
HOUSE BILL 2192

State of Washington 64th Legislature 2015 Regular Session

By Representatives Taylor, Scott, Young, and Shea

Read first time 03/11/15. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to repealing the prescription monitoring program;
2 amending RCW 42.56.360; reenacting and amending RCW 74.09.215; and
3 repealing RCW 70.225.010, 70.225.020, 70.225.025, 70.225.030,
4 70.225.040, 70.225.050, and 70.225.060.

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

6 **Sec. 1.** RCW 42.56.360 and 2014 c 223 s 17 are each amended to
7 read as follows:

8 (1) The following health care information is exempt from
9 disclosure under this chapter:

10 (a) Information obtained by the pharmacy quality assurance
11 commission as provided in RCW 69.45.090;

12 (b) Information obtained by the pharmacy quality assurance
13 commission or the department of health and its representatives as
14 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

15 (c) Information and documents created specifically for, and
16 collected and maintained by a quality improvement committee under RCW
17 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
18 under RCW 4.24.250, or by a quality assurance committee pursuant to
19 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW
20 43.70.056, for reporting of health care-associated infections under
21 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),

1 and reports regarding adverse events under RCW 70.56.020(2)(b),
2 regardless of which agency is in possession of the information and
3 documents;

4 (d)(i) Proprietary financial and commercial information that the
5 submitting entity, with review by the department of health,
6 specifically identifies at the time it is submitted and that is
7 provided to or obtained by the department of health in connection
8 with an application for, or the supervision of, an antitrust
9 exemption sought by the submitting entity under RCW 43.72.310;

10 (ii) If a request for such information is received, the
11 submitting entity must be notified of the request. Within ten
12 business days of receipt of the notice, the submitting entity shall
13 provide a written statement of the continuing need for
14 confidentiality, which shall be provided to the requester. Upon
15 receipt of such notice, the department of health shall continue to
16 treat information designated under this subsection (1)(d) as exempt
17 from disclosure;

18 (iii) If the requester initiates an action to compel disclosure
19 under this chapter, the submitting entity must be joined as a party
20 to demonstrate the continuing need for confidentiality;

21 (e) Records of the entity obtained in an action under RCW
22 18.71.300 through 18.71.340;

23 (f) Complaints filed under chapter 18.130 RCW after July 27,
24 1997, to the extent provided in RCW 18.130.095(1);

25 ~~(g) ((Information obtained by the department of health under
26 chapter 70.225 RCW;~~

27 ~~(h))~~ Information collected by the department of health under
28 chapter 70.245 RCW except as provided in RCW 70.245.150;

29 ~~((i))~~ (h) Cardiac and stroke system performance data submitted
30 to national, state, or local data collection systems under RCW
31 70.168.150(2)(b);

32 ~~((j))~~ (i) All documents, including completed forms, received
33 pursuant to a wellness program under RCW 41.04.362, but not
34 statistical reports that do not identify an individual; and

35 ~~((k))~~ (j) Data and information exempt from disclosure under RCW
36 43.371.040.

37 (2) Chapter 70.02 RCW applies to public inspection and copying of
38 health care information of patients.

1 (3)(a) Documents related to infant mortality reviews conducted
2 pursuant to RCW 70.05.170 are exempt from disclosure as provided for
3 in RCW 70.05.170(3).

4 (b)(i) If an agency provides copies of public records to another
5 agency that are exempt from public disclosure under this subsection
6 (3), those records remain exempt to the same extent the records were
7 exempt in the possession of the originating entity.

8 (ii) For notice purposes only, agencies providing exempt records
9 under this subsection (3) to other agencies may mark any exempt
10 records as "exempt" so that the receiving agency is aware of the
11 exemption, however whether or not a record is marked exempt does not
12 affect whether the record is actually exempt from disclosure.

13 **Sec. 2.** RCW 74.09.215 and 2013 2nd sp.s. c 4 s 1902, 2013 2nd
14 sp.s. c 4 s 997, and 2013 2nd sp.s. c 4 s 995 are each reenacted and
15 amended to read as follows:

16 The medicaid fraud penalty account is created in the state
17 treasury. All receipts from civil penalties collected under RCW
18 74.09.210, all receipts received under judgments or settlements that
19 originated under a filing under the federal false claims act, and all
20 receipts received under judgments or settlements that originated
21 under the state medicaid fraud false claims act, chapter 74.66 RCW,
22 must be deposited into the account. Moneys in the account may be
23 spent only after appropriation and must be used only for medicaid
24 services, fraud detection and prevention activities, and recovery of
25 improper payments, for other medicaid fraud enforcement activities(~~(~~
26 ~~and the prescription monitoring program established in chapter 70.225~~
27 ~~RCW)~~). For the 2013-2015 fiscal biennium, moneys in the account may
28 be spent on inpatient and outpatient rebasing and conversion to the
29 tenth version of the international classification of diseases. For
30 the 2011-2013 fiscal biennium, moneys in the account may be spent on
31 inpatient and outpatient rebasing.

32 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 70.225.010 (Definitions) and 2007 c 259 s 42;

35 (2) RCW 70.225.020 (Prescription monitoring program—Subject to
36 funding—Duties of dispensers) and 2013 c 36 s 2, 2013 c 19 s 126,
37 2012 c 192 s 1, & 2007 c 259 s 43;

38 (3) RCW 70.225.025 (Rules) and 2007 c 259 s 47;

1 (4) RCW 70.225.030 (Enhancement of program—Feasibility study) and
2 2007 c 259 s 44;

3 (5) RCW 70.225.040 (Confidentiality of prescription information—
4 Procedures—Immunity when acting in good faith) and 2011 1st sp.s. c
5 15 s 87 & 2007 c 259 s 45;

6 (6) RCW 70.225.050 (Department may contract for operation of
7 program) and 2007 c 259 s 46; and

8 (7) RCW 70.225.060 (Violations—Penalties—Disclosure exemption
9 for health care providers) and 2007 c 259 s 48.

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