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## Health Care Committee

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### ESSB 5207

**Brief Description:** Regulating DNA testing.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles).

#### Brief Summary of Engrossed Substitute Bill

- Includes a patient's identified DNA information as confidential health care information.
- Creates a DNA Commission for developing policies regarding the use and disclosure of DNA.
- Requires the state Board of Health to adopt rules protecting the privacy of identified DNA information.

**Hearing Date:** 2/22/02

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

#### Background:

The state Uniform Health Care Information Act provides for the confidentiality of the health care information of a patient contained in the records of treating health care providers. The law also provides procedures for patients requesting access to their own health care information. A patient's confidential information may not be disclosed without patient consent, but exceptions are provided in specified circumstances. These circumstances include internal administrative requirements such as quality assurance, peer review, legal, financial, actuarial services, and audits. Health care information may also be used in a research project monitored by an institutional review board with safeguards protecting the information and the identity of a patient.

Health care information includes any information, whether oral or recorded, that identifies a patient and directly relates to the patient's health care. There is no specific reference to a patient's DNA or deoxyribonucleic acid, a component of human body cells unique to an individual.

**Summary of Bill:**

Genetic test information from a person's isolated DNA and a person's DNA when obtained at the request of a health care provider or health care facility is specified as confidential health care information that cannot be disclosed without the consent of a patient.

There is a legislative finding expressing legitimate concerns for individual privacy rights in the use of DNA information in many fields, including human services and health care, scientific research, criminal justice, and corrections, as well as a need to address the potentials of DNA developments with protections preventing unauthorized use of this information for discriminatory purposes.

A DNA Commission, staffed by the Legislature, is established with 28 members, including representation from the Legislature, geneticists, research institutions, health care providers, privacy and civil rights advocates, the biotechnology industry, medicine, and the judiciary, among others.

The commission must develop a statewide strategy recommending public policies relating to the use of DNA, conduct a survey, evaluate and recommend methods for protecting privacy interests, analyze incidence of discriminatory practices, and issue a report of its findings and recommendations by July 1, 2003.

The state Board of Health must adopt rules protecting an individual's confidentiality of related genetic information.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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