

# HOUSE BILL REPORT

## ESB 5258

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**As Passed House:**

April 4, 2001

**Title:** An act relating to disclosure of health care information.

**Brief Description:** Regulating disclosure of health care information.

**Sponsors:** By Senators Costa, Winsley, Franklin, Thibaudeau and Kohl-Welles.

**Brief History:**

**Committee Activity:**

Health Care: 3/20/01, 3/23/01 [DP].

**Floor Activity:**

Passed House: 4/4/01, 92-0.

**Brief Summary of Engrossed Bill**

- It is a negligent violation of law to fax a patient's confidential sexually transmitted disease information to an unauthorized recipient if the sender knew or had reason to know that the fax telephone number was incorrect.
- The deletion of incorrect or outdated fax numbers is considered a reasonable safeguard by a health care provider for maintaining the security of health care information.

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**HOUSE COMMITTEE ON HEALTH CARE**

**Majority Report:** Do pass. Signed by 13 members: Representatives Campbell, Republican Co-Chair; Cody, Democratic Co-Chair; Schual-Berke, Democratic Vice Chair; Skinner, Republican Vice Chair; Alexander, Ballasiotes, Darneille, Edmonds, Edwards, Marine, McMorris, Pennington and Ruderman.

**Staff:** John Welsh (786-7133).

**Background:**

Under current law, a patient's health care information is confidential and may not be disclosed without the patient's authorization, unless expressly authorized by law. No

person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease. The result of medical tests for a sexually transmitted disease may not be disclosed except to the patient being tested. An aggrieved person has a right of action and may recover up to \$1000 or actual damages, whichever is greater, against a person who negligently violates this law.

Health providers are required to take reasonable safeguards for the security of health care information they maintain.

Medical personnel use facsimile (fax) machines and other computer and electronic equipment that store fax numbers for communicating private and personal health care information. Medical records with individually identifiable health care information are sometimes transmitted to unauthorized persons.

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**Summary of Bill:**

It is considered a negligent violation of law to communicate a patient's confidential sexually transmitted disease information to an unauthorized recipient when the sender knew or had reason to know that the fax telephone number or other transmittal information was incorrect or outdated.

Reasonable safeguards taken by health care providers for maintaining the security of health care information include deleting outdated and incorrect fax transmissions or other telephone transmittal numbers from computers, facsimile, or other data bases. A health care provider shall verify the accuracy of such numbers for irregular recipients of health care information.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill fortifies legal requirements for maintaining the confidentiality of patient information. Health providers have a duty to verify and correct wrong fax numbers in order to protect patients' privacy.

**Testimony Against:** None.

**Testified:** Senator Costa, prime sponsor.