

---

HOUSE BILL 2501

---

State of Washington

64th Legislature

2016 Regular Session

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

Read first time 01/14/16. Referred to Committee on Public Safety.

1 AN ACT Relating to the communication of information to continue  
2 health services for confined persons; amending RCW 70.48.100 and  
3 70.02.050; adding a new section to chapter 70.48 RCW; adding a new  
4 section to chapter 71.24 RCW; creating a new section; and providing  
5 an effective date.

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

7 **Sec. 1.** RCW 70.48.100 and 2014 c 225 s 105 are each amended to  
8 read as follows:

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

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

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

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

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

21 (b) In jail certification proceedings;

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

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

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

12 (f) Upon the written permission of the person.

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

16 (b) Photographs and information concerning a person convicted of  
17 a sex offense as defined in RCW 9.94A.030 may be disseminated as  
18 provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540,  
19 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter  
20 3, Laws of 1990.

21 (c) The department of corrections or chief law enforcement  
22 officer responsible for the operation of a jail shall assure that its  
23 jail register is capable of transmitting information about persons  
24 confined in jail to behavioral health organizations and managed care  
25 health systems providing behavioral health services under chapter  
26 71.24 RCW, consistent with section 3 of this act. The method and  
27 procedures for transmitting the jail register data must allow for the  
28 electronic transmission of the data to behavioral health  
29 organizations and managed care health systems within twelve hours of  
30 a person's confinement.

31 NEW SECTION. Sec. 2. A new section is added to chapter 70.48  
32 RCW to read as follows:

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

1 provider has had the opportunity to conduct a health assessment of  
2 the confined person.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24  
4 RCW to read as follows:

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

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

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

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

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

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

31 NEW SECTION. **Sec. 4.** The department of social and health  
32 services and the Washington association of sheriffs and police chiefs  
33 shall establish a work group to adopt methods and procedures for the  
34 communications required by RCW 70.48.100(3)(c) and section 3 of this  
35 act. The work group shall consider practices related to the  
36 transmission of information, the appropriate staff to receive the  
37 information, and other necessary topics. The work group shall

1 distribute its recommended methods and procedures to affected  
2 criminal justice and health care stakeholders by January 1, 2017.

3 **Sec. 5.** RCW 70.02.050 and 2014 c 220 s 6 are each amended to  
4 read as follows:

5 (1) A health care provider or health care facility may disclose  
6 health care information, except for information and records related  
7 to sexually transmitted diseases which are addressed in RCW  
8 70.02.220, about a patient without the patient's authorization to the  
9 extent a recipient needs to know the information, if the disclosure  
10 is:

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

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

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

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

25 (c) To any person if the health care provider or health care  
26 facility reasonably believes that disclosure will avoid or minimize  
27 an imminent danger to the health or safety of the patient or any  
28 other individual, however there is no obligation under this chapter  
29 on the part of the provider or facility to so disclose. The fact of  
30 admission to a provider for mental health services and all  
31 information and records compiled, obtained, or maintained in the  
32 course of providing mental health services to either voluntary or  
33 involuntary recipients of services at public or private agencies is  
34 not subject to disclosure unless disclosure is permitted in RCW  
35 70.02.230; or

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

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

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

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

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

19 NEW SECTION. Sec. 6. Sections 1 through 3 and 5 of this act  
20 take effect July 1, 2017.

--- END ---