
SENATE BILL 6539

State of Washington

66th Legislature

2020 Regular Session

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

1 AN ACT Relating to protecting health care information in the
2 possession of legislators in the conduct of their official duties;
3 and amending RCW 42.56.360.

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

5 **Sec. 1.** RCW 42.56.360 and 2016 c 238 s 2 are each amended to
6 read as follows:

7 (1) The following health care information is exempt from
8 disclosure under this chapter:

9 (a) Information obtained by the pharmacy quality assurance
10 commission as provided in RCW 69.45.090;

11 (b) Information obtained by the pharmacy quality assurance
12 commission or the department of health and its representatives as
13 provided in RCW 69.41.044, 69.41.280, and 18.64.420;

14 (c) Information and documents created specifically for, and
15 collected and maintained by a quality improvement committee under RCW
16 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
17 under RCW 4.24.250, or by a quality assurance committee pursuant to
18 RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW
19 43.70.056, for reporting of health care-associated infections under
20 RCW 43.70.056, a notification of an incident under RCW 70.56.040(5),
21 and reports regarding adverse events under RCW 70.56.020(2)(b),

1 regardless of which agency is in possession of the information and
2 documents;

3 (d) (i) Proprietary financial and commercial information that the
4 submitting entity, with review by the department of health,
5 specifically identifies at the time it is submitted and that is
6 provided to or obtained by the department of health in connection
7 with an application for, or the supervision of, an antitrust
8 exemption sought by the submitting entity under RCW 43.72.310;

9 (ii) If a request for such information is received, the
10 submitting entity must be notified of the request. Within ten
11 business days of receipt of the notice, the submitting entity shall
12 provide a written statement of the continuing need for
13 confidentiality, which shall be provided to the requester. Upon
14 receipt of such notice, the department of health shall continue to
15 treat information designated under this subsection (1)(d) as exempt
16 from disclosure;

17 (iii) If the requester initiates an action to compel disclosure
18 under this chapter, the submitting entity must be joined as a party
19 to demonstrate the continuing need for confidentiality;

20 (e) Records of the entity obtained in an action under RCW
21 18.71.300 through 18.71.340;

22 (f) Complaints filed under chapter 18.130 RCW after July 27,
23 1997, to the extent provided in RCW 18.130.095(1);

24 (g) Information obtained by the department of health under
25 chapter 70.225 RCW;

26 (h) Information collected by the department of health under
27 chapter 70.245 RCW except as provided in RCW 70.245.150;

28 (i) Cardiac and stroke system performance data submitted to
29 national, state, or local data collection systems under RCW
30 70.168.150(2)(b);

31 (j) All documents, including completed forms, received pursuant
32 to a wellness program under RCW 41.04.362, but not statistical
33 reports that do not identify an individual; (~~and~~)

34 (k) Data and information exempt from disclosure under RCW
35 43.371.040; and

36 (l) Health care information, as defined in RCW 70.02.010,
37 provided to a legislator in the conduct of the legislator's official
38 duties.

39 (2) Chapter 70.02 RCW applies to public inspection and copying of
40 health care information of patients.

1 (3) (a) Documents related to infant mortality reviews conducted
2 pursuant to RCW 70.05.170 are exempt from disclosure as provided for
3 in RCW 70.05.170(3).

4 (b) (i) If an agency provides copies of public records to another
5 agency that are exempt from public disclosure under this subsection
6 (3), those records remain exempt to the same extent the records were
7 exempt in the possession of the originating entity.

8 (ii) For notice purposes only, agencies providing exempt records
9 under this subsection (3) to other agencies may mark any exempt
10 records as "exempt" so that the receiving agency is aware of the
11 exemption, however whether or not a record is marked exempt does not
12 affect whether the record is actually exempt from disclosure.

13 (4) Information and documents related to maternal mortality
14 reviews conducted pursuant to RCW 70.54.450 are confidential and
15 exempt from public inspection and copying.

--- END ---