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**SUBSTITUTE SENATE BILL 6091**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By Senate Ways & Means (originally sponsored by Senator Honeyford)**

READ FIRST TIME 02/24/12.

1            AN ACT Relating to the maintenance of privacy standards by  
2 eliminating the department of revenues' authorization to examine  
3 medical records; and amending RCW 82.32.110.

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

5            **Sec. 1.** RCW 82.32.110 and 1989 c 373 s 27 are each amended to read  
6 as follows:

7            (1) The department of revenue or its duly authorized agent may  
8 examine any books, papers, records (excluding individually identifiable  
9 health information), or other data, or stock of merchandise bearing  
10 upon the amount of any tax payable or upon the correctness of any  
11 return, or for the purpose of making a return where none has been made,  
12 or in order to ascertain whether a return should be made; and may  
13 require the attendance of any person at a time and place fixed in a  
14 summons served by any sheriff in the same manner as a subpoena is  
15 served in a civil case, or served in like manner by an agent of the  
16 department of revenue.

17            (2) The persons summoned may be required to testify and produce any  
18 books, papers, records (excluding individually identifiable health

1 information), or data required by the department with respect to any  
2 tax, or the liability of any person therefor.

3 (3) The director of the department of revenue, or any duly  
4 authorized agent thereof, (~~shall have~~) has power to administer an  
5 oath to the person required to testify; and any person giving false  
6