
Health Care & Wellness Committee

SSB 5671

Brief Description: Modifying hospital and emergency service personnel reporting requirements to local enforcement.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Ericksen, Becker, Delvin and Honeyford).

Brief Summary of Substitute Bill

- Requires hospitals and emergency service personnel to report to local law enforcement officials when treating or receiving a patient who is deceased or later dies from a drug-related overdose.

Hearing Date: 3/9/11

Staff: Chris Blake (786-7392).

Background:

With certain exceptions, both the federal Health Insurance Portability and Accountability Act (HIPAA) and state Uniform Health Care Information Act prohibit disclosure of a patient's health care information by a health care provider, or its agents, employees, or assistants. Health care information may be disclosed upon authorization by the patient or if an exception to the authorization requirement applies. These exceptions generally apply to disclosures for treatment, payment, and health care operations; public health activities; judicial proceedings; law enforcement purposes; and research purposes.

The HIPAA authorizes states to require that certain information be reported to law enforcement officials. Among those authorized reports are disclosures: (1) as required by law, including the reporting of certain types of wounds; and (2) about an individual who has died if the health care provider has a suspicion that such death may have resulted from criminal conduct.

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.

Washington requires hospitals to report to local law enforcement authorities when providing treatment to a patient for wounds related to a bullet, gunshot, or stabbing. The reports must include the patient's name, residence, sex, and age; the type of wound; and the name of the treating provider. Hospitals are immune from civil or criminal liability when making such reports in good faith and without gross negligence or misconduct.

Summary of Bill:

Hospitals must report to local law enforcement authorities as soon as reasonably possible when the hospital receives or provides treatment to a person who is deceased, or dies after admission, from a drug-related overdose.

Emergency medical personnel must report to local law enforcement authorities when called to the aid of a patient who is deceased, or dies prior to transport, from a drug-related overdose. Emergency service personnel must establish a written policy to identify the person responsible for making the report.

Hospitals and emergency medical personnel who make a required report to law enforcement authorities regarding the death of a person from a drug-related overdose are immune from civil or criminal liability or professional discipline if the report was made in good faith and without gross negligence or misconduct.

Appropriation: None.

Fiscal Note: Not requested.

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