

ANALYSIS OF HOUSE BILL 1835 & 2230

Protecting information related to sexually transmitted disease and HIV.

SPONSORS: Representatives Schual-Berk and Skinner (1835) and Schual-Berk and Murray (2230).

BACKGROUND: Current law limits the disclosure of personally-identifiable information relating to the human immunodeficiency virus (HIV) and sexually transmitted diseases (STD) to specific categories of persons e.g. public health officials, persons granted access by a court order, law enforcement officers, claims management personnel, certain state employees etc.

Persons who violate these provisions can be found guilty of a gross misdemeanor with punishment of up to one year in jail and a \$5,000 fine.

Presently, there is no statutory requirement that: violations be tracked, health providers be trained in the law, or there be coordination of consumer education on related confidentiality.

Presently, civil penalties are limited to \$1,000; there is no requirement that each violation be counted separately.

Presently, there is no statutory requirement that state and local health officials enforce these provisions or that they be removed from office if they failed to do so.

The proponents of this measure believe that, in view of pending expansion of personally-identifiable disease categories and the potential for unauthorized release, protections of confidential information must be strengthened.

SUMMARY: The Department of Health is required to:

Report annually to the State Board of Health the incidents of unauthorized disclosure and recommend preventing strategies.

Assist related providers, facilities, and agencies on methods to comply with this act.

Develop and implement a public education program on the confidentiality provisions herein.

Criminal penalties are increased from a gross misdemeanor to a class C felony with punishment up to five years in prison and a \$10,000 fine. [This provision is in HB 1835 only]

Civil penalties are increased to \$2,000 with each violation being a separate offense.

State and local health officials must enforce these provisions and can be removed, fined or imprisoned if they do not.

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