
SENATE BILL 5561

State of Washington 65th Legislature 2017 Regular Session

By Senators Fortunato, Zeiger, Padden, Hawkins, and Brown

1 AN ACT Relating to disclosure of information regarding treatment
2 or care of minors; and amending RCW 70.02.050 and 70.02.220.

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

4 **Sec. 1.** RCW 70.02.050 and 2014 c 220 s 6 are each amended to
5 read as follows:

6 (1) A health care provider or health care facility may disclose
7 health care information, except for information and records related
8 to sexually transmitted diseases which are addressed in RCW
9 70.02.220, about a patient without the patient's authorization to the
10 extent a recipient needs to know the information, if the disclosure
11 is:

12 (a) To a person who the provider or facility reasonably believes
13 is providing health care to the patient;

14 (b) To any other person who requires health care information for
15 health care education, or to provide planning, quality assurance,
16 peer review, or administrative, legal, financial, actuarial services
17 to, or other health care operations for or on behalf of the health
18 care provider or health care facility; or for assisting the health
19 care provider or health care facility in the delivery of health care
20 and the health care provider or health care facility reasonably
21 believes that the person:

1 (i) Will not use or disclose the health care information for any
2 other purpose; and

3 (ii) Will take appropriate steps to protect the health care
4 information;

5 (c) To any person if the health care provider or health care
6 facility reasonably believes that disclosure will avoid or minimize
7 an imminent danger to the health or safety of the patient or any
8 other individual, however there is no obligation under this chapter
9 on the part of the provider or facility to so disclose. The fact of
10 admission to a provider for mental health services and all
11 information and records compiled, obtained, or maintained in the
12 course of providing mental health services to either voluntary or
13 involuntary recipients of services at public or private agencies is
14 not subject to disclosure unless disclosure is permitted in RCW
15 70.02.230; or

16 (d) For payment, including information necessary for a recipient
17 to make a claim, or for a claim to be made on behalf of a recipient
18 for aid, insurance, or medical assistance to which he or she may be
19 entitled.

20 (2) A health care provider shall disclose health care
21 information, except for information and records related to sexually
22 transmitted diseases, unless otherwise authorized in RCW 70.02.220,
23 about a patient without the patient's authorization if the disclosure
24 is:

25 (a) To federal, state, or local public health authorities, to the
26 extent the health care provider is required by law to report health
27 care information; when needed to determine compliance with state or
28 federal licensure, certification or registration rules or laws, or to
29 investigate unprofessional conduct or ability to practice with
30 reasonable skill and safety under chapter 18.130 RCW. Any health care
31 information obtained under this subsection is exempt from public
32 inspection and copying pursuant to chapter 42.56 RCW; ((~~or~~))

33 (b) When needed to protect the public health; or

34 (c) To the parent or guardian of a minor, upon request of the
35 parent or guardian, regarding the treatment or care of the minor,
36 including testing, evaluation, treatment, or counseling concerning
37 drugs, mental problems, AIDS, pregnancy, or psychological exams. The
38 health care provider is not required to respond to such a request
39 while providing emergency medical treatment.

1 **Sec. 2.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to
2 read as follows:

3 (1) No person may disclose or be compelled to disclose the
4 identity of any person who has investigated, considered, or requested
5 a test or treatment for a sexually transmitted disease, except as
6 authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

7 (2) No person may disclose or be compelled to disclose
8 information and records related to sexually transmitted diseases,
9 except as authorized by this section, RCW 70.02.210, or chapter 70.24
10 RCW. A person may disclose information related to sexually
11 transmitted diseases about a patient without the patient's
12 authorization, to the extent a recipient needs to know the
13 information, if the disclosure is to:

14 (a) The subject of the test or the subject's legal representative
15 for health care decisions in accordance with RCW 7.70.065(~~(, with the~~
16 ~~exception of such a representative of a minor fourteen years of age~~
17 ~~or over and otherwise competent)). The person shall disclose
18 information related to sexually transmitted diseases to the parent or
19 guardian of a minor, upon request of the parent or guardian;~~

