

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5452

62nd Legislature
2011 Regular Session

Passed by the Senate April 18, 2011
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 7, 2011
YEAS 92 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5452** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5452

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senators Hargrove, Stevens, and Haugen)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to improving communication, collaboration, and
2 expedited medicaid attainment with regard to persons diverted,
3 arrested, confined or to be released from confinement or commitment who
4 have mental health or chemical dependency disorders; amending RCW
5 71.05.190, 71.05.425, 10.77.165, 10.31.110, 71.05.153, 71.34.340, and
6 70.02.900; reenacting and amending RCW 71.05.390; adding a new section
7 to chapter 74.09 RCW; and creating a new section.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that effective
10 collaboration and communication between mental health and chemical
11 dependency treatment providers and service delivery systems and law
12 enforcement and criminal justice agencies is important to both the care
13 of persons with mental disorders and chemical dependency and public
14 safety. The legislature also finds that many state and local efforts
15 in recent years have worked to address improved treatment of persons
16 with mental disorders, chemical dependency disorders, or co-occurring
17 mental and substance abuse disorders who are confined in a correctional
18 institution and to improve communication and collaboration among the
19 agencies, institutions, and professionals who are responsible for the

1 care or custody of those persons. While numerous laws have been
2 enacted to clarify the appropriate sharing of information between those
3 agencies, institutions, and professionals, the legislature finds
4 further clarification will continue to aide and improve the care of
5 those persons and augment public safety.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW
7 to read as follows:

8 It is permissible to provide to a correctional institution, as
9 defined in RCW 9.94.049, with the fact, place, and date of an
10 involuntary commitment and the fact and date of discharge or release of
11 a person who has been involuntarily committed under chapter 71.05 or
12 71.34 RCW, without a person's consent, in the course of the
13 implementation and use of the department's postinstitutional medical
14 assistance system supporting the expedited medical determinations and
15 medical suspensions as provided in RCW 74.09.555. Disclosure under
16 this section is mandatory for the purposes of the health insurance
17 portability and accountability act.

18 **Sec. 3.** RCW 71.05.190 and 1997 c 112 s 13 are each amended to read
19 as follows:

20 If the person is not approved for admission by a facility providing
21 seventy-two hour evaluation and treatment, and the individual has not
22 been arrested, the facility shall furnish transportation, if not
23 otherwise available, for the person to his or her place of residence or
24 other appropriate place. If the individual has been arrested, the
25 evaluation and treatment facility shall detain the individual for not
26 more than eight hours at the request of the peace officer. The
27 facility shall make reasonable attempts to contact the requesting peace
28 officer during this time to inform the peace officer that the person is
29 not approved for admission in order to enable a peace officer to return
30 to the facility and take the individual back into custody.

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

33 Except as provided in this section, RCW 71.05.445, 71.05.630,
34 70.96A.150, 71.05.385, section 2 of this act, or pursuant to a valid
35 release under RCW 70.02.030, the fact of admission and all information

1 and records compiled, obtained, or maintained in the course of
2 providing services to either voluntary or involuntary recipients of
3 services at public or private agencies shall be confidential.

4 Information and records may be disclosed only:

5 (1) In communications between qualified professional persons to
6 meet the requirements of this chapter, in the provision of services or
7 appropriate referrals, or in the course of guardianship proceedings.
8 The consent of the person, or his or her personal representative or
9 guardian, shall be obtained before information or records may be
10 disclosed by a professional person employed by a facility unless
11 provided to a professional person:

12 (a) Employed by the facility;

13 (b) Who has medical responsibility for the patient's care;

14 (c) Who is a designated mental health professional;

15 (d) Who is providing services under chapter 71.24 RCW;

16 (e) Who is employed by a state or local correctional facility where
17 the person is confined or supervised; or

18 (f) Who is providing evaluation, treatment, or follow-up services
19 under chapter 10.77 RCW.

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

24 (3)(a) When the person receiving services, or his or her guardian,
25 designates persons to whom information or records may be released, or
26 if the person is a minor, when his or her parents make such
27 designation.

