



1 Health care providers continue to adopt electronic health records  
2 technology which allows them to share patient medical information with  
3 other providers to better coordinate medical care through initiatives  
4 such as medical homes and accountable care organizations. The  
5 existence, however, of multiple privacy standards for physical and  
6 mental health information impedes these efforts to integrate care.

7 The legislature, therefore, intends to improve the coordination of  
8 care to these people by establishing a single standard for the  
9 protection of all health care information.

10 **Sec. 2.** RCW 70.02.050 and 2007 c 156 s 12 are each amended to read  
11 as follows:

12 (1) A health care provider or health care facility may disclose  
13 health care information about a patient without the patient's  
14 authorization to the extent a recipient needs to know the information,  
15 if the disclosure is:

16 (a) To a person who the provider or facility reasonably believes is  
17 providing health care to the patient;

18 (b) To any other person who requires health care information for  
19 health care education, or to provide planning, quality assurance, peer  
20 review, or administrative, legal, financial, actuarial services to, or  
21 other health care operations for or on behalf of the health care  
22 provider or health care facility; or for assisting the health care  
23 provider or health care facility in the delivery of health care and the  
24 health care provider or health care facility reasonably believes that  
25 the person:

26 (i) Will not use or disclose the health care information for any  
27 other purpose; and

28 (ii) Will take appropriate steps to protect the health care  
29 information;

30 (c) To any other health care provider or health care facility  
31 reasonably believed to have previously provided health care to the  
32 patient, to the extent necessary to provide health care to the patient,  
33 unless the patient has instructed the health care provider or health  
34 care facility in writing not to make the disclosure;

35 (d) To any person if the health care provider or health care  
36 facility reasonably believes that disclosure will avoid or minimize an

1 imminent danger to the health or safety of the patient or any other  
2 individual, however there is no obligation under this chapter on the  
3 part of the provider or facility to so disclose;

4 (e) To immediate family members of the patient, including a  
5 patient's state registered domestic partner, or any other individual  
6 with whom the patient is known to have a close personal relationship,  
7 if made in accordance with good medical or other professional practice,  
8 unless the patient has instructed the health care provider or health  
9 care facility in writing not to make the disclosure;

10 (f) To a health care provider or health care facility who is the  
11 successor in interest to the health care provider or health care  
12 facility maintaining the health care information;

13 (g) For use in a research project that an institutional review  
14 board has determined:

15 (i) Is of sufficient importance to outweigh the intrusion into the  
16 privacy of the patient that would result from the disclosure;

17 (ii) Is impracticable without the use or disclosure of the health  
18 care information in individually identifiable form;

19 (iii) Contains reasonable safeguards to protect the information  
20 from redisclosure;

21 (iv) Contains reasonable safeguards to protect against identifying,  
22 directly or indirectly, any patient in any report of the research  
23 project; and

24 (v) Contains procedures to remove or destroy at the earliest  
25 opportunity, consistent with the purposes of the project, information  
26 that would enable the patient to be identified, unless an institutional  
27 review board authorizes retention of identifying information for  
28 purposes of another research project;

29 (h) To a person who obtains information for purposes of an audit,  
30 if that person agrees in writing to:

31 (i) Remove or destroy, at the earliest opportunity consistent with  
32 the purpose of the audit, information that would enable the patient to  
33 be identified; and

34 (ii) Not to disclose the information further, except to accomplish  
35 the audit or report unlawful or improper conduct involving fraud in  
36 payment for health care by a health care provider or patient, or other  
37 unlawful conduct by the health care provider;

1 (i) To an official of a penal or other custodial institution in  
2 which the patient is detained;

3 (j) To provide directory information, unless the patient has  
4 instructed the health care provider or health care facility not to make  
5 the disclosure;

6 (k) To fire, police, sheriff, or another public authority, that  
7 brought, or caused to be brought, the patient to the health care  
8 facility or health care provider if the disclosure is limited to the  
9 patient's name, residence, sex, age, occupation, condition, diagnosis,  
10 estimated or actual discharge date, or extent and location of injuries  
11 as determined by a physician, and whether the patient was conscious  
12 when admitted;

13 (l) To federal, state, or local law enforcement authorities and the  
14 health care provider, health care facility, or third-party payor  
15 believes in good faith that the health care information disclosed  
16 constitutes evidence of criminal conduct that occurred on the premises  
17 of the health care provider, health care facility, or third-party  
18 payor;

