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**SUBSTITUTE HOUSE BILL 2102**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Berry, Reed, Ormsby, Nance, and Pollet)

AN ACT Relating to establishing requirements for the disclosure of health care information for qualifying persons to receive paid family and medical leave benefits; amending RCW 70.02.030; and adding a new section to chapter 70.02 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 70.02 RCW to read as follows:

(1) A health care provider shall provide a certification of a serious health condition required by chapter 50A.15 RCW for qualifying a patient for paid family or medical leave, including any required documentation of a serious health condition, within seven calendar days of receipt of a request and authorization from the patient. Nothing in this section requires a provider to complete a certification for a serious health condition for which the provider does not have the necessary patient information.

(2) If a health care facility requires administrative review of information or documentation required by chapter 50A.15 RCW prior to allowing a provider to submit the certification of a serious health condition, then the facility shall implement and maintain policies and practices in conformance with subsection (1) of this section.

(3) A health care provider or health care facility may not charge a fee for the execution of a certification of a serious health condition under this section. This does not prohibit or limit the ability of a health care provider to charge a fee associated with any office visit necessary for evaluating the patient.

**Sec.**  RCW 70.02.030 and 2018 c 87 s 1 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2)(a) Except as provided in (b) of this subsection and section 1 of this act, a health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(b) Upon request of a patient or a patient's personal representative, a health care facility or health care provider shall provide the patient or representative with one copy of the patient's health care information free of charge if the patient is appealing the denial of federal supplemental security income or social security disability benefits. The patient or representative may complete a disclosure authorization specifying the health care information requested and provide it to the health care facility or health care provider. The health care facility or health care provider may provide the health care information in either paper or electronic format. A health care facility or health care provider is not required to provide a patient or a patient's personal representative with a free copy of health care information that has previously been provided free of charge pursuant to a request within the preceding two years.

(3) To be valid, a disclosure authorization to a health care provider or health care facility shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;

(d) Identify the provider or class of providers who are to make the disclosure;

(e) Identify the patient; and

(f) Contain an expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure.

(4) Unless disclosure without authorization is otherwise permitted under RCW 70.02.050 or the federal health insurance portability and accountability act of 1996 and its implementing regulations, an authorization may permit the disclosure of health care information to a class of persons that includes:

(a) Researchers if the health care provider or health care facility obtains the informed consent for the use of the patient's health care information for research purposes; or

(b) Third-party payors if the information is only disclosed for payment purposes.

(5) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(6) When an authorization permits the disclosure of health care information to a financial institution or an employer of the patient for purposes other than payment, the authorization as it pertains to those disclosures shall expire one year after the signing of the authorization, unless the authorization is renewed by the patient.

(7) A health care provider or health care facility shall retain the original or a copy of each authorization or revocation in conjunction with any health care information from which disclosures are made.

(8) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

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