
HOUSE BILL 2714

State of Washington

58th Legislature

2004 Regular Session

By Representatives Edwards, Mielke, Clibborn, Lovick, Flannigan, Chase, Jarrett, Cody, Haigh, Wood, Skinner, McIntire, Rockefeller and Kagi

Read first time 01/20/2004. Referred to Committee on Transportation.

1 AN ACT Relating to driver fitness and certification; amending RCW
2 70.02.050; adding new sections to chapter 46.20 RCW; adding a new
3 section to chapter 46.04 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW
6 under the subchapter heading "Driver's License and Permit Requirements"
7 to read as follows:

8 (1) If a health care provider, licensed physician, or other proper
9 authority designated by the department reasonably believes that a
10 patient's health condition poses an imminent danger to the health or
11 safety of the patient or to any other individual, the health care
12 provider, licensed physician, or other proper authority designated by
13 the department must report the patient to the department, subject to
14 RCW 70.02.050, using a form provided by the department, provided that
15 the patient is thirteen years of age or older. The information on the
16 form must disclose to the department the relevant health care
17 information related to the determination. The licensed physician,
18 health care provider, or other proper authority designated by the

1 department must report this information to the department as soon as
2 this determination is made.

3 (2) Compliance with, or failure to comply with the requirements of
4 this section does not constitute negligence, nor may compliance or
5 noncompliance with the requirements of this section be admissible as
6 evidence of negligence in any civil action.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
8 under the subchapter heading "Driver's License and Permit Requirements"
9 to read as follows:

10 (1) The department, in cooperation with the department of health,
11 shall form a medical advisory board charged with the responsibility of
12 determining, creating, and issuing a list of specific medical
13 conditions that would merit a health care provider, licensed physician,
14 or other proper authority reporting a patient to the department under
15 section 1 of this act.

16 (2) The medical advisory board is classified as a class one group
17 under chapter 43.03 RCW and as such, board members are entitled to
18 receiving allowances for expenses that will be provided for by the
19 department.

20 (3) The medical advisory board must meet at least one time a year
21 to review the list of medical conditions. The board must be comprised
22 of licensed physicians, health care providers, and any other proper
23 authorities designated by the department. The number of board members
24 is to be determined by the director, in cooperation with the director
25 of health, and implemented by rule.

26 (4) The ability of a licensed physician, health care provider, or
27 other proper authority to report a patient to the department under
28 section 1(1) of this act is not limited to those conditions identified
29 by the board.

30 (5) The department, along with the department of health, shall
31 report back to the legislature on the status of implementing this
32 section, and make recommendations as needed, by December 31, 2004, and
33 annually thereafter through December 31, 2006.

34 **Sec. 3.** RCW 70.02.050 and 1998 c 158 s 1 are each amended to read
35 as follows:

1 (1) A health care provider may disclose health care information
2 about a patient without the patient's authorization to the extent a
3 recipient needs to know the information, if the disclosure is:

4 (a) To a person who the provider reasonably believes is providing
5 health care to the patient;

6 (b) To any other person who requires health care information for
7 health care education, or to provide planning, quality assurance, peer
8 review, or administrative, legal, financial, or actuarial services to
9 the health care provider; or for assisting the health care provider in
10 the delivery of health care and the health care provider reasonably
11 believes that the person:

12 (i) Will not use or disclose the health care information for any
13 other purpose; and

14 (ii) Will take appropriate steps to protect the health care
15 information;

16 (c) To any other health care provider reasonably believed to have
17 previously provided health care to the patient, to the extent necessary
18 to provide health care to the patient, unless the patient has
19 instructed the health care provider in writing not to make the
20 disclosure;

21 (d) To any person if the health care provider reasonably believes
22 that disclosure will avoid or minimize an imminent danger to the health
23 or safety of the patient or any other individual, however there is no
24 obligation under this chapter on the part of the provider to so
25 disclose except as provided under section 1(1) of this act;

26 (e) Oral, and made to immediate family members of the patient, or
27 any other individual with whom the patient is known to have a close
28 personal relationship, if made in accordance with good medical or other
29 professional practice, unless the patient has instructed the health
30 care provider in writing not to make the disclosure;

31 (f) To a health care provider who is the successor in interest to
32 the health care provider maintaining the health care information;

33 (g) For use in a research project that an institutional review
34 board has determined:

35 (i) Is of sufficient importance to outweigh the intrusion into the
36 privacy of the patient that would result from the disclosure;

37 (ii) Is impracticable without the use or disclosure of the health
38 care information in individually identifiable form;

1 (iii) Contains reasonable safeguards to protect the information
2 from redisclosure;

3 (iv) Contains reasonable safeguards to protect against identifying,
4 directly or indirectly, any patient in any report of the research
5 project; and

