
HOUSE BILL 2102

State of Washington

68th Legislature

2024 Regular Session

By Representative Berry

Prefiled 01/03/24.

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

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.02
7 RCW to read as follows:

8 (1) A health care provider shall disclose health care information
9 required by chapter 50A.15 RCW for qualifying a patient or his or her
10 family member for paid family or medical leave, including any
11 required documentation of a serious health condition, to the
12 employment security department, with a copy remitted to the patient,
13 within five working days of receipt of a request and authorization
14 from the patient.

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

20 (3) A health care provider or health care facility may not charge
21 a fee for disclosure of health care information under this section.

1 **Sec. 2.** RCW 70.02.030 and 2018 c 87 s 1 are each amended to read
2 as follows:

3 (1) A patient may authorize a health care provider or health care
4 facility to disclose the patient's health care information. A health
5 care provider or health care facility shall honor an authorization
6 and, if requested, provide a copy of the recorded health care
7 information unless the health care provider or health care facility
8 denies the patient access to health care information under RCW
9 70.02.090.

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

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

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

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

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

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

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

37 (e) Identify the patient; and

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

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

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

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

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

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

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

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

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