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

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

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

37 (iii) Such other information requested by the next of kin or

1 attorney as may be necessary to decide whether or not proceedings
2 should be instituted to appoint a guardian or conservator.

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

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

11 "As a condition of conducting evaluation or research concerning
12 persons who have received services from (fill in the facility, agency,
13 or person) I,, agree not to divulge, publish, or
14 otherwise make known to unauthorized persons or the public any
15 information obtained in the course of such evaluation or research
16 regarding persons who have received services such that the person who
17 received such services is identifiable.

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

20 /s/"

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

25 (6)(a) To the courts as necessary to the administration of this
26 chapter or to a court ordering an evaluation or treatment under chapter
27 10.77 RCW solely for the purpose of preventing the entry of any
28 evaluation or treatment order that is inconsistent with any order
29 entered under this chapter.

30 (b) To a court or its designee in which a motion under chapter
31 10.77 RCW has been made for involuntary medication of a defendant for
32 the purpose of competency restoration.

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

1 (7)(a) When a mental health professional is requested by a
2 representative of a law enforcement or corrections agency, including a
3 police officer, sheriff, community corrections officer, a municipal
4 attorney, or prosecuting attorney to undertake an investigation or
5 provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the
6 mental health professional shall, if requested to do so, advise the
7 representative in writing of the results of the investigation including
8 a statement of reasons for the decision to detain or release the person
9 investigated. Such written report shall be submitted within seventy-
10 two hours of the completion of the investigation or the request from
11 the law enforcement or corrections representative, whichever occurs
12 later.

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

15 (8) To the attorney of the detained person.

16 (9) To the prosecuting attorney as necessary to carry out the
17 responsibilities of the office under RCW 71.05.330(2) and
18 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access
19 to records regarding the committed person's treatment and prognosis,
20 medication, behavior problems, and other records relevant to the issue
21 of whether treatment less restrictive than inpatient treatment is in
22 the best interest of the committed person or others. Information shall
23 be disclosed only after giving notice to the committed person and the
24 person's counsel.

25 (10)(a) To appropriate law enforcement agencies and to a person,
26 when the identity of the person is known to the public or private
27 agency, whose health and safety has been threatened, or who is known to
28 have been repeatedly harassed, by the patient. The person may
29 designate a representative to receive the disclosure. The disclosure
30 shall be made by the professional person in charge of the public or
31 private agency or his or her designee and shall include the dates of
32 commitment, admission, discharge, or release, authorized or
33 unauthorized absence from the agency's facility, and only such other
34 information that is pertinent to the threat or harassment. The
35 decision to disclose or not shall not result in civil liability for the
36 agency or its employees so long as the decision was reached in good
37 faith and without gross negligence.

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

3 (11)(a) To appropriate corrections and law enforcement agencies all
4 necessary and relevant information in the event of a crisis or emergent
5 situation that poses a significant and imminent risk to the public.
6 The decision to disclose or not shall not result in civil liability for
7 the mental health service provider or its employees so long as the
8 decision was reached in good faith and without gross negligence.

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

11 (12) To the persons designated in RCW 71.05.425 and 71.05.385 for
12 the purposes described in those sections.

13 (13) Civil liability and immunity for the release of information
14 about a particular person who is committed to the department under RCW
15 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as
16 defined in RCW 9.94A.030, is governed by RCW 4.24.550.

17 (14) Upon the death of a person, his or her next of kin, personal
18 representative, guardian, or conservator, if any, shall be notified.

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

25 (15) To the department of health for the purposes of determining
26 compliance with state or federal licensure, certification, or
27 registration rules or laws. However, the information and records
28 obtained under this subsection are exempt from public inspection and
29 copying pursuant to chapter 42.56 RCW.

30 (16) To mark headstones or otherwise memorialize patients interred
31 at state hospital cemeteries. The department of social and health
32 services shall make available the name, date of birth, and date of
33 death of patients buried in state hospital cemeteries fifty years after
34 the death of a patient.