19 (m) To another health care provider, health care facility, or  
20 third-party payor for the health care operations of the health care  
21 provider, health care facility, or third-party payor that receives the  
22 information, if each entity has or had a relationship with the patient  
23 who is the subject of the health care information being requested, the  
24 health care information pertains to such relationship, and the  
25 disclosure is for the purposes described in RCW 70.02.010(8) (a) and  
26 (b); ~~((e))~~

27 (n) For payment;

28 (o) To persons authorized to receive information regarding the  
29 identity of the subject of an HIV antibody test or test for any other  
30 sexually transmitted disease, the results of such a test, and the  
31 diagnosis or treatment of a patient for HIV infection as permitted  
32 under RCW 70.24.105; or

33 (p) To persons authorized under chapter 71.05 RCW to receive  
34 information and records regarding recipients of mental health-related  
35 services.

36 (2) A health care provider shall disclose health care information  
37 about a patient without the patient's authorization if the disclosure  
38 is:

1 (a) To federal, state, or local public health authorities, to the  
2 extent the health care provider is required by law to report health  
3 care information; when needed to determine compliance with state or  
4 federal licensure, certification or registration rules or laws; or when  
5 needed to protect the public health;

6 (b) To federal, state, or local law enforcement authorities to the  
7 extent the health care provider is required by law;

8 (c) To federal, state, or local law enforcement authorities, upon  
9 receipt of a written or oral request made to a nursing supervisor,  
10 administrator, or designated privacy official, in a case in which the  
11 patient is being treated or has been treated for a bullet wound,  
12 gunshot wound, powder burn, or other injury arising from or caused by  
13 the discharge of a firearm, or an injury caused by a knife, an ice  
14 pick, or any other sharp or pointed instrument which federal, state, or  
15 local law enforcement authorities reasonably believe to have been  
16 intentionally inflicted upon a person, or a blunt force injury that  
17 federal, state, or local law enforcement authorities reasonably believe  
18 resulted from a criminal act, the following information, if known:

19 (i) The name of the patient;

20 (ii) The patient's residence;

21 (iii) The patient's sex;

22 (iv) The patient's age;

23 (v) The patient's condition;

24 (vi) The patient's diagnosis, or extent and location of injuries as  
25 determined by a health care provider;

26 (vii) Whether the patient was conscious when admitted;

27 (viii) The name of the health care provider making the  
28 determination in (c)(v), (vi), and (vii) of this subsection;

29 (ix) Whether the patient has been transferred to another facility;

30 and

31 (x) The patient's discharge time and date;

32 (d) To county coroners and medical examiners for the investigations  
33 of deaths;

34 (e) Pursuant to compulsory process in accordance with RCW  
35 70.02.060.

36 (3) All state or local agencies obtaining patient health care  
37 information pursuant to this section shall adopt rules establishing

1 their record acquisition, retention, and security policies that are  
2 consistent with this chapter.

3 **Sec. 3.** RCW 70.24.105 and 1997 c 345 s 2 and 1997 c 196 s 6 are  
4 each reenacted and amended to read as follows:

5 ~~(1) ((No person may disclose or be compelled to disclose the  
6 identity of any person who has investigated, considered, or requested  
7 a test or treatment for a sexually transmitted disease, except as  
8 authorized by this chapter.~~

9 ~~(2) No person may disclose or be compelled to disclose the identity  
10 of any person upon whom an HIV antibody test is performed, or the  
11 results of such a test, nor may the result of a test for any other  
12 sexually transmitted disease when it is positive be disclosed. This  
13 protection against disclosure of test subject, diagnosis, or treatment  
14 also applies to any information relating to diagnosis of or treatment  
15 for HIV infection and for any other confirmed sexually transmitted  
16 disease.)) Information regarding the identity of the subject of an HIV  
17 antibody test or test for any other sexually transmitted disease, the  
18 results of such a test, and the diagnosis or treatment of a patient for  
19 HIV infection must be considered "health care information" as that term  
20 is defined in RCW 70.02.010 and subject to the same regulations  
21 established under chapter 70.02 RCW, except as otherwise provided in  
22 this chapter. In addition to the provisions of chapter 70.02 RCW, the  
23 following persons((, however,)) may receive such information:~~