20 (b) The state public health officer as defined in RCW 70.24.017,
21 a local public health officer, or the centers for disease control of
22 the United States public health service in accordance with reporting
23 requirements for a diagnosed case of a sexually transmitted disease;

24 (c) A health facility or health care provider that procures,
25 processes, distributes, or uses: (i) A human body part, tissue, or
26 blood from a deceased person with respect to medical information
27 regarding that person; (ii) semen, including that was provided prior
28 to March 23, 1988, for the purpose of artificial insemination; or
29 (iii) blood specimens;

30 (d) Any state or local public health officer conducting an
31 investigation pursuant to RCW 70.24.024, so long as the record was
32 obtained by means of court-ordered HIV testing pursuant to RCW
33 70.24.340 or 70.24.024;

34 (e) A person allowed access to the record by a court order
35 granted after application showing good cause therefor. In assessing
36 good cause, the court shall weigh the public interest and the need
37 for disclosure against the injury to the patient, to the physician-
38 patient relationship, and to the treatment services. Upon the
39 granting of the order, the court, in determining the extent to which
40 any disclosure of all or any part of the record of any such test is

1 necessary, shall impose appropriate safeguards against unauthorized
2 disclosure. An order authorizing disclosure must: (i) Limit
3 disclosure to those parts of the patient's record deemed essential to
4 fulfill the objective for which the order was granted; (ii) limit
5 disclosure to those persons whose need for information is the basis
6 for the order; and (iii) include any other appropriate measures to
7 keep disclosure to a minimum for the protection of the patient, the
8 physician-patient relationship, and the treatment services;

9 (f) Persons who, because of their behavioral interaction with the
10 infected individual, have been placed at risk for acquisition of a
11 sexually transmitted disease, as provided in RCW 70.24.022, if the
12 health officer or authorized representative believes that the exposed
13 person was unaware that a risk of disease exposure existed and that
14 the disclosure of the identity of the infected person is necessary;

15 (g) A law enforcement officer, firefighter, health care provider,
16 health care facility staff person, department of correction's staff
17 person, jail staff person, or other persons as defined by the board
18 of health in rule pursuant to RCW 70.24.340(4), who has requested a
19 test of a person whose bodily fluids he or she has been substantially
20 exposed to, pursuant to RCW 70.24.340(4), if a state or local public
21 health officer performs the test;

22 (h) Claims management personnel employed by or associated with an
23 insurer, health care service contractor, health maintenance
24 organization, self-funded health plan, state administered health care
25 claims payer, or any other payer of health care claims where such
26 disclosure is to be used solely for the prompt and accurate
27 evaluation and payment of medical or related claims. Information
28 released under this subsection must be confidential and may not be
29 released or available to persons who are not involved in handling or
30 determining medical claims payment; and

31 (i) A department of social and health services worker, a child
32 placing agency worker, or a guardian ad litem who is responsible for
33 making or reviewing placement or case-planning decisions or
34 recommendations to the court regarding a child, who is less than
35 fourteen years of age, has a sexually transmitted disease, and is in
36 the custody of the department of social and health services or a
37 licensed child placing agency. This information may also be received
38 by a person responsible for providing residential care for such a
39 child when the department of social and health services or a licensed

1 child placing agency determines that it is necessary for the
2 provision of child care services.

3 (3) No person to whom the results of a test for a sexually
4 transmitted disease have been disclosed pursuant to subsection (2) of
5 this section may disclose the test results to another person except
6 as authorized by that subsection.

7 (4) The release of sexually transmitted disease information
8 regarding an offender or detained person, except as provided in
9 subsection (2)(d) of this section, is governed as follows:

10 (a) The sexually transmitted disease status of a department of
11 corrections offender who has had a mandatory test conducted pursuant
12 to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available
13 by department of corrections health care providers and local public
14 health officers to the department of corrections health care
15 administrator or infection control coordinator of the facility in
16 which the offender is housed. The information made available to the
17 health care administrator or the infection control coordinator under
18 this subsection (4)(a) may be used only for disease prevention or
19 control and for protection of the safety and security of the staff,
20 offenders, and the public. The information may be submitted to
21 transporting officers and receiving facilities, including facilities
22 that are not under the department of corrections' jurisdiction
23 according to the provisions of (d) and (e) of this subsection.