35 (17) To law enforcement officers and to prosecuting attorneys as
36 are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of
37 information that may be released is limited as follows:

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

6 (b) The law enforcement and prosecuting attorneys may only release
7 the information obtained to the person's attorney as required by court
8 rule and to a jury or judge, if a jury is waived, that presides over
9 any trial at which the person is charged with violating RCW
10 9.41.040(2)(a)(ii);

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

13 (18) When a patient would otherwise be subject to the provisions of
14 this section and disclosure is necessary for the protection of the
15 patient or others due to his or her unauthorized disappearance from the
16 facility, and his or her whereabouts is unknown, notice of such
17 disappearance, along with relevant information, may be made to
18 relatives, the department of corrections when the person is under the
19 supervision of the department, and governmental law enforcement
20 agencies designated by the physician or psychiatric advanced registered
21 nurse practitioner in charge of the patient or the professional person
22 in charge of the facility, or his or her professional designee.

23 Except as otherwise provided in this chapter, the uniform health
24 care information act, chapter 70.02 RCW, applies to all records and
25 information compiled, obtained, or maintained in the course of
26 providing services.

27 (19) The fact of admission, as well as all records, files,
28 evidence, findings, or orders made, prepared, collected, or maintained
29 pursuant to this chapter shall not be admissible as evidence in any
30 legal proceeding outside this chapter without the written consent of
31 the person who was the subject of the proceeding except as provided in
32 RCW 71.05.385, in a subsequent criminal prosecution of a person
33 committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges
34 that were dismissed pursuant to chapter 10.77 RCW due to incompetency
35 to stand trial, in a civil commitment proceeding pursuant to chapter
36 71.09 RCW, or, in the case of a minor, a guardianship or dependency
37 proceeding. The records and files maintained in any court proceeding
38 pursuant to this chapter shall be confidential and available subsequent

1 to such proceedings only to the person who was the subject of the
2 proceeding or his or her attorney. In addition, the court may order
3 the subsequent release or use of such records or files only upon good
4 cause shown if the court finds that appropriate safeguards for strict
5 confidentiality are and will be maintained.

6 **Sec. 5.** RCW 71.05.425 and 2009 c 521 s 158 are each amended to
7 read as follows:

8 (1)(a) Except as provided in subsection (2) of this section, at the
9 earliest possible date, and in no event later than thirty days before
10 conditional release, final release, authorized leave under RCW
11 71.05.325(2), or transfer to a facility other than a state mental
12 hospital, the superintendent shall send written notice of conditional
13 release, release, authorized leave, or transfer of a person committed
14 under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex,
15 violent, or felony harassment offense pursuant to RCW 10.77.086(4) to
16 the following:

17 (i) The chief of police of the city, if any, in which the person
18 will reside; and

19 (ii) The sheriff of the county in which the person will reside.

20 (b) The same notice as required by (a) of this subsection shall be
21 sent to the following, if such notice has been requested in writing
22 about a specific person committed under RCW 71.05.280(3) or
23 71.05.320(3)(c) following dismissal of a sex, violent, or felony
24 harassment offense pursuant to RCW 10.77.086(4):

25 (i) The victim of the sex, violent, or felony harassment offense
26 that was dismissed pursuant to RCW 10.77.086(4) preceding commitment
27 under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin
28 if the crime was a homicide;

29 (ii) Any witnesses who testified against the person in any court
30 proceedings; (~~and~~)

31 (iii) Any person specified in writing by the prosecuting attorney.
32 Information regarding victims, next of kin, or witnesses requesting the
33 notice, information regarding any other person specified in writing by
34 the prosecuting attorney to receive the notice, and the notice are
35 confidential and shall not be available to the person committed under
36 this chapter; and

1 (iv) The chief of police of the city, if any, and the sheriff of
2 the county, if any, which had jurisdiction of the person on the date of
3 the applicable offense.

4 (c) The thirty-day notice requirements contained in this subsection
5 shall not apply to emergency medical transfers.

6 (d) The existence of the notice requirements in this subsection
7 will not require any extension of the release date in the event the
8 release plan changes after notification.

