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## Health Care Committee

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### ESSB 6106

**Brief Description:** Requiring disclosure of specified health care information for law enforcement purposes.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senator Brandland).

#### Brief Summary of Engrossed Substitute Bill

- Requires health care providers to disclose a patient's health care information to law enforcement authorities when the patient is being treated for wounds likely suffered as a result of criminal conduct.
- Requires dentists to provide the dental records of missing persons to law enforcement authorities where the person's family or next of kin have provided consent.

**Hearing Date:** 2/17/06

**Staff:** Chris Blake (786-7392).

#### Background:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes nationwide standards for the use, disclosure, storage, and transfer of protected health information. Entities covered by HIPAA must have a patient's authorization to use or disclose health care information, unless there is a specified exception. Some exceptions pertain to disclosures for treatment, payment, and health care operations; public health activities; judicial proceedings; law enforcement purposes; and research purposes. Among the law enforcement exceptions is a provision that allows disclosure to comply with laws requiring the reporting of certain types of wounds or other physical injuries.

In Washington, the Uniform Health Care Information Act (UHCIA) governs the disclosure of health care information by health care providers and their agents or employees. The UHCIA provides that a health care provider may not disclose health care information about a patient unless there is a statutory exception or a written authorization by the patient. Some exceptions include disclosures for the provision of health care; quality improvement, legal, actuarial, and administrative services; research purposes; directory information; public health and law enforcement activities as required by law; and judicial proceedings. The UHCIA's exceptions related to law enforcement apply where criminal conduct has occurred on the premises, where

public authorities have brought the patient to the health care facility; or where the law requires reporting to federal, state, or local law enforcement authorities.

**Summary of Bill:**

Health care providers must disclose a patient's health care information without his or her authorization where the patient is being treated or has been treated for specified injuries. The information must be disclosed upon written or oral request from federal, state, or local law enforcement authorities. The disclosure requirement applies to treatment for: (1) injuries caused by the discharge of a firearm, including bullet wounds, gunshot wounds, or powder burns; (2) injuries caused by sharp or pointed instruments, including knives and ice picks, where law enforcement authorities believe the injury was intentionally inflicted; or (3) other injuries that law enforcement authorities reasonably believe were the result of a criminal act.

The health care provider must provide the federal, state, or local law enforcement authorities with the patient's name, residence, sex, age, condition, diagnosis or extent and location of injuries, consciousness status when admitted, health care provider's name, transfer status, and discharge date and time.

"Federal, state, or local law enforcement authority" is defined to include officers of an agency empowered by law to investigate or prosecute alleged or potential criminal violations of law.

The dentist of a person who has been missing for more than 30 days must provide the missing person's dental records to the sheriff, chief of police, county coroner or medical examiner, or other law enforcement authority if presented with written consent from the missing person's family or next of kin. The dentist must also provide the dental records upon presentation of a statement from the sheriff, chief of police, county coroner or medical examiner, or other law enforcement authority that the missing person's family or next of kin: (1) could not be located after the exercise of due diligence; or (2) refused to consent and there is reason to believe that they may have been involved with the missing person's disappearance.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.