24 ~~(a) ((The subject of the test or the subject's legal representative  
25 for health care decisions in accordance with RCW 7.70.065, with the  
26 exception of such a representative of a minor child over fourteen years  
27 of age and otherwise competent;~~

28 ~~(b) Any person who secures a specific release of test results or  
29 information relating to HIV or confirmed diagnosis of or treatment for  
30 any other sexually transmitted disease executed by the subject or the  
31 subject's legal representative for health care decisions in accordance  
32 with RCW 7.70.065, with the exception of such a representative of a  
33 minor child over fourteen years of age and otherwise competent;~~

34 ~~(c) The state public health officer, a local public health officer,  
35 or the centers for disease control of the United States public health  
36 service in accordance with reporting requirements for a diagnosed case  
37 of a sexually transmitted disease;~~

1       ~~(d)~~) A health facility or health care provider that procures,  
2 processes, distributes, or uses: (i) A human body part, tissue, or  
3 blood from a deceased person with respect to medical information  
4 regarding that person; (ii) semen, including that provided prior to  
5 March 23, 1988, for the purpose of artificial insemination; or (iii)  
6 blood specimens;

7       ~~((e))~~ (b) Any state or local public health officer conducting an  
8 investigation pursuant to RCW 70.24.024, provided that such record was  
9 obtained by means of court ordered HIV testing pursuant to RCW  
10 70.24.340 or 70.24.024;

11       ~~((f) A person allowed access to the record by a court order  
12 granted after application showing good cause therefor. In assessing  
13 good cause, the court shall weigh the public interest and the need for  
14 disclosure against the injury to the patient, to the physician-patient  
15 relationship, and to the treatment services. Upon the granting of the  
16 order, the court, in determining the extent to which any disclosure of  
17 all or any part of the record of any such test is necessary, shall  
18 impose appropriate safeguards against unauthorized disclosure. An  
19 order authorizing disclosure shall: (i) Limit disclosure to those  
20 parts of the patient's record deemed essential to fulfill the objective  
21 for which the order was granted; (ii) limit disclosure to those persons  
22 whose need for information is the basis for the order; and (iii)  
23 include any other appropriate measures to keep disclosure to a minimum  
24 for the protection of the patient, the physician-patient relationship,  
25 and the treatment services, including but not limited to the written  
26 statement set forth in subsection (5) of this section;~~

27       ~~(g) Local law enforcement agencies)~~ (c) Prosecuting attorneys and  
28 superior courts, to the extent provided in RCW 70.24.034;

29       ~~((h))~~ (d) Persons who, because of their behavioral interaction  
30 with the infected individual, have been placed at risk for acquisition  
31 of a sexually transmitted disease, as provided in RCW 70.24.022, if the  
32 health officer or authorized representative believes that the exposed  
33 person was unaware that a risk of disease exposure existed and that the  
34 disclosure of the identity of the infected person is necessary;

35       ~~((i))~~ (e) A law enforcement officer, firefighter, health care  
36 provider, health care facility staff person, department of correction's  
37 staff person, jail staff person, or other persons as defined by the  
38 board in rule pursuant to RCW 70.24.340(4), who has requested a test of

1 a person whose bodily fluids he or she has been substantially exposed  
2 to, pursuant to RCW 70.24.340(4), if a state or local public health  
3 officer performs the test;

4 ~~((j) Claims management personnel employed by or associated with an  
5 insurer, health care service contractor, health maintenance  
6 organization, self-funded health plan, state-administered health care  
7 claims payer, or any other payer of health care claims where such  
8 disclosure is to be used solely for the prompt and accurate evaluation  
9 and payment of medical or related claims. Information released under  
10 this subsection shall be confidential and shall not be released or  
11 available to persons who are not involved in handling or determining  
12 medical claims payment;)) and~~

13 ~~((k))~~ (f) A department of social and health services worker, a  
14 child placing agency worker, or a guardian ad litem who is responsible  
15 for making or reviewing placement or case-planning decisions or  
16 recommendations to the court regarding a child, who is less than  
17 fourteen years of age, has a sexually transmitted disease, and is in  
18 the custody of the department of social and health services or a  
19 licensed child placing agency; this information may also be received by  
20 a person responsible for providing residential care for such a child  
21 when the department of social and health services or a licensed child  
22 placing agency determines that it is necessary for the provision of  
23 child care services.

