

# HOUSE BILL REPORT

## SB 5773

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**As Passed House:**

April 11, 2007

**Title:** An act relating to treatment records.

**Brief Description:** Modifying treatment records provisions.

**Sponsors:** By Senators Hargrove, Parlette and Keiser; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 3/26/07, 3/28/07 [DP].

**Floor Activity:**

Passed House: 4/11/07, 97-0.

**Brief Summary of Bill**

- Allows the Department of Social and Health Services to release mental health billing information, including mental health drugs or diagnoses, to a patient's current prescribing providers for the purposes of coordinating health care.

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**HOUSE COMMITTEE ON HEALTH CARE & WELLNESS**

**Majority Report:** Do pass. Signed by 13 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, Curtis, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

**Staff:** Chris Cordes (786-7103).

**Background:**

Both federal and state laws regulate the confidentiality of health care records. Under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), individually identifiable health information is generally protected, including information that relates to

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payment for the individual's health care. However, the HIPAA allows protected records to be disclosed for treatment activities of a health care provider.

Under Washington law, health care information is confidential and may be released only with the consent of the patient or as provided by law. The limited circumstances in which mental health treatment records may be released without consent include release to the Department of Social and Health Services (DSHS) or the director or staff of a mental health regional support network (RSN) for billing or collection purposes. Mental health treatment records may also be released for various specified treatment purposes.

Mental health treatment records include all records that concern persons who are receiving, or who have received, mental health services and that are kept by the DSHS, the RSN, and treatment facilities.

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**Summary of Bill:**

The DSHS may, to coordinate health care, release mental health treatment record information acquired for billing and collection purposes to a mental health patient's current treating providers with prescriptive authority. The provider must have written a prescription within the last 12 months.

The DSHS must notify the patient about the substance of the information released and to whom it was released. The DSHS may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without the patient's signed written release.

The definition of "treatment records" is amended to include mental health information in a medical bill, such as mental health drugs, a mental health diagnosis, provider name, and dates of medical service.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.