 2861</u> S AMD TO HSC COMM AMD (S4976.2) 194 9 By Senators Thibaudeau, Costa, Hargrove and Long
- 10 ADOPTED 3/1/00
- On page 9, at the beginning of line 35 of the title amendment,
- 12 strike "and 70.83.050" and insert "70.83.050, 70.24.084, and 70.02.150"

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