6 (v) Contains procedures to remove or destroy at the earliest
7 opportunity, consistent with the purposes of the project, information
8 that would enable the patient to be identified, unless an institutional
9 review board authorizes retention of identifying information for
10 purposes of another research project;

11 (h) To a person who obtains information for purposes of an audit,
12 if that person agrees in writing to:

13 (i) Remove or destroy, at the earliest opportunity consistent with
14 the purpose of the audit, information that would enable the patient to
15 be identified; and

16 (ii) Not to disclose the information further, except to accomplish
17 the audit or report unlawful or improper conduct involving fraud in
18 payment for health care by a health care provider or patient, or other
19 unlawful conduct by the health care provider;

20 (i) To an official of a penal or other custodial institution in
21 which the patient is detained;

22 (j) To provide directory information, unless the patient has
23 instructed the health care provider not to make the disclosure;

24 (k) In the case of a hospital or health care provider to provide,
25 in cases reported by fire, police, sheriff, or other public authority,
26 name, residence, sex, age, occupation, condition, diagnosis, or extent
27 and location of injuries as determined by a physician, and whether the
28 patient was conscious when admitted.

29 (2) A health care provider shall disclose health care information
30 about a patient without the patient's authorization if the disclosure
31 is:

32 (a) To federal, state, or local public health authorities, to the
33 extent the health care provider is required by law to report health
34 care information; when needed to determine compliance with state or
35 federal licensure, certification or registration rules or laws; or when
36 needed to protect the public health;

37 (b) To federal, state, or local law enforcement authorities to the
38 extent the health care provider is required by law;

1 (c) To county coroners and medical examiners for the investigations
2 of deaths;

3 (d) Pursuant to compulsory process in accordance with RCW
4 70.02.060;

5 (e) Pursuant to the requirements of section 1 of this act.

6 (3) All state or local agencies obtaining patient health care
7 information pursuant to this section shall adopt rules establishing
8 their record acquisition, retention, and security policies that are
9 consistent with this chapter.

10 NEW SECTION. Sec. 4. A new section is added to chapter 46.04 RCW
11 to read as follows:

12 "Senior driver" means a licensed driver who is seventy-five years
13 of age or older.

14 NEW SECTION. Sec. 5. Upon reaching the age of seventy-five years,
15 and every two years thereafter, senior drivers must certify with the
16 department, in accordance with the requirements of section 6 of this
17 act, their ability to safely operate a motor vehicle.

18 NEW SECTION. Sec. 6. All senior drivers are subject to the
19 following provisions and requirements:

20 (1) The continued validity of a driver's license of a senior driver
21 is subject to satisfactory certification by a health care provider,
22 licensed physician, or other proper authority designated by the
23 department every two years from the time it is issued or renewed by the
24 department under this chapter.

25 (2) Senior drivers applying for a driver's license or renewing a
26 driver's license must submit a certification form provided by the
27 department and signed by a health care provider, licensed physician, or
28 other proper authority. The health care provider, licensed physician,
29 or other proper authority must indicate on the form which of three
30 possible categories the subject senior driver falls under, as of the
31 date on which the form is signed. Each category must, at a minimum,
32 indicate the following:

33 (a) The senior driver does not have any medical conditions or
34 impairments that would compromise the ability to safely operate a

1 vehicle or that would threaten the health or safety of the senior
2 driver or any other individual; or

3 (b) The senior driver appears to have a developing specified
4 medical condition or impairment that could compromise the ability to
5 safely operate a vehicle or that could threaten the health or safety of
6 the senior driver or any other individual, and thus would merit further
7 review by the department to determine the appropriate licensing
8 approach; or

9 (c) The senior driver has a specified medical condition or
10 impairment that compromises the ability to safely operate a vehicle and
11 that threatens the health and safety of the senior driver and any other
12 individuals.

13 (3) The driver's license belonging to a senior driver will remain
14 in effect so long as the certification forms submitted to the
15 department indicate that the senior driver has been placed in the
16 category described under subsection (2)(a) of this section, subject to
17 RCW 46.20.091 and 46.20.181, unless the senior driver is found to be
18 otherwise ineligible for licensing.

19 (4) If the senior driver submits a certification form indicating he
20 or she has been placed in one of the categories described under
21 subsection (2)(b) or (c) of this section, the department shall require
22 the senior driver to appear in person for further review and testing.

23 NEW SECTION. **Sec. 7.** The director may adopt rules necessary to
24 carry out the provisions and intent of this act.

25 NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act are each
26 added to chapter 46.20 RCW and codified under the subchapter heading
27 "Senior Drivers."

28 NEW SECTION. **Sec. 9.** Sections 1 and 3 through 6 of this act take
29 effect June 1, 2005.

--- END ---