H-3155.2

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**HOUSE BILL 2501**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Caldier, Jinkins, McBride, Moeller, Young, Rodne, and Appleton

AN ACT Relating to the communication of information to continue health services for confined persons; amending RCW 70.48.100 and 70.02.050; adding a new section to chapter 70.48 RCW; adding a new section to chapter 71.24 RCW; creating a new section; and providing an effective date.

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

**Sec.**  RCW 70.48.100 and 2014 c 225 s 105 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted;

(d) To the Washington association of sheriffs and police chiefs;

(e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office, caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes; or

(f) Upon the written permission of the person.

(3)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

(c) The department of corrections or chief law enforcement officer responsible for the operation of a jail shall assure that its jail register is capable of transmitting information about persons confined in jail to behavioral health organizations and managed care health systems providing behavioral health services under chapter 71.24 RCW, consistent with section 3 of this act. The method and procedures for transmitting the jail register data must allow for the electronic transmission of the data to behavioral health organizations and managed care health systems within twelve hours of a person's confinement.

NEW SECTION. **Sec.**  A new section is added to chapter 70.48 RCW to read as follows:

Upon notification from a health care provider, pursuant to section 3 of this act, that a person who has been confined has medications that are currently prescribed, the department of corrections or chief law enforcement officer responsible for the operation of a jail shall assure that the confined person maintains the identical type and dosage of medications. The type and dosage of medication may not be changed until an appropriate health care provider has had the opportunity to conduct a health assessment of the confined person.

NEW SECTION. **Sec.**  A new section is added to chapter 71.24 RCW to read as follows:

(1) Each behavioral health organization or managed care health system providing behavioral health services under this chapter shall assure that it has the capacity to electronically receive register information from local jails about persons confined in jail, as required by RCW 70.48.100.

(2) Within twelve hours of receipt of register information from local jails, a behavioral health organization or managed care health system shall determine if any of the names transmitted from the local jails correspond to the identity of a client of the behavioral health organization or managed care health system. For those clients of the behavioral health organization or managed care health system, the behavioral health organization or managed care health system shall:

(a) Inform any health care provider who has provided the client with health services, including behavioral health services, within the prior six months of the client's confinement;

(b) Notify the provider of the contact information for the relevant health care staff at the local jail where the person is confined; and

(c) Direct the provider to immediately communicate to the relevant staff of the local jail where the person is confined any information about current medications that have been prescribed for the client.

(3) A health care provider who has been informed of the confinement of a client must communicate information about current medications that have been prescribed for the client within twelve hours of receiving notification of the client's confinement.

NEW SECTION. **Sec.**  The department of social and health services and the Washington association of sheriffs and police chiefs shall establish a work group to adopt methods and procedures for the communications required by RCW 70.48.100(3)(c) and section 3 of this act. The work group shall consider practices related to the transmission of information, the appropriate staff to receive the information, and other necessary topics. The work group shall distribute its recommended methods and procedures to affected criminal justice and health care stakeholders by January 1, 2017.

**Sec.**  RCW 70.02.050 and 2014 c 220 s 6 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases which are addressed in RCW 70.02.220, about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

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

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

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

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

(c) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose. The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies is not subject to disclosure unless disclosure is permitted in RCW 70.02.230; or

(d) For payment, including information necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(2) A health care provider shall disclose health care information, except for information and records related to sexually transmitted diseases, unless otherwise authorized in RCW 70.02.220, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW; ((~~or~~))

(b) When needed to protect the public health; or

(c) To communicate information to a department of corrections or chief law enforcement officer responsible for the operation of a jail with regards to current medications that have been prescribed for a person who has been confined, as required by section 3 of this act.

NEW SECTION. **Sec.**  Sections 1 through 3 and 5 of this act take effect July 1, 2017.

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