24 ~~((3))~~ (2) No person to whom the results of a test for a sexually  
25 transmitted disease have been disclosed pursuant to subsection ~~((2))~~  
26 (1) of this section may disclose the test results to another person  
27 except as authorized by that subsection.

28 ~~((4))~~ (3) The release of sexually transmitted disease information  
29 regarding an offender or detained person, except as provided in  
30 subsection ~~((2)(e))~~ (1)(b) of this section, shall be governed as  
31 follows:

32 (a) The sexually transmitted disease status of a department of  
33 corrections offender who has had a mandatory test conducted pursuant to  
34 RCW 70.24.340(1), 70.24.360, or 70.24.370 shall be made available by  
35 department of corrections health care providers and local public health  
36 officers to the department of corrections health care administrator or  
37 infection control coordinator of the facility in which the offender is  
38 housed. The information made available to the health care



1 administrator or the infection control coordinator under this  
2 subsection (~~((4))~~) (3)(a) shall be used only for disease prevention or  
3 control and for protection of the safety and security of the staff,  
4 offenders, and the public. The information may be submitted to  
5 transporting officers and receiving facilities, including facilities  
6 that are not under the department of corrections' jurisdiction  
7 according to the provisions of (d) and (e) of this subsection.

8 (b) The sexually transmitted disease status of a person detained in  
9 a jail who has had a (~~mandatory~~) mandatory test conducted pursuant to  
10 RCW 70.24.340(1), 70.24.360, or 70.24.370 shall be made available by  
11 the local public health officer to a jail health care administrator or  
12 infection control coordinator. The information made available to a  
13 health care administrator under this subsection (~~((4))~~) (3)(b) shall be  
14 used only for disease prevention or control and for protection of the  
15 safety and security of the staff, offenders, detainees, and the public.  
16 The information may be submitted to transporting officers and receiving  
17 facilities according to the provisions of (d) and (e) of this  
18 subsection.

19 (c) Information regarding the sexually transmitted disease status  
20 of an offender or detained person is confidential and may be disclosed  
21 by a correctional health care administrator or infection control  
22 coordinator or local jail health care administrator or infection  
23 control coordinator only as necessary for disease prevention or control  
24 and for protection of the safety and security of the staff, offenders,  
25 and the public. Unauthorized disclosure of this information to any  
26 person may result in disciplinary action, in addition to the penalties  
27 prescribed in RCW 70.24.080 or any other penalties as may be prescribed  
28 by law.

29 (d) Notwithstanding the limitations on disclosure contained in (a),  
30 (b), and (c) of this subsection, whenever any member of a jail staff or  
31 department of corrections staff has been substantially exposed to the  
32 bodily fluids of an offender or detained person, then the results of  
33 any tests conducted pursuant to RCW 70.24.340(1), 70.24.360, or  
34 70.24.370, shall be immediately disclosed to the staff person in  
35 accordance with the Washington Administrative Code rules governing  
36 employees' occupational exposure to bloodborne pathogens. Disclosure  
37 must be accompanied by appropriate counseling for the staff member,  
38 including information regarding follow-up testing and treatment.

1 Disclosure shall also include notice that subsequent disclosure of the  
2 information in violation of this chapter or use of the information to  
3 harass or discriminate against the offender or detainee may result in  
4 disciplinary action, in addition to the penalties prescribed in RCW  
5 70.24.080, and imposition of other penalties prescribed by law.

6 (e) The staff member shall also be informed whether the offender or  
7 detained person had any other communicable disease, as defined in RCW  
8 72.09.251(3), when the staff person was substantially exposed to the  
9 offender's or detainee's bodily fluids.

10 (f) The test results of voluntary and anonymous HIV testing or HIV-  
11 related condition may not be disclosed to a staff person except as  
12 provided in subsection ~~((2)(i))~~ (1)(e) of this section and RCW  
13 70.24.340(4). A health care administrator or infection control  
14 coordinator may provide the staff member with information about how to  
15 obtain the offender's or detainee's test results under subsection  
16 ~~((2)(i))~~ (1)(e) of this section and RCW 70.24.340(4).

