
SENATE BILL 5054

State of Washington

59th Legislature

2005 Regular Session

By Senators Johnson, Kline and Rockefeller

Read first time 01/12/2005. Referred to Committee on Health & Long-Term Care.

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 to disclose the
7 patient's health care information. A health care provider shall honor
8 an authorization and, if requested, provide a copy of the recorded
9 health care information unless the health care provider denies the
10 patient access to health care information under RCW 70.02.090.

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

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

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

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

18 (c) Identify the name, address, and institutional affiliation of

1 the person or class of persons to whom the information is to be
2 disclosed;

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

5 (e) Identify the patient.

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

9 (5) A health care provider shall retain the original or a copy of
10 each authorization or revocation in conjunction with any health care
11 information from which disclosures are made. This requirement shall
12 not apply to disclosures to third-party payors.

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

29 (7) Where the patient is under the supervision of the department of
30 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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