HOUSE BILL REPORT
SB 5011

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to third-party payor release of health care information.

Brief Description: Addressing third-party payor release of health care information.

Sponsors: Senators Becker, Cleveland, Frockt and Keiser.

Brief History:
   Committee Activity:
      Health Care & Wellness: 3/13/15, 3/18/15 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Expands the authority for third-party payors to disclose health care information without an authorization from the patient.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 15 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

Staff: Chris Blake (786-7392).

Background:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes nationwide standards for the use, disclosure, storage, and transfer of protected health information. Entities covered by the HIPAA must have a patient's authorization to use or disclose health care information, unless there is a specified exception. Some exceptions pertain to disclosures for treatment, payment, and health care operations; public health activities; judicial proceedings; law enforcement purposes; and research purposes. The HIPAA allows a state to establish standards that are more stringent than its provisions.

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 allows for the disclosure of health care information by health care providers and their agents or employees. 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. Some exceptions include disclosures for the provision of health care; quality improvement, legal, actuarial, and administrative services; research purposes; directory information; public health and law enforcement activities as required by law; immediate family members; for penal or custodial institutions; for death investigations; for anatomical donation purposes; and judicial proceedings.

Until July 1, 2014, third-party payors were also prohibited from disclosing health care information without an authorization except to the extent that health care providers were allowed to make an unauthorized disclosure. After July 1, 2014, changes in state law restricted third-party payors to only sharing health care information without an authorization to provide health care; to provide quality improvement, legal, actuarial, and administrative services; to avoid imminent danger to a patient or other person; for payment; to assist government agencies with determining regulatory compliance; and to protect public health.

Summary of Amended Bill:

The circumstances under which a third-party payor may disclose health care information without an authorization from the patient are expanded. The additional authority includes disclosures:
- for approved research projects;
- to coroners and medical examiners to investigate deaths;
- to organ procurement organizations to determine the suitability of an organ donation;
- to the Food and Drug Administration for quality, safety, or effectiveness activities;
- to health care providers who had provided care to the patient;
- to immediate family members of the patient;
- health care providers who are successors in interest to the provider who is maintaining the information;
- for auditing purposes;
- to provide directory information;
- to fire, police, and other public authority officials who brought a patient to a health care provider;
- to law enforcement for the purpose of investigating criminal conduct occurring on the health care provider's property;
- to health care providers who had a relationship with the patient for quality assessments, health care provider competence evaluation, or similar purposes;
- to officials of penal or custodial facilities;
- to law enforcement as required by law;
- to law enforcement for reporting of firearm and stabbing wounds; and
- pursuant to compulsory process.

Amended Bill Compared to Original Bill:

The amended bill eliminates situations in which a third-party payor may disclose health care information without an authorization. The amended bill allows for the disclosure of the current list of disclosures and additional disclosures relating to: research, coroners, organ procurement organizations, Food and Drug Administration activities, other health care providers involved in providing care, immediate family members, health care providers who are successors in interest, auditing, directory information, fire and police officials who brought a patient to a health care facility, criminal conduct occurring on the health care provider's property, information needed by custodial facility officials, gunshot and stabbing wound reporting, and compulsory process.

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Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Last year a technical error resulted in third-party payors losing the ability to share health care information for research purposes. This is a technical fix and restores the ability to share health care information which has been authorized for a number of years. The bill contains an emergency clause to allow the data to be released as quickly as possible. Washington's health care insurers support this legislation. It is important to be able to share this information with research organizations.

(Opposed) None.

Persons Testifying: Len Sorrin, Premera Blue Cross; and Sydney Smith Zvara, Association of Washington Healthcare Plans.

Persons Signed In To Testify But Not Testifying: None.