17 ~~((5))~~ (4) Whenever disclosure is made pursuant to this section,  
18 except for subsection ~~((s-(2)(a) and (6)))~~ (5) of this section, it shall  
19 be accompanied by a statement in writing which includes the following  
20 or substantially similar language: "This information has been  
21 disclosed to you from records whose confidentiality is protected by  
22 state law. State law prohibits you from making any further disclosure  
23 of it without the specific written ~~((consent))~~ authorization of the  
24 person to whom it pertains, or as otherwise permitted by state law.  
25 ~~((A general authorization for the release of medical or other  
26 information is NOT sufficient for this purpose.))~~ An oral disclosure  
27 shall be accompanied or followed by such a notice within ten days.

28 ~~((6))~~ (5) The requirements of this section shall not apply to the  
29 customary methods utilized for the exchange of medical information  
30 among health care providers in order to provide health care services to  
31 the patient, nor shall they apply within health care facilities where  
32 there is a need for access to confidential medical information to  
33 fulfill professional duties.

34 ~~((7))~~ (6) Upon request of the victim, disclosure of test results  
35 under this section to victims of sexual offenses under chapter 9A.44  
36 RCW shall be made if the result is negative or positive. The county  
37 prosecuting attorney shall notify the victim of the right to such

1 disclosure. Such disclosure shall be accompanied by appropriate  
2 counseling, including information regarding follow-up testing.

3 **Sec. 4.** RCW 71.05.390 and 2009 c 320 s 3 and 2009 c 217 s 6 are  
4 each reenacted and amended to read as follows:

5 Except as provided in this section, RCW 71.05.445, 71.05.630,  
6 70.96A.150, 71.05.385, 70.02.050, or pursuant to a valid release under  
7 RCW 70.02.030, the fact of admission and all information and records  
8 compiled, obtained, or maintained in the course of providing services  
9 to either voluntary or involuntary recipients of services at public or  
10 private agencies shall be (~~confidential~~) considered "health care  
11 information" as that term is defined in RCW 70.02.010 and subject to  
12 the same regulations established under chapter 70.02 RCW, except as  
13 otherwise provided in this chapter.

14 In addition to any disclosures permitted under chapter 70.02 RCW,  
15 information and records may be disclosed (~~only~~):

16 (1) In communications between qualified professional persons to  
17 meet the requirements of this chapter, in the provision of services or  
18 appropriate referrals, or in the course of guardianship proceedings.  
19 The (~~consent~~) authorization of the person, or his or her personal  
20 representative or guardian, shall be obtained before information or  
21 records may be disclosed by a professional person employed by a  
22 facility unless provided to a professional person:

- 23 (a) Employed by the facility;
- 24 (b) Who has medical responsibility for the patient's care;
- 25 (c) Who is a designated mental health professional;
- 26 (d) Who is providing services under chapter 71.24 RCW;
- 27 (e) Who is employed by a state or local correctional facility where  
28 the person is confined or supervised; or
- 29 (f) Who is providing evaluation, treatment, or follow-up services  
30 under chapter 10.77 RCW.

31 (2) When the communications regard the special needs of a patient  
32 and the necessary circumstances giving rise to such needs and the  
33 disclosure is made by a facility providing services to the operator of  
34 a facility in which the patient resides or will reside.

35 (3)(a) When the person receiving services, or his or her guardian,  
36 designates persons to whom information or records may be released, or

1 if the person is a minor, when his or her parents make such  
2 designation.

3 (b) A public or private agency shall release to a person's next of  
4 kin, attorney, personal representative, guardian, or conservator, if  
5 any:

6 (i) The information that the person is presently a patient in the  
7 facility or that the person is seriously physically ill;

8 (ii) A statement evaluating the mental and physical condition of  
9 the patient, and a statement of the probable duration of the patient's  
10 confinement, if such information is requested by the next of kin,  
11 attorney, personal representative, guardian, or conservator; and

12 (iii) Such other information requested by the next of kin or  
13 attorney as may be necessary to decide whether or not proceedings  
14 should be instituted to appoint a guardian or conservator.

