

SENATE BILL REPORT

SB 5786

As Passed Senate, March 6, 2019

Title: An act relating to administrative efficiencies in research in public institutions of higher education.

Brief Description: Concerning research in public institutions of higher education.

Sponsors: Senators Brown and Palumbo.

Brief History:

Committee Activity: Higher Education & Workforce Development: 2/14/19, 2/19/19 [DP, w/oRec].

Floor Activity:

Passed Senate: 3/06/19, 46-1.

Brief Summary of Bill

- Removes higher education institutions from the state agencies required to establish a process, agreement, and rules for releasing public records for research.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Palumbo, Chair; Randall, Vice Chair; Holy, Ranking Member; Brown, Ericksen and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Lias.

Staff: Kellee Gunn (786-7429)

Background: Release of Public Records for Research. For a person to use personal records from a Washington State agency for research, they must apply to the relevant state agency. As long as certain requirements are met, the state agency may authorize access or provide copies of an individually identifiable personal record without the informed consent of that

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individual. The state agency must have rules on research review and approval including having an appointed standing human research review board competent to evaluate research proposals for ethical and scientific soundness. The human research review board must also determine the merit and importance of the research, and establish that the research cannot occur without the disclosure of the agency's information.

The state agency must negotiate with the research professional and have a written and legally binding confidentiality agreement prior to disclosure of the information, and the agreement must contain specific safeguards and assurances on the use of the information received. The disclosure of the information must not violate federal law or regulations.

Only under very certain circumstances may a research professional disclose a record in a form that is individually identifiable. It is a gross misdemeanor for a research professional to disclose an individually identifiable personal record or record information from a state agency without authorization.

A state agency, for releasing public records for research, includes:

- the Department of Social and Health Services;
- the Department of Corrections;
- higher education institutions;
- the Department of Health; and
- the Department of Children, Youth, and Families.

Summary of Bill: Higher education institutions are removed from the state agencies required to establish a process, agreement, and rules for the release of public records for research.

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: The University of Washington is required to have a review board by federal law. All higher education institutions have review boards because of several federal laws including FERPA, HIPAA, and their own rules regarding institutional review boards. When this law was enacted, these federal laws did not exist. The state law duplicates federal laws, and imposes extra administrative burdens on the institutions.

Persons Testifying: PRO: Senator Sharon Brown, Prime Sponsor; Karen Moe, University of Washington.

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