

SENATE BILL REPORT

SB 5011

As Amended by House, April 13, 2015

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: 1/22/15, 1/29/15 [DP].

Passed Senate: 2/24/15, 47-0.

Passed House: 4/13/15, 96-1.

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Becker, Chair; Frockt, Ranking Minority Member; Angel, Bailey, Baumgartner, Brown, Cleveland, Conway, Jayapal, Keiser, Parlette and Rivers.

Staff: Mich'l Needham (786-7442)

Background: The federal Health Insurance Portability and Accountability Act of 1996 establishes nationwide standards for the use, disclosure, storage, and transfer of protected health information. In Washington the Uniform Health Care Information Act governs the disclosure of health care information by health care providers.

Legislation passed in 2014 (ESSB 6265) modified the requirements for the disclosure of patient health care information, including elimination of duplicative standards for disclosures and streamlining standards related to sharing mental health records between providers. One change was made to allow third-party payors to disclose information only as provided under the Uniform Health Care Information Act, but reference to health care providers was removed, and the section was vetoed by the Governor. The same section of statute was amended in a different bill that established the framework for the All Payer Claims Database (E2SHB 2572) and the broader reference to the Uniform Health Care Information Act was not corrected.

Summary of Bill: The Uniform Health Care Information Act is corrected to allow third-party payors to release health care information only to the extent health care providers are

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authorized to do so under the All Payer Claims Database and other state laws governing patient health care information.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There was a technical error made last year and we lost the ability to share data for research purposes. We have a number of projects underway that we have provided data to and we would like to continue. There is an emergency clause to allow us to start sharing the data again. It is important to release data to research projects and we support this technical fix.

Persons Testifying: PRO: Sheela Tallman, Premera Blue Cross; Sydney Smith Zvara, Assn. of WA Healthcare Plans.

House Amendment(s): Specifies the two current sections of law that allow providers to release health care information without authorization rather than referencing the entire Uniform Health Care Information Act.