

SENATE BILL REPORT

HB 2545

As of February 26, 2020

Title: An act relating to making jail records available to managed health care systems.

Brief Description: Making jail records available to managed health care systems.

Sponsors: Representatives Davis, Klippert, Goodman, Robinson, Macri, Griffey, Cody, Sutherland, Graham, Pellicciotti, Leavitt and Ormsby.

Brief History: Passed House: 2/12/20, 96-0.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/26/20.

Brief Summary of Bill

- Authorizes managed health care systems to access jail records to determine eligibility for certain services and to allow for the provision of treatment to inmates during confinement or after release.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Kelsey-anne Fung (786-7479)

Background: Jail Records. The records of a person confined in jail are generally confidential. However, records may be released to criminal justice agencies, in jail inspections or jail certification proceedings, in court proceedings upon written order of the court, to the Washington Association of Sheriffs and Police Chiefs, to specified agencies for the purpose of research in the public interest, or with the permission of the person.

In addition, jail records may be released to government agencies to determine eligibility for services, including medical, mental health, chemical dependency treatment, and veterans' services. Records may also be released to government agencies to allow for the provision of treatment to inmates during their confinement or after release. Government agencies that receive jail records must treat the records as confidential and comply with federal and state privacy laws. Jails that provide inmate records under appropriate authority are not responsible for unlawful secondary disclosures of the records.

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.

Managed Care. The Health Care Authority provides medical care services to eligible low-income state residents and their families, primarily through the Medicaid program. Coverage for medical services is mostly provided through managed care systems. Managed care is a prepaid, comprehensive system for delivering a complete medical benefits package that is available for eligible families, children under age 19, low-income adults, certain disabled individuals, and pregnant women. Since January 1, 2020, all behavioral health services and medical care services have been fully integrated in a managed care health system for most Medicaid clients.

Summary of Bill: Managed health care systems are added to the entities that may access jail records to determine eligibility for services such as medical, mental health, chemical dependency treatment, or veteran's services, and to allow for the provision of treatment to inmates during their confinement or after release. Managed health care systems that receive jail records for eligibility determination or treatment services must treat the records as confidential and comply with federal and state privacy laws.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Many thought this was allowed or current practice. Information from jail records is shared with the Health Care Authority (HCA), but there are limitations on what HCA can share with managed care organizations (MCOs), producing incomplete information for MCOs. The current process is not efficient and does not ensure proper coordination and continuity of care. Most inmates who have substance abuse or mental health issues are Medicaid eligible and enrolled with one of five MCOs. While Medicaid coverage is suspended while the person is incarcerated, there are many partnerships between the counties and MCOs for coordination of care and discharge planning for jail inmates. The proposed changes under the bill will allow MCOs to identify the location of the person and which MCO the person is enrolled with, in order to provide timely services upon release.

Persons Testifying: PRO: Representative Lauren Davis, Prime Sponsor; Jennifer Alderman, Behavioral Health Supervisor, Snohomish County Human Services; Marissa Ingalls, Coordinated Care of Washington; James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: No one.