
State Government Committee

HB 1444

Brief Description: Protecting proprietary or confidential information acquired through state health services purchasing.

Sponsors: Representatives Haigh, Eickmeyer, Clibborn, Dickerson, Rockefeller and Morrell.

Brief Summary of Bill

- An existing exemption from public inspection of certain records held by the Health Care Authority is retained when transferred to another state purchased health care program or to a committee created to facilitate implementation of state purchased health care.

Hearing Date: 2/18/03

Staff: Marsha Reilly (786-7135).

Background:

The open public records law was approved by state voters in 1972 as part of Initiative Measure No. 276. All public records of state agencies and local governments are open to public inspection and copying unless a law expressly excludes the public record from public inspection and copying. This disclosure requirement is liberally construed and any exception is narrowly constructed.

A person's right to privacy is invaded or violated only if disclosure of information about the person: (1) would be highly offensive to a reasonable person; and (2) is not of legitimate concern to the public. Beyond that, only those records expressly identified are considered exempt from disclosure.

The Washington State Health Care Authority (Authority) is exempted from disclosing: 1) proprietary data, trade secrets, and other information relating to a bid; or 2) actuarial formulas, statistics, cost and utilization data, or other proprietary information submitted at the request of the Authority or the Public Employees' Benefits Board (Board) by a contracting insurer, health care service contractor, health maintenance organization, or vendor. Further, the Board may hold an executive session when discussing this confidential

information.

The Open Public Meetings Act identifies circumstances in which a governing body may hold executive sessions.

Summary of Bill:

The Open Public Meetings Act is changed to allow an executive session to be called when a governing board considers proprietary or confidential non-published information related to the development, acquisition, or implementation of state purchased health care services.

The current exemption is broadened to include proprietary data, trade secrets, or other information solicited for the development, acquisition, or implementation of state purchased health care services, as long as it is requested to be confidential by the respondent.

Any committee or entity created to facilitate the development, acquisition, or implementation of state purchased health care services, has similar responsibilities to request and keep confidential certain information.

All exempted information remains exempt from public disclosure upon transfer to another state purchased health care program or to a committee created to facilitate the development, acquisition, or implementation of state purchased health care.

A person who challenges a request for, or designation of, exempt information may seek judicial review.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.