

SENATE BILL REPORT

SB 6539

As of February 5, 2020

Title: An act relating to protecting health care information in the possession of legislators in the conduct of their official duties.

Brief Description: Protecting health care information in the possession of legislators in the conduct of their official duties.

Sponsors: Senators Becker, Hunt, Rivers, Short, Padden, O'Ban, Wilson, L., Schoesler and King.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/07/20.

Brief Summary of Bill

- Exempts health care information in the possession of legislators in the conduct of their official duties from disclosure requirements of the Public Records Act.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Public Records Act. The Public Records Act, 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.

Confidentiality of Health Care Information. The federal Health Insurance Portability and Accountability Act (HIPAA) establishes standards for the disclosure of protected health information by covered entities. Entities covered by HIPAA must have a patient's

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authorization to use or disclose health care information, unless there is a specified exception. Some exceptions pertain to disclosures for treatment, payment, and health care operations; public health activities; judicial proceedings; law enforcement purposes; and research purposes.

The state Uniform Health Care Information Act (UHCIA) governs the disclosure of health care information by health care providers and their agents or employees. The UHCIA provides that a health care provider may not disclose health care information about a patient unless there is a statutory exception or a written authorization by the patient. Some exceptions include disclosures for the provision of health care; quality improvement, legal, actuarial, and administrative services; research purposes; directory information; public health and law enforcement activities as required by law; and judicial proceedings. Under the UHCIA, health care information means any information that can be readily associated with a patient's identity directly relating to the patient's health diagnosis, treatment, or care.

Summary of Bill: Health care information provided to a legislator in the conduct of the legislator's official duties is exempt from public disclosure requirements.

Appropriation: None.

Fiscal Note: Not requested.

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

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