9 (2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c)
10 following dismissal of a sex, violent, or felony harassment offense
11 pursuant to RCW 10.77.086(4) escapes, the superintendent shall
12 immediately notify, by the most reasonable and expedient means
13 available, the chief of police of the city and the sheriff of the
14 county in which the person escaped and in which the person resided
15 immediately before the person's arrest. If previously requested, the
16 superintendent shall also notify the witnesses and the victim of the
17 sex, violent, or felony harassment offense that was dismissed pursuant
18 to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or
19 71.05.320(3) or the victim's next of kin if the crime was a homicide.
20 In addition, the secretary shall also notify appropriate parties
21 pursuant to RCW 71.05.390(18). If the person is recaptured, the
22 superintendent shall send notice to the persons designated in this
23 subsection as soon as possible but in no event later than two working
24 days after the department learns of such recapture.

25 (3) If the victim, the victim's next of kin, or any witness is
26 under the age of sixteen, the notice required by this section shall be
27 sent to the parent or legal guardian of the child.

28 (4) The superintendent shall send the notices required by this
29 chapter to the last address provided to the department by the
30 requesting party. The requesting party shall furnish the department
31 with a current address.

32 (5) For purposes of this section the following terms have the
33 following meanings:

34 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

35 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

36 (c) "Next of kin" means a person's spouse, state registered
37 domestic partner, parents, siblings, and children;

1 (d) "Felony harassment offense" means a crime of harassment as
2 defined in RCW 9A.46.060 that is a felony.

3 **Sec. 6.** RCW 10.77.165 and 2010 c 28 s 1 are each amended to read
4 as follows:

5 (1) In the event of an escape by a person committed under this
6 chapter from a state facility or the disappearance of such a person on
7 conditional release or other authorized absence, the superintendent
8 shall provide notification of the person's escape or disappearance for
9 the public's safety or to assist in the apprehension of the person.

10 (a) The superintendent shall notify:

11 (i) State and local law enforcement officers located in the city
12 and county where the person escaped and in the city and county which
13 had jurisdiction of the person on the date of the applicable offense;

14 (ii) Other appropriate governmental agencies; and

15 (iii) The person's relatives.

16 (b) The superintendent shall provide the same notification as
17 required by (a) of this subsection to the following, if such notice has
18 been requested in writing about a specific person committed under this
19 chapter:

20 (i) The victim of the crime for which the person was convicted or
21 the victim's next of kin if the crime was a homicide;

22 (ii) Any witnesses who testified against the person in any court
23 proceedings if the person was charged with a violent offense; and

24 (iii) Any other appropriate persons.

25 (2) Information regarding victims, next of kin, or witnesses
26 requesting the notice, information regarding any other person specified
27 in writing by the prosecuting attorney to receive the notice, and the
28 notice are confidential and shall not be available to the person
29 committed under this chapter.

30 (3) The notice provisions of this section are in addition to those
31 provided in RCW 10.77.205.

32 **Sec. 7.** RCW 10.31.110 and 2007 c 375 s 2 are each amended to read
33 as follows:

34 (1) When a police officer has reasonable cause to believe that the
35 individual has committed acts constituting a nonfelony crime that is

1 not a serious offense as identified in RCW 10.77.092 and the individual
2 is known by history or consultation with the regional support network
3 to suffer from a mental disorder, the arresting officer may:

4 (a) Take the individual to a crisis stabilization unit as defined
5 in RCW 71.05.020(6). Individuals delivered to a crisis stabilization
6 unit pursuant to this section may be held by the facility for a period
7 of up to twelve hours(~~(:—PROVIDED, that they are)~~). The individual
8 must be examined by a mental health professional within three hours of
9 (~~their~~) arrival;

10 (b) Refer the individual to a mental health professional for
11 evaluation for initial detention and proceeding under chapter 71.05
12 RCW; or

13 (c) Release the individual upon agreement to voluntary
14 participation in outpatient treatment.

15 (2) If the individual is released to the community, the mental
16 health provider shall inform the arresting officer of the release
17 within a reasonable period of time after the release if the arresting
18 officer has specifically requested notification and provided contact
19 information to the provider.