15 (4) ~~((To the extent necessary for a recipient to make a claim, or  
16 for a claim to be made on behalf of a recipient for aid, insurance, or  
17 medical assistance to which he or she may be entitled.~~

18 ~~(5)(a) For either program evaluation or research, or both:  
19 PROVIDED, That the secretary adopts rules for the conduct of the  
20 evaluation or research, or both. Such rules shall include, but need  
21 not be limited to, the requirement that all evaluators and researchers  
22 must sign an oath of confidentiality substantially as follows:~~

23 ~~"As a condition of conducting evaluation or research concerning  
24 persons who have received services from (fill in the facility, agency,  
25 or person) I, . . . . ., agree not to divulge, publish, or  
26 otherwise make known to unauthorized persons or the public any  
27 information obtained in the course of such evaluation or research  
28 regarding persons who have received services such that the person who  
29 received such services is identifiable.~~

30 ~~I recognize that unauthorized release of confidential information  
31 may subject me to civil liability under the provisions of state law.~~

32 ~~/s/ .....~~"

33 ~~(b) Nothing in this chapter shall be construed to prohibit the  
34 compilation and publication of statistical data for use by government  
35 or researchers under standards, including standards to assure  
36 maintenance of confidentiality, set forth by the secretary.~~

1       ~~(6)~~(a) To the courts as necessary to the administration of this  
2 chapter or to a court ordering an evaluation or treatment under chapter  
3 10.77 RCW solely for the purpose of preventing the entry of any  
4 evaluation or treatment order that is inconsistent with any order  
5 entered under this chapter.

6       (b) To a court or its designee in which a motion under chapter  
7 10.77 RCW has been made for involuntary medication of a defendant for  
8 the purpose of competency restoration.

9       (c) Disclosure under this subsection is mandatory for the purpose  
10 of the health insurance portability and accountability act.

11       ~~((7))~~ (5)(a) When a mental health professional is requested by a  
12 representative of a law enforcement or corrections agency, including a  
13 police officer, sheriff, community corrections officer, a municipal  
14 attorney, or prosecuting attorney to undertake an investigation or  
15 provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the  
16 mental health professional shall, if requested to do so, advise the  
17 representative in writing of the results of the investigation including  
18 a statement of reasons for the decision to detain or release the person  
19 investigated. Such written report shall be submitted within seventy-  
20 two hours of the completion of the investigation or the request from  
21 the law enforcement or corrections representative, whichever occurs  
22 later.

23       (b) Disclosure under this subsection is mandatory for the purposes  
24 of the health insurance portability and accountability act.

25       ~~((8))~~ (6) To the attorney of the detained person.

26       ~~((9))~~ (7) To the prosecuting attorney as necessary to carry out  
27 the responsibilities of the office under RCW 71.05.330(2) and  
28 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access  
29 to records regarding the committed person's treatment and prognosis,  
30 medication, behavior problems, and other records relevant to the issue  
31 of whether treatment less restrictive than inpatient treatment is in  
32 the best interest of the committed person or others. Information shall  
33 be disclosed only after giving notice to the committed person and the  
34 person's counsel.

35       ~~((10))~~ (8)(a) To appropriate law enforcement agencies and to a  
36 person, when the identity of the person is known to the public or  
37 private agency, whose health and safety has been threatened, or who is  
38 known to have been repeatedly harassed, by the patient. The person may

1 designate a representative to receive the disclosure. The disclosure  
2 shall be made by the professional person in charge of the public or  
3 private agency or his or her designee and shall include the dates of  
4 commitment, admission, discharge, or release, authorized or  
5 unauthorized absence from the agency's facility, and only such other  
6 information that is pertinent to the threat or harassment. The  
7 decision to disclose or not shall not result in civil liability for the  
8 agency or its employees so long as the decision was reached in good  
9 faith and without gross negligence.

10 (b) Disclosure under this subsection is mandatory for the purposes  
11 of the health insurance portability and accountability act.

12 ~~((+11+))~~ (9)(a) To appropriate corrections and law enforcement  
13 agencies all necessary and relevant information in the event of a  
14 crisis or emergent situation that poses a significant and imminent risk  
15 to the public. The decision to disclose or not shall not result in  
16 civil liability for the mental health service provider or its employees  
17 so long as the decision was reached in good faith and without gross  
18 negligence.

19 (b) Disclosure under this subsection is mandatory for the purposes  
20 of the health insurance portability and accountability act.

21 ~~((+12+))~~ (10) To the persons designated in RCW 71.05.425 and  
22 71.05.385 for the purposes described in those sections.

23 ~~((+13+))~~ (11) Civil liability and immunity for the release of  
24 information about a particular person who is committed to the  
25 department under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal  
26 of a sex offense as defined in RCW 9.94A.030, is governed by RCW  
27 4.24.550.

