

# SENATE BILL REPORT

## SB 6318

---

---

As of January 20, 2010

**Title:** An act relating to hospitals reporting violent injuries.

**Brief Description:** Concerning hospitals reporting violent injuries.

**Sponsors:** Senators Carrell, King, Delvin, Schoesler and Becker.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/20/10.

---

### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Rhoda Donkin (786-7465)

**Background:** Current law requires health care providers such as doctors, nurses, and hospitals to report gunshot or stab wounds to law enforcement as soon as reasonably possible if a patient is unconscious or unable to make such a report. Hospitals must establish a written policy which identifies who is responsible for making the report to law enforcement. Information to be included in the report includes name, residence, sex, age, and condition or extent and location of injuries, and other pertinent information. Bullets or clothing removed from the patient must be reasonably maintained and provided to law enforcement. Health care providers are immune from liability for acting in compliance with state violent reporting law.

The Health Insurance Portability and Accountability Act (HIPAA) and state law generally limit disclosure of a patient's health care information, if a patient has not authorized disclosure. However, both HIPAA and state law permit disclosure of health care information without a patient's authorization under certain circumstances. If a state law permits such disclosure, a patient's authorization is not required under HIPAA.

**Summary of Bill:** A hospital must report to a local law enforcement authority specific information about a conscious patient who is being treated for a bullet or gunshot wound.

**Appropriation:** None.

**Fiscal Note:** Not requested.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Law enforcement has to be notified of violent injuries regardless of whether the person wants us to know or not. Last year's legislation that mandated that hospitals report violent injuries sustained by unconscious persons resulted in some hospitals deciding NOT to report on conscious patients with these injuries. In some cases the injuries are sustained by the violent perpetrator. We have to empower hospitals and medical staff treating them to get law enforcement involved as soon as possible.

CON: Mandating that hospitals report these injuries could result in victims of domestic violence not seeking medical care when they need it. The system has to be responsive to people who are in danger in cases of abuse. Patients should be screened to determine if they want law enforcement involved, and if they are going home to a dangerous situation. They need safety counseling, not mandatory involvement with law enforcement, who won't be around when the abusive person is back in the daily lives of victims of violence.

OTHER: We don't want hospitals caught in the position of having to wonder who to report about and who not to. This should be clearly spelled out, so hospitals are not caught in the middle.

**Persons Testifying:** PRO: Don Pierce, Washington Association of Sheriffs and Police Chiefs.

CON: Grace Huang, Washington State Coalition Against Domestic Violence.

OTHER: Lisa Thatcher, Washington State Hospital Association.