20 (3) In deciding whether to refer the individual to treatment under
21 this section, the police officer shall be guided by standards mutually
22 agreed upon with the prosecuting authority, which address, at a
23 minimum, the length, seriousness, and recency of the known criminal
24 history of the individual, the mental health history of the individual,
25 where available, and the circumstances surrounding the commission of
26 the alleged offense.

27 (~~(+3)~~) (4) Any agreement to participate in treatment shall not
28 require individuals to stipulate to any of the alleged facts regarding
29 the criminal activity as a prerequisite to participation in a mental
30 health treatment alternative. The agreement is inadmissible in any
31 criminal or civil proceeding. The agreement does not create immunity
32 from prosecution for the alleged criminal activity.

33 (~~(+4)~~) (5) If an individual violates such agreement and the mental
34 health treatment alternative is no longer appropriate:

35 (a) The mental health provider shall inform the referring law
36 enforcement agency of the violation; and

37 (b) The original charges may be filed or referred to the
38 prosecutor, as appropriate, and the matter may proceed accordingly.

1 (~~(+5)~~) (6) The police officer is immune from liability for any
2 good faith conduct under this section.

3 **Sec. 8.** RCW 71.05.153 and 2007 c 375 s 8 are each amended to read
4 as follows:

5 (1) When a designated mental health professional receives
6 information alleging that a person, as the result of a mental disorder,
7 presents an imminent likelihood of serious harm, or is in imminent
8 danger because of being gravely disabled, after investigation and
9 evaluation of the specific facts alleged and of the reliability and
10 credibility of the person or persons providing the information if any,
11 the designated mental health professional may take such person, or
12 cause by oral or written order such person to be taken into emergency
13 custody in an evaluation and treatment facility for not more than
14 seventy-two hours as described in RCW 71.05.180.

15 (2) A peace officer may take or cause such person to be taken into
16 custody and immediately delivered to a crisis stabilization unit, an
17 evaluation and treatment facility, or the emergency department of a
18 local hospital under the following circumstances:

19 (a) Pursuant to subsection (1) of this section; or

20 (b) When he or she has reasonable cause to believe that such person
21 is suffering from a mental disorder and presents an imminent likelihood
22 of serious harm or is in imminent danger because of being gravely
23 disabled.

24 (3) Persons delivered to a crisis stabilization unit, evaluation
25 and treatment facility, or the emergency department of a local hospital
26 by peace officers pursuant to subsection (2) of this section may be
27 held by the facility for a period of up to twelve hours: PROVIDED,
28 That they are examined by a mental health professional within three
29 hours of their arrival. Within twelve hours of their arrival, the
30 designated mental health professional must determine whether the
31 individual meets detention criteria. If the individual is detained,
32 the designated mental health professional shall file a petition for
33 detention or a supplemental petition as appropriate and commence
34 service on the designated attorney for the detained person. If the
35 individual is released to the community, the mental health provider
36 shall inform the peace officer of the release within a reasonable

1 period of time after the release if the peace officer has specifically
2 requested notification and provided contact information to the
3 provider.

4 **Sec. 9.** RCW 71.34.340 and 2005 c 453 s 6 are each amended to read
5 as follows:

6 The fact of admission and all information obtained through
7 treatment under this chapter is confidential. Confidential information
8 may be disclosed only:

9 (1) In communications between mental health professionals to meet
10 the requirements of this chapter, in the provision of services to the
11 minor, or in making appropriate referrals;

12 (2) In the course of guardianship or dependency proceedings;

13 (3) To persons with medical responsibility for the minor's care;

14 (4) To the minor, the minor's parent, and the minor's attorney,
15 subject to RCW 13.50.100;

16 (5) When the minor or the minor's parent designates in writing the
17 persons to whom information or records may be released;

18 (6) To the extent necessary to make a claim for financial aid,
19 insurance, or medical assistance to which the minor may be entitled or
20 for the collection of fees or costs due to providers for services
21 rendered under this chapter;

