

SENATE BILL REPORT

SB 6079

As Passed Senate, February 6, 2024

Title: An act relating to making juvenile detention records available to managed health care systems.

Brief Description: Making juvenile detention records available to managed health care systems.

Sponsors: Senators Boehnke and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/22/24, 1/25/24 [DP].

Floor Activity: Passed Senate: 2/6/24, 48-0.

Brief Summary of Bill

- Allows managed care organizations and behavioral health administrative services organizations to access records of a person confined in a county juvenile detention facility for care coordination activities.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Boehnke, Ranking Member; Frame, Nguyen, Warnick and Wilson, J..

Staff: Kelsey-anne Fung (786-7479)

Background: Juvenile Records. Juvenile records include the official court file, the social file, and records of any other juvenile justice or care agency in the case. It is the duty of any juvenile justice or care agency to maintain accurate records. Juvenile offense adjudication records are public unless sealed. Court records for juvenile cases that do not involve an adjudication, such as dependency or adoption records, are not open to public inspection.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Required Release. The court is required to release records to the Caseload Forecast Council for its research and data-gathering functions. Juvenile detention facilities must release records to the Caseload Forecast Council upon request.

The court is also required to release records to the Washington State Office of Public Defense and Office of Civil Legal Aid to implement the respective agency's oversight, technical assistance, and other functions as required by state law. These offices must maintain confidentiality of all confidential information included in the records.

Authorized Release. The court may permit inspection of records or release of information to:

- any clinic, hospital, or agency which has the subject person under care or treatment; and
- individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for emotional, scientific, or public purposes.

Each person granted permission to inspect records for research purposes must present a notarized statement to the court that the names of juveniles and parents will remain confidential.

The Department of Children, Youth, and Families (DCYF) may disclose confidential child welfare records in certain circumstances, including to:

- provide for the educational success of current and former foster youth;
- ensure the safety and welfare of foster care youth who are admitted to crisis residential centers or HOPE centers;
- investigate and prevent child abuse and neglect and provide for the health care coordination and well-being of children in foster care; and
- investigate child sexual abuse, online sexual exploitation and commercial sexual exploitation of minors, child fatality, child physical abuse, and criminal neglect cases for the well-being of the child.

The records must retain their confidentiality under state and federal law and may not be further disclosed except as allowed under state and federal law.

For research purposes only, the Administrative Office of the Courts must maintain an electronic research copy of all records in the judicial information system related to juveniles. Confidentiality and anonymity of all persons identified in the research copy must be maintained and preserved. Data in the research copy may be shared with other governmental agencies as authorized by state law, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements.

Jail Records. The records of a person confined in jail are generally confidential, but records

may be released: to criminal justice agencies, in jail inspections or jail certification proceedings, in court proceedings upon written order of the court, to the Washington Association of Sheriffs and Police Chiefs, to named agencies for the purpose of research in the public interest, or with the permission of the person.

Jail records also may be released to government agencies to determine eligibility for services, including medical, mental health, chemical dependency treatment, and veterans' services, or to allow for treatment during confinement or after release. The receiving agency must treat the records as confidential and comply with federal and state statutes regarding privacy of disclosed records. Jails that provide inmate records under appropriate authority are not responsible for unlawful secondary disclosures of the records.

Legislation in 2020 authorized managed care organizations and behavioral health administrative service organizations to access jail records for the purpose of care coordination activities. The receiving entity must hold the records in confidence and comply with all relevant state and federal statutes regarding privacy of disclosed records.

Medicaid Managed Care. The Health Care Authority (HCA) provides medical care services to eligible low-income state residents and their families, primarily through the state Medicaid program. HCA administers the Medicaid program through contracts with managed care organizations under the name Washington Apple Health. The managed care organizations provide a prepaid, comprehensive system of medical and health care delivery, including preventive, primary, specialty, and ancillary health services.

Legislation from 2021 required HCA to apply for a federal Medicaid waiver allowing coverage for confined individuals at prisons, jails, juvenile detention facilities, and other total confinement institution at least 30 days prior to release. In June 2023, the Centers for Medicare and Medicaid Services approved HCA's waiver request, allowing for coverage of prerelease services up to 90 days prior to an individual's expected date of a release from confinement.

Summary of Bill: The records of a person confined in a county juvenile detention facility may be made available to managed care organizations and behavioral health administrative services organizations for the purposes of care coordination activities. The receiving organization must hold the records in confidence and comply with all relevant state and federal statutes regarding privacy of disclosed records.

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: This bill will continue to bring the state into the electronic age with sharing of data between state agencies, while still maintaining transparency and data privacy. This bill will reduce barriers to data sharing, which will allow for better health care for juveniles, reduce time to get care, streamline the process, and provide accountability within the system to ensure it is being efficient and effective.

MCOs have been working to develop relationships with correctional facilities since 2016. They had to use goofy workarounds to share this information between entities before the permissive legislation was put in place. This bill will include juvenile county detention facilities in the permissible data sharing.

Persons Testifying: PRO: Senator Matt Boehnke, Prime Sponsor; Marissa Ingalls, Coordinated Care.

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