

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2025

61st Legislature
2009 Regular Session

Passed by the House April 20, 2009
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 7, 2009
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2025** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2025

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Representatives Orwall, Hinkle, Dickerson, Green, Appleton,
Driscoll, Morrell, Kagi, Van De Wege, and Kenney

Read first time 02/06/09. Referred to Committee on Human Services.

1 AN ACT Relating to sharing of health care information to promote
2 coordination of behavioral and medical care services; and amending RCW
3 71.05.630.

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

5 **Sec. 1.** RCW 71.05.630 and 2007 c 191 s 1 are each amended to read
6 as follows:

7 (1) Except as otherwise provided by law, all treatment records
8 shall remain confidential and may be released only to the persons
9 designated in this section, or to other persons designated in an
10 informed written consent of the patient.

11 (2) Treatment records of a person may be released without informed
12 written consent in the following circumstances:

13 (a) To a person, organization, or agency as necessary for
14 management or financial audits, or program monitoring and evaluation.
15 Information obtained under this subsection shall remain confidential
16 and may not be used in a manner that discloses the name or other
17 identifying information about the person whose records are being
18 released.

1 (b) To the department, the director of regional support networks,
2 or a qualified staff member designated by the director only when
3 necessary to be used for billing or collection purposes. The
4 information shall remain confidential.

5 (c) For purposes of research as permitted in chapter 42.48 RCW.

6 (d) Pursuant to lawful order of a court.

7 (e) To qualified staff members of the department, to the director
8 of regional support networks, to resource management services
9 responsible for serving a patient, or to service providers designated
10 by resource management services as necessary to determine the progress
11 and adequacy of treatment and to determine whether the person should be
12 transferred to a less restrictive or more appropriate treatment
13 modality or facility. The information shall remain confidential.

14 (f) Within the treatment facility where the patient is receiving
15 treatment, confidential information may be disclosed to persons
16 employed, serving in bona fide training programs, or participating in
17 supervised volunteer programs, at the facility when it is necessary to
18 perform their duties.

19 (g) Within the department as necessary to coordinate treatment for
20 mental illness, developmental disabilities, alcoholism, or drug abuse
21 of persons who are under the supervision of the department.

22 (h) To a licensed physician who has determined that the life or
23 health of the person is in danger and that treatment without the
24 information contained in the treatment records could be injurious to
25 the patient's health. Disclosure shall be limited to the portions of
26 the records necessary to meet the medical emergency.

27 (i) Consistent with the requirements of the health information
28 portability and accountability act, to a licensed mental health
29 professional, as defined in RCW 71.05.020, or a health care
30 professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A,
31 18.79, or 18.36A RCW who is providing care to a person, or to whom a
32 person has been referred for evaluation or treatment, to assure
33 coordinated care and treatment of that person. Psychotherapy notes, as
34 defined in 45 C.F.R. Sec. 164.501, may not be released without
35 authorization of the person who is the subject of the request for
36 release of information.

37 (j) To administrative and office support staff designated to obtain

1 medical records for those licensed professionals listed in (i) of this
2 subsection.

3 (k) To a facility that is to receive a person who is involuntarily
4 committed under chapter 71.05 RCW, or upon transfer of the person from
5 one treatment facility to another. The release of records under this
6 subsection shall be limited to the treatment records required by law,
7 a record or summary of all somatic treatments, and a discharge summary.
8 The discharge summary may include a statement of the patient's problem,
9 the treatment goals, the type of treatment which has been provided, and
10 recommendation for future treatment, but may not include the patient's
11 complete treatment record.

12 ~~((+j))~~ (l) Notwithstanding the provisions of RCW 71.05.390(7), to
13 a correctional facility or a corrections officer who is responsible for
14 the supervision of a person who is receiving inpatient or outpatient
15 evaluation or treatment. Except as provided in RCW 71.05.445 and
16 71.34.345, release of records under this section is limited to:

17 (i) An evaluation report provided pursuant to a written supervision
18 plan.

19 (ii) The discharge summary, including a record or summary of all
20 somatic treatments, at the termination of any treatment provided as
21 part of the supervision plan.

22 (iii) When a person is returned from a treatment facility to a
23 correctional facility, the information provided under ~~((+j))~~ (l)(iv)
24 of this subsection.

25 (iv) Any information necessary to establish or implement changes in
26 the person's treatment plan or the level or kind of supervision as
27 determined by resource management services. In cases involving a
28 person transferred back to a correctional facility, disclosure shall be
29 made to clinical staff only.

30 ~~((+k))~~ (m) To the person's counsel or guardian ad litem, without
31 modification, at any time in order to prepare for involuntary
32 commitment or recommitment proceedings, reexaminations, appeals, or
33 other actions relating to detention, admission, commitment, or
34 patient's rights under chapter 71.05 RCW.

35 ~~((+l))~~ (n) To staff members of the protection and advocacy agency
36 or to staff members of a private, nonprofit corporation for the purpose
37 of protecting and advocating the rights of persons with mental
38 disorders or developmental disabilities. Resource management services

1 may limit the release of information to the name, birthdate, and county
2 of residence of the patient, information regarding whether the patient
3 was voluntarily admitted, or involuntarily committed, the date and
4 place of admission, placement, or commitment, the name and address of
5 a guardian of the patient, and the date and place of the guardian's
6 appointment. Any staff member who wishes to obtain additional
7 information shall notify the patient's resource management services in
8 writing of the request and of the resource management services' right
9 to object. The staff member shall send the notice by mail to the
10 guardian's address. If the guardian does not object in writing within
11 fifteen days after the notice is mailed, the staff member may obtain
12 the additional information. If the guardian objects in writing within
13 fifteen days after the notice is mailed, the staff member may not
14 obtain the additional information.

15 ~~((m))~~ (o) For purposes of coordinating health care, the
16 department may release without informed written consent of the patient,
17 information acquired for billing and collection purposes as described
18 in (b) of this subsection to all current treating providers of the
19 patient with prescriptive authority who have written a prescription for
20 the patient within the last twelve months. The department shall notify
21 the patient that billing and collection information has been released
22 to named providers, and provide the substance of the information
23 released and the dates of such release. The department shall not
24 release counseling, inpatient psychiatric hospitalization, or drug and
25 alcohol treatment information without a signed written release from the
26 client.

27 (3) Whenever federal law or federal regulations restrict the
28 release of information contained in the treatment records of any
29 patient who receives treatment for chemical dependency, the department
30 may restrict the release of the information as necessary to comply with
31 federal law and regulations.

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