

# SENATE BILL REPORT

## SHB 1563

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As of March 15, 2011

**Title:** An act relating to establishing uniformity in the protection of health-related information.

**Brief Description:** Establishing uniformity in the protection of health-related information.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Moeller, Green and Kenney).

**Brief History:** Passed House: 3/04/11, 93-4.

**Committee Activity:** Health & Long-Term Care: 3/17/11.

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

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

**Background:** The Health Insurance Portability and Accounting Act of 1996 (HIPAA) established nationwide standards for the use, disclosure, storage, and transfer of protected health information. HIPAA protects against the release of health care information without a patient's authorization, except under certain circumstances. In Washington, the Uniform Health Care Information Act (UHCIA) governs the disclosure of health care information by health care providers and their agents or employees. The UHCIA says a health care provider may not disclose health care information about a patient unless there is a statutory exception or a written authorization by the patient. Exceptions to the UHCIA also are described in state law.

Washington State has heightened protections for information related to mental health, human immunodeficiency virus (HIV) and sexually transmitted disease (STD). For mental health information, the fact of admission into a facility and all information and records compiled in the course providing any service there is confidential. With respect to HIV and STD information, anyone requesting or actually having a test for HIV or STDs is protected, as are the results, and any information regarding diagnosis or treatment. For both mental health information and HIV/STD protections, there are some conditions in law where disclosure is permitted without the patient's authorization.

**Summary of Bill:** HIV and STD information is considered health care information under the Uniform Health Care Information Act (UHCIA) with all applicable disclosure provisions. As such, the identity of a person who has requested a test for STD, or been tested for HIV or an

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STD, the results of the tests, information regarding diagnosis of or treatment of HIV infection may all be disclosed under the same conditions as other health care information under the UHCIA.

Mental health information is included in the definition of health care information under the UHCIA. Information related to admission into a facility, treatment records compiled during the course of providing the services to voluntary or involuntary patients at mental health agencies, private or public, may be disclosed under the same standards set by the UHCIA. The standard for an individual to agree to release a record is changed from informed written consent to authorization. All permitted disclosures are the same as those under the UHCIA.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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