28 ~~((+14+))~~ (12) Upon the death of a person, his or her next of kin,  
29 personal representative, guardian, or conservator, if any, shall be  
30 notified.

31 Next of kin who are of legal age and competent shall be notified  
32 under this section in the following order: Spouse, parents, children,  
33 brothers and sisters, and other relatives according to the degree of  
34 relation. Access to all records and information compiled, obtained, or  
35 maintained in the course of providing services to a deceased patient  
36 shall be governed by RCW 70.02.140.

37 ~~((+15+))~~ ~~To the department of health for the purposes of determining~~  
38 ~~compliance with state or federal licensure, certification, or~~

1 ~~registration rules or laws. However, the information and records~~  
2 ~~obtained under this subsection are exempt from public inspection and~~  
3 ~~copying pursuant to chapter 42.56 RCW.~~

4 ~~(+16+))~~ (13) To mark headstones or otherwise memorialize patients  
5 interred at state hospital cemeteries. The department of social and  
6 health services shall make available the name, date of birth, and date  
7 of death of patients buried in state hospital cemeteries fifty years  
8 after the death of a patient.

9 ~~((+17+))~~ (14) To law enforcement officers and to prosecuting  
10 attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The  
11 extent of information that may be released is limited as follows:

12 (a) Only the fact, place, and date of involuntary commitment, an  
13 official copy of any order or orders of commitment, and an official  
14 copy of any written or oral notice of ineligibility to possess a  
15 firearm that was provided to the person pursuant to RCW 9.41.047(1),  
16 shall be disclosed upon request;

17 (b) The law enforcement and prosecuting attorneys may only release  
18 the information obtained to the person's attorney as required by court  
19 rule and to a jury or judge, if a jury is waived, that presides over  
20 any trial at which the person is charged with violating RCW  
21 9.41.040(2)(a)(ii);

22 (c) Disclosure under this subsection is mandatory for the purposes  
23 of the health insurance portability and accountability act.

24 ~~((+18+))~~ (15) When a patient would otherwise be subject to the  
25 provisions of this section and disclosure is necessary for the  
26 protection of the patient or others due to his or her unauthorized  
27 disappearance from the facility, and his or her whereabouts is unknown,  
28 notice of such disappearance, along with relevant information, may be  
29 made to relatives, the department of corrections when the person is  
30 under the supervision of the department, and governmental law  
31 enforcement agencies designated by the physician or psychiatric  
32 advanced registered nurse practitioner in charge of the patient or the  
33 professional person in charge of the facility, or his or her  
34 professional designee.

35 Except as otherwise provided in this chapter, the uniform health  
36 care information act, chapter 70.02 RCW, applies to all records and  
37 information compiled, obtained, or maintained in the course of  
38 providing services.

1        ~~((19))~~ (16) The fact of admission, as well as all records, files,  
2 evidence, findings, or orders made, prepared, collected, or maintained  
3 pursuant to this chapter and which may be held by a health care  
4 provider or health care facility shall not be admissible as evidence in  
5 any legal proceeding outside this chapter without the written  
6 ~~((consent))~~ authorization of the person who was the subject of the  
7 proceeding except as provided in RCW 71.05.385, in a subsequent  
8 criminal prosecution of a person committed pursuant to RCW 71.05.280(3)  
9 or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter  
10 10.77 RCW due to incompetency to stand trial, in a civil commitment  
11 proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor,  
12 a guardianship or dependency proceeding. The records and files  
13 maintained in any court proceeding pursuant to this chapter and held by  
14 a court shall be confidential and available subsequent to such  
15 proceedings only to the person who was the subject of the proceeding or  
16 his or her attorney. In addition, the court may order the subsequent  
17 release or use of such records or files only upon good cause shown if  
18 the court finds that appropriate safeguards for strict confidentiality  
19 are and will be maintained.

20        (17) Copies of documents from court proceedings maintained or held  
21 by a health care provider or health care facility, such as petitions,  
22 orders of detention, and affidavits, as well as records of services or  
23 treatment provided to persons as a result of proceedings under chapter  
24 71.05, 71.34, or 10.77 RCW shall be considered "health care  
25 information," as that term is defined in RCW 70.02.010 and shall not be  
26 considered subject to subsection (16) of this section except as  
27 explicitly stated.

