
SUBSTITUTE SENATE BILL 5054

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline and Rockefeller)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to patient authorization of disclosure of health
2 care information; and amending RCW 70.02.030.

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

4 **Sec. 1.** RCW 70.02.030 and 2004 c 166 s 19 are each amended to read
5 as follows:

6 (1) A patient may authorize a health care provider or health care
7 facility to disclose the patient's health care information. A health
8 care provider or health care facility shall honor an authorization and,
9 if requested, provide a copy of the recorded health care information
10 unless the health care provider or health care facility denies the
11 patient access to health care information under RCW 70.02.090.

12 (2) A health care provider or health care facility may charge a
13 reasonable fee for providing the health care information and is not
14 required to honor an authorization until the fee is paid.

15 (3) To be valid, a disclosure authorization to a health care
16 provider or health care facility shall:

17 (a) Be in writing, dated, and signed by the patient;

18 (b) Identify the nature of the information to be disclosed;

1 (c) Identify the name, address, and institutional affiliation of
2 the person or class of persons to whom the information is to be
3 disclosed;

4 (d) (~~Except for third party payors,~~) Identify the provider or
5 class of providers who (~~is~~) are to make the disclosure; (~~and~~)

6 (e) Identify the patient; and

7 (f) Contain an expiration date or an expiration event that relates
8 to the patient or the purpose of the use or disclosure.

9 (4) Except as provided by this chapter, the signing of an
10 authorization by a patient is not a waiver of any rights a patient has
11 under other statutes, the rules of evidence, or common law.

12 (5) A health care provider or health care facility shall retain the
13 original or a copy of each authorization or revocation in conjunction
14 with any health care information from which disclosures are made.
15 (~~This requirement shall not apply to disclosures to third party~~
16 ~~payors.~~)

17 (~~(6) (Except for authorizations given pursuant to an agreement with~~
18 ~~a treatment or monitoring program or disciplinary authority under~~
19 ~~chapter 18.71 or 18.130 RCW, when the patient is under the supervision~~
20 ~~of the department of corrections, or to provide information to third-~~
21 ~~party payors, an authorization may not permit the release of health~~
22 ~~care information relating to future health care that the patient~~
23 ~~receives more than ninety days after the authorization was signed.~~
24 ~~Patients shall be advised of the period of validity of their~~
25 ~~authorization on the disclosure authorization form. If the~~
26 ~~authorization does not contain an expiration date and the patient is~~
27 ~~not under the supervision of the department of corrections, it expires~~
28 ~~ninety days after it is signed.~~

29 (~~7~~) Where the patient is under the supervision of the department
30 of corrections, an authorization signed pursuant to this section for
31 health care information related to mental health or drug or alcohol
32 treatment expires at the end of the term of supervision, unless the
33 patient is part of a treatment program that requires the continued
34 exchange of information until the end of the period of treatment.

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