24 (b) The sexually transmitted disease status of a person detained
25 in a jail who has had a mandatory test conducted pursuant to RCW
26 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the
27 local public health officer to a jail health care administrator or
28 infection control coordinator. The information made available to a
29 health care administrator under this subsection (4)(b) may be used
30 only for disease prevention or control and for protection of the
31 safety and security of the staff, offenders, detainees, and the
32 public. The information may be submitted to transporting officers and
33 receiving facilities according to the provisions of (d) and (e) of
34 this subsection.

35 (c) Information regarding the sexually transmitted disease status
36 of an offender or detained person is confidential and may be
37 disclosed by a correctional health care administrator or infection
38 control coordinator or local jail health care administrator or
39 infection control coordinator only as necessary for disease
40 prevention or control and for protection of the safety and security

1 of the staff, offenders, and the public. Unauthorized disclosure of
2 this information to any person may result in disciplinary action, in
3 addition to the penalties prescribed in RCW 70.24.080 or any other
4 penalties as may be prescribed by law.

5 (d) Notwithstanding the limitations on disclosure contained in
6 (a), (b), and (c) of this subsection, whenever any member of a jail
7 staff or department of corrections staff has been substantially
8 exposed to the bodily fluids of an offender or detained person, then
9 the results of any tests conducted pursuant to RCW 70.24.340(1),
10 70.24.360, or 70.24.370, must be immediately disclosed to the staff
11 person in accordance with the Washington Administrative Code rules
12 governing employees' occupational exposure to blood-borne pathogens.
13 Disclosure must be accompanied by appropriate counseling for the
14 staff member, including information regarding follow-up testing and
15 treatment. Disclosure must also include notice that subsequent
16 disclosure of the information in violation of this chapter or use of
17 the information to harass or discriminate against the offender or
18 detainee may result in disciplinary action, in addition to the
19 penalties prescribed in RCW 70.24.080, and imposition of other
20 penalties prescribed by law.

21 (e) The staff member must also be informed whether the offender
22 or detained person had any other communicable disease, as defined in
23 RCW 72.09.251(3), when the staff person was substantially exposed to
24 the offender's or detainee's bodily fluids.

25 (f) The test results of voluntary and anonymous HIV testing or
26 HIV-related condition, as defined in RCW 70.24.017, may not be
27 disclosed to a staff person except as provided in this section and
28 RCW 70.02.050(1)(~~(e)~~) (d) and 70.24.340(4). A health care
29 administrator or infection control coordinator may provide the staff
30 member with information about how to obtain the offender's or
31 detainee's test results under this section and RCW 70.02.050(1)
32 (~~(e)~~) (d) and 70.24.340(4).

33 (5) The requirements of this section do not apply to the
34 customary methods utilized for the exchange of medical information
35 among health care providers in order to provide health care services
36 to the patient, nor do they apply within health care facilities where
37 there is a need for access to confidential medical information to
38 fulfill professional duties.

39 (6) Upon request of the victim, disclosure of test results under
40 this section to victims of sexual offenses under chapter 9A.44 RCW

1 must be made if the result is negative or positive. The county
2 prosecuting attorney shall notify the victim of the right to such
3 disclosure. The disclosure must be accompanied by appropriate
4 counseling, including information regarding follow-up testing.

5 (7) A person, including a health care facility or health care
6 provider, shall disclose the identity of any person who has
7 investigated, considered, or requested a test or treatment for a
8 sexually transmitted disease and information and records related to
9 sexually transmitted diseases to federal, state, or local public
10 health authorities, to the extent the health care provider is
11 required by law to report health care information; when needed to
12 determine compliance with state or federal certification or
13 registration rules or laws; or when needed to protect the public
14 health. Any health care information obtained under this subsection is
15 exempt from public inspection and copying pursuant to chapter 42.56
16 RCW.

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