28        **Sec. 5.** RCW 71.05.630 and 2009 c 398 s 1, 2009 c 320 s 5, and 2009  
29 c 217 s 8 are each reenacted and amended to read as follows:

30        (1) Except as otherwise provided by law, all treatment records  
31 shall remain confidential pursuant to chapter 70.02 RCW and may be  
32 released only to the persons designated in this section, to persons  
33 authorized to receive the records under chapter 70.02 RCW, or to other  
34 persons designated in ~~((an informed written consent))~~ a disclosure  
35 authorization of the patient.

36        (2) Treatment records of a person may be released without



1 ((informed written consent)) a disclosure authorization of the patient  
2 in the following circumstances:

3 (a) ~~((To a person, organization, or agency as necessary for~~  
4 ~~management or financial audits, or program monitoring and evaluation.~~  
5 ~~Information obtained under this subsection shall remain confidential~~  
6 ~~and may not be used in a manner that discloses the name or other~~  
7 ~~identifying information about the person whose records are being~~  
8 ~~released.~~

9 (b) ~~To the department, the director of regional support networks,~~  
10 ~~or a qualified staff member designated by the director only when~~  
11 ~~necessary to be used for billing or collection purposes. The~~  
12 ~~information shall remain confidential.~~

13 (e)) For purposes of research as permitted in chapter 42.48 RCW.

14 ((d)) (b) Pursuant to lawful order of a court.

15 ((e)) (c) To qualified staff members of the department, to the  
16 director of regional support networks, to resource management services  
17 responsible for serving a patient, or to service providers designated  
18 by resource management services as necessary to determine the progress  
19 and adequacy of treatment and to determine whether the person should be  
20 transferred to a less restrictive or more appropriate treatment  
21 modality or facility. The information shall remain confidential.

22 ((f) Within the treatment facility where the patient is receiving  
23 treatment, confidential information may be disclosed to persons  
24 employed, serving in bona fide training programs, or participating in  
25 supervised volunteer programs, at the facility when it is necessary to  
26 perform their duties.

27 (g)) (d) Within the department as necessary to coordinate  
28 treatment for mental illness, developmental disabilities, alcoholism,  
29 or drug abuse of persons who are under the supervision of the  
30 department.

31 ((h) To a licensed physician or psychiatric advanced registered  
32 nurse practitioner who has determined that the life or health of the  
33 person is in danger and that treatment without the information  
34 contained in the treatment records could be injurious to the patient's  
35 health. Disclosure shall be limited to the portions of the records  
36 necessary to meet the medical emergency.

37 (i) Consistent with the requirements of the health information  
38 portability and accountability act, to a licensed mental health

1 professional, as defined in RCW 71.05.020, or a health care  
2 professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A,  
3 18.79, or 18.36A RCW who is providing care to a person, or to whom a  
4 person has been referred for evaluation or treatment, to assure  
5 coordinated care and treatment of that person. Psychotherapy notes, as  
6 defined in 45 C.F.R. Sec. 164.501, may not be released without  
7 authorization of the person who is the subject of the request for  
8 release of information.

9 ~~(j) To administrative and office support staff designated to obtain~~  
10 ~~medical records for those licensed professionals listed in (i) of this~~  
11 ~~subsection.~~

12 ~~(k))~~ (e) To a facility that is to receive a person who is  
13 involuntarily committed under this chapter ((71.05-RCW)), or upon  
14 transfer of the person from one treatment facility to another. The  
15 release of records under this subsection shall be limited to the  
16 treatment records required by law, a record or summary of all somatic  
17 treatments, and a discharge summary. The discharge summary may include  
18 a statement of the patient's problem, the treatment goals, the type of  
19 treatment which has been provided, and recommendation for future  
20 treatment, but may not include the patient's complete treatment record.

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

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

1 guardian's address. If the guardian does not object in writing within  
2 fifteen days after the notice is mailed, the staff member may obtain  
3 the additional information. If the guardian objects in writing within  
4 fifteen days after the notice is mailed, the staff member may not  
5 obtain the additional information.

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

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

23 NEW SECTION. **Sec. 6.** RCW 70.24.450 (Confidentiality--Reports--  
24 Unauthorized disclosures) and 1999 c 391 s 3 are each repealed.

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