

Judiciary Committee

HB 2090

Title: *An act relating to causes of action against the department of social and health services for the use or release of false or inaccurate information in department records.*

Brief Description: *Authorizing causes of action against the department of social and health services for the use or release of false or inaccurate information in department records.*

Sponsors: *Representatives Carrell, Boldt, Lambert, McMorris, Voloria, Bush, Esser, Ericksen, Lantz, Campbell and Woods.*

Brief Summary of Bill

- *Authorizes a cause of action for damages against the Department of Social and Health Services for the use or release of false or inaccurate information maintained in department records.*

Hearing Date: *2/23/01*

Staff: *Edie Adams (786-7180).*

Background:

The Department of Social and Health Services (DSHS) is responsible for administering many state programs and services. Some of the programs and services administered by the DSHS relate to: aging and adult services; children's services, including at-risk-youth, dependency, and child care; public assistance; medical assistance; developmental disabilities; child support enforcement; and juvenile rehabilitation. Many of these programs or services involve sensitive information concerning involved persons, including, medical records, mental health and chemical dependency records, private personal information, and financial information. There are a myriad of federal and state laws governing confidentiality of various kinds of records kept by the DSHS and when and under what circumstances records may be released.

Summary of Bill:

A person has a cause of action against the DSHS if the department maintains false or inaccurate information about the person that the department knows or reasonably should know is false or inaccurate, and the use or release of the information causes injury to the person. Damages may be recovered for pecuniary loss, emotional distress, and mental anguish.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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