

FINAL BILL REPORT

SSB 6499

C 323 L 20
Synopsis as Enacted

Brief Description: Concerning the confidentiality of retirement system files and records relating to health information.

Sponsors: Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Schoesler, Hunt, Kuderer, Becker, Conway and Hasegawa; by request of Department of Retirement Systems).

Senate Committee on State Government, Tribal Relations & Elections
House Committee on State Government & Tribal Relations

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Medical Information. Under the federal Health Insurance Portability and Accountability Act, any information in an individual's medical record created, used, or disclosed during diagnosis or treatment that can personally identify the individual must be kept confidential by health care providers. Washington law provides additional exemptions from PRA disclosure requirements for certain types of health information in agency possession, including information about individuals' healthcare collected as part of the prescription monitoring program and under the Death With Dignity Act.

Summary: Medical information in files and records maintained by the Department of Retirement Systems (DRS) or the Law Enforcement Officers and Firefighters Plan 2 retirement board for retirement plan members is confidential and exempt from PRA disclosure requirements.

A retirement applicant's representatives may review a file or receive specific information with the applicant's signed authorization. Health care providers treating or examining applicants claiming disability benefits and physicians advising DRS on an application for disability benefits may view files and records at DRS's discretion.

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.

Votes on Final Passage:

Senate	47	0
House	96	0

Effective: June 11, 2020