22 (7) To the courts as necessary to the administration of this
23 chapter;

24 (8) To law enforcement officers or public health officers as
25 necessary to carry out the responsibilities of their office. However,
26 only the fact and date of admission, and the date of discharge, the
27 name and address of the treatment provider, if any, and the last known
28 address shall be disclosed upon request;

29 (9) To law enforcement officers, public health officers, relatives,
30 and other governmental law enforcement agencies, if a minor has escaped
31 from custody, disappeared from an evaluation and treatment facility,
32 violated conditions of a less restrictive treatment order, or failed to
33 return from an authorized leave, and then only such information as may
34 be necessary to provide for public safety or to assist in the
35 apprehension of the minor. The officers are obligated to keep the
36 information confidential in accordance with this chapter;

1 (10) To the secretary for assistance in data collection and program
2 evaluation or research, provided that the secretary adopts rules for
3 the conduct of such evaluation and research. The rules shall include,
4 but need not be limited to, the requirement that all evaluators and
5 researchers sign an oath of confidentiality substantially as follows:

6 "As a condition of conducting evaluation or research concerning
7 persons who have received services from (fill in the facility, agency,
8 or person) I,, agree not to divulge, publish, or otherwise
9 make known to unauthorized persons or the public any information
10 obtained in the course of such evaluation or research regarding minors
11 who have received services in a manner such that the minor is
12 identifiable.

13 I recognize that unauthorized release of confidential information
14 may subject me to civil liability under state law.

15 /s/"

16 (11) To appropriate law enforcement agencies, upon request, all
17 necessary and relevant information in the event of a crisis or emergent
18 situation that poses a significant and imminent risk to the public.
19 The decision to disclose or not shall not result in civil liability for
20 the mental health service provider or its employees so long as the
21 decision was reached in good faith and without gross negligence;

22 (12) To appropriate law enforcement agencies and to a person, when
23 the identity of the person is known to the public or private agency,
24 whose health and safety has been threatened, or who is known to have
25 been repeatedly harassed, by the patient. The person may designate a
26 representative to receive the disclosure. The disclosure shall be made
27 by the professional person in charge of the public or private agency or
28 his or her designee and shall include the dates of admission,
29 discharge, authorized or unauthorized absence from the agency's
30 facility, and only such other information that is pertinent to the
31 threat or harassment. The decision to disclose or not shall not result
32 in civil liability for the agency or its employees so long as the
33 decision was reached in good faith and without gross negligence;

1 (13) To a minor's next of kin, attorney, guardian, or conservator,
2 if any, the information that the minor is presently in the facility or
3 that the minor is seriously physically ill and a statement evaluating
4 the mental and physical condition of the minor as well as a statement
5 of the probable duration of the minor's confinement;

6 (14) Upon the death of a minor, to the minor's next of kin;

7 (15) To a facility in which the minor resides or will reside;

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

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

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

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

23 This section shall not be construed to prohibit the compilation and
24 publication of statistical data for use by government or researchers
25 under standards, including standards to assure maintenance of
26 confidentiality, set forth by the secretary. The fact of admission and
27 all information obtained pursuant to this chapter are not admissible as
28 evidence in any legal proceeding outside this chapter, except
29 guardianship or dependency, without the written consent of the minor or
30 the minor's parent;

31 (17) For the purpose of a correctional facility participating in
32 the postinstitutional medical assistance system supporting the
33 expedited medical determinations and medical suspensions as provided in
34 RCW 74.09.555 and section 2 of this act.

35 **Sec. 10.** RCW 70.02.900 and 2000 c 5 s 4 are each amended to read
36 as follows:

37 (1) This chapter does not restrict a health care provider, a third-

1 party payor, or an insurer regulated under Title 48 RCW from complying
2 with obligations imposed by federal or state health care payment
3 programs or federal or state law.

4 (2) This chapter does not modify the terms and conditions of
5 disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24,
6 (~~70.39,~~) 70.96A, 71.05, (~~and~~) 71.34, and 74.09 RCW and rules
7 adopted under these provisions.

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