
SENATE BILL 5056

State of Washington

61st Legislature

2009 Regular Session

By Senators Brandland, Regala, Keiser, and McAuliffe

Read first time 01/12/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to health care professionals reporting violent
2 injuries; adding a new section to chapter 18.73 RCW; and adding a new
3 section to chapter 70.02 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.73 RCW
6 to read as follows:

7 (1) An emergency medical technician, as defined in RCW 18.73.030,
8 or first responder, as defined in RCW 18.73.030, who renders treatment
9 to a patient for (a) a bullet wound, gunshot wound, powder burn, or
10 other injury arising from or caused by the discharge of a firearm; (b)
11 an injury caused by a knife, an ice pick, or any other sharp or pointed
12 instrument which federal, state, or local law enforcement authorities
13 reasonably believe to have been intentionally inflicted upon a person;
14 (c) a blunt force injury that federal, state, or local law enforcement
15 authorities reasonably believe resulted from a criminal act; or (d)
16 injuries sustained in an automobile collision, shall disclose, upon a
17 request from a federal, state, or local law enforcement authority as
18 defined in RCW 70.02.010(3), the following health care information, if
19 known, without the patient's authorization:

- 1 (i) The name of the patient;
 - 2 (ii) The patient's residence;
 - 3 (iii) The patient's sex;
 - 4 (iv) The patient's age;
 - 5 (v) The patient's condition or extent and location of injuries as
 - 6 determined by the emergency medical technician or first responder;
 - 7 (vi) Whether the patient was conscious when contacted;
 - 8 (vii) Whether the patient appears to have consumed alcohol or
 - 9 appears to be under the influence of alcohol or drugs;
 - 10 (viii) The name of the emergency medical technicians or first
 - 11 responders who provided care to the patient; and
 - 12 (ix) The name of the facility to which the patient is being
 - 13 transported for additional treatment.
- 14 (2) An emergency medical technician or first responder or other
- 15 individual who discloses information pursuant to this section is immune
- 16 from liability for the disclosure, provided that the emergency medical
- 17 technician or first responder or other individual acted in good faith
- 18 and without gross or wanton negligence.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.02 RCW

20 to read as follows:

- 21 (1) When a health care provider, as defined in RCW 7.70.020, has
- 22 reasonable cause to believe that a patient has sustained a bullet wound
- 23 or other injury arising from or caused by the discharge of a firearm,
- 24 or a stab wound or other injury arising from a knife or similar sharp
- 25 or pointed instrument, he or she shall immediately report such
- 26 incident, or cause a report to be made, to the proper law enforcement
- 27 agency if the patient is unconscious or otherwise unable to report such
- 28 incident, or cause a report to be made, to the proper law enforcement
- 29 agency.
- 30 (2) The report shall include the following information, if known:
- 31 (a) The name, address, sex, and age of patient;
- 32 (b) The nature and extent of the alleged injury or injuries; and
- 33 (c) Any other information that may be helpful in establishing the
- 34 cause of the patient's injury or injuries and the identity of the
- 35 alleged perpetrator or perpetrators.
- 36 (3) Nothing in this section shall limit a person's duty to report
- 37 under RCW 26.44.030 or 74.34.035.

1 (4) Any bullets, clothing, or other foreign objects that are
2 removed from a patient, according to the best acceptable medical
3 practices, shall be preserved and kept in custody in such a way that
4 the identity and integrity thereof are guaranteed until the bullets,
5 clothing, or other foreign objects can be promptly provided to the
6 proper law enforcement agency.

7 (5) A health care provider or other individual who makes a report
8 pursuant to this section is immune from liability for the report,
9 provided that the health care provider or other individual acted in
10 good faith and without gross or wanton negligence.

11 (6) Any health care provider who makes a report pursuant to
12 subsection (1) of this section shall not be subject to the physician-
13 patient relationship described in RCW 5.60.060(4), the registered nurse
14 privilege described in RCW 5.62.020, or any other statutory privilege
15 as to the medical examination and diagnosis.

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