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By Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege, and Kenney

Read first time 02/06/09. Referred to Committee on Human Services.

1 AN ACT Relating to sharing of health care information to promote
2 coordination of behavioral and medical care services; and amending RCW
3 71.05.630.

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

5 **Sec. 1.** RCW 71.05.630 and 2007 c 191 s 1 are each amended to read
6 as follows:

7 (1) Except as otherwise provided by law, all treatment records
8 shall remain confidential and may be released only to the persons
9 designated in this section, or to other persons designated in an
10 informed written consent of the patient.

11 (2) Treatment records of a person may be released without informed
12 written consent in the following circumstances:

13 (a) To a person, organization, or agency as necessary for
14 management or financial audits, or program monitoring and evaluation.
15 Information obtained under this subsection shall remain confidential
16 and may not be used in a manner that discloses the name or other
17 identifying information about the person whose records are being
18 released.

1 (b) To the department, the director of regional support networks,
2 or a qualified staff member designated by the director only when
3 necessary to be used for billing or collection purposes. The
4 information shall remain confidential.

5 (c) For purposes of research as permitted in chapter 42.48 RCW.

6 (d) Pursuant to lawful order of a court.

7 (e) To qualified staff members of the department, to the director
8 of regional support networks, to resource management services
9 responsible for serving a patient, or to service providers designated
10 by resource management services as necessary to determine the progress
11 and adequacy of treatment and to determine whether the person should be
12 transferred to a less restrictive or more appropriate treatment
13 modality or facility. The information shall remain confidential.

14 (f) Within the treatment facility where the patient is receiving
15 treatment, confidential information may be disclosed to persons
16 employed, serving in bona fide training programs, or participating in
17 supervised volunteer programs, at the facility when it is necessary to
18 perform their duties.

19 (g) Within the department as necessary to coordinate treatment for
20 mental illness, developmental disabilities, alcoholism, or drug abuse
21 of persons who are under the supervision of the department.

22 (h) To a licensed physician who has determined that the life or
23 health of the person is in danger and that treatment without the
24 information contained in the treatment records could be injurious to
25 the patient's health. Disclosure shall be limited to the portions of
26 the records necessary to meet the medical emergency.

27 (i) To a licensed health care professional who is providing or
28 anticipates providing health care to a person with both medical and
29 behavioral health care needs, for the purpose of coordinating care and
30 treatment of that person. The information released must be necessary
31 for provision or coordination of care. Psychotherapy notes, as defined
32 in 45 C.F.R. 164.501, may not be released without authorization of the
33 person who is the subject of the request for release of information.

34 (j) To a facility that is to receive a person who is involuntarily
35 committed under chapter 71.05 RCW, or upon transfer of the person from
36 one treatment facility to another. The release of records under this
37 subsection shall be limited to the treatment records required by law,
38 a record or summary of all somatic treatments, and a discharge summary.

1 The discharge summary may include a statement of the patient's problem,
2 the treatment goals, the type of treatment which has been provided, and
3 recommendation for future treatment, but may not include the patient's
4 complete treatment record.

5 ~~((+j))~~ (k) Notwithstanding the provisions of RCW 71.05.390(7), to
6 a correctional facility or a corrections officer who is responsible for
7 the supervision of a person who is receiving inpatient or outpatient
8 evaluation or treatment. Except as provided in RCW 71.05.445 and
9 71.34.345, release of records under this section is limited to:

10 (i) An evaluation report provided pursuant to a written supervision
11 plan.

12 (ii) The discharge summary, including a record or summary of all
13 somatic treatments, at the termination of any treatment provided as
14 part of the supervision plan.

15 (iii) When a person is returned from a treatment facility to a
16 correctional facility, the information provided under ~~((+j))~~ (k)(iv)
17 of this subsection.

18 (iv) Any information necessary to establish or implement changes in
19 the person's treatment plan or the level or kind of supervision as
20 determined by resource management services. In cases involving a
21 person transferred back to a correctional facility, disclosure shall be
22 made to clinical staff only.

23 ~~((+k))~~ (l) To the person's counsel or guardian ad litem, without
24 modification, at any time in order to prepare for involuntary
25 commitment or recommitment proceedings, reexaminations, appeals, or
26 other actions relating to detention, admission, commitment, or
27 patient's rights under chapter 71.05 RCW.

28 ~~((+l))~~ (m) To staff members of the protection and advocacy agency
29 or to staff members of a private, nonprofit corporation for the purpose
30 of protecting and advocating the rights of persons with mental
31 disorders or developmental disabilities. Resource management services
32 may limit the release of information to the name, birthdate, and county
33 of residence of the patient, information regarding whether the patient
34 was voluntarily admitted, or involuntarily committed, the date and
35 place of admission, placement, or commitment, the name and address of
36 a guardian of the patient, and the date and place of the guardian's
37 appointment. Any staff member who wishes to obtain additional
38 information shall notify the patient's resource management services in

1 writing of the request and of the resource management services' right
2 to object. The staff member shall send the notice by mail to the
3 guardian's address. If the guardian does not object in writing within
4 fifteen days after the notice is mailed, the staff member may obtain
5 the additional information. If the guardian objects in writing within
6 fifteen days after the notice is mailed, the staff member may not
7 obtain the additional information.

8 ~~((m))~~ (n) For purposes of coordinating health care, the
9 department may release without informed written consent of the patient,
10 information acquired for billing and collection purposes as described
11 in (b) of this subsection to all current treating providers of the
12 patient with prescriptive authority who have written a prescription for
13 the patient within the last twelve months. The department shall notify
14 the patient that billing and collection information has been released
15 to named providers, and provide the substance of the information
16 released and the dates of such release. The department shall not
17 release counseling, inpatient psychiatric hospitalization, or drug and
18 alcohol treatment information without a signed written release from the
19 client.

20 (3) Whenever federal law or federal regulations restrict the
21 release of information contained in the treatment records of any
22 patient who receives treatment for chemical dependency, the department
23 may restrict the release of the information as necessary to comply with
24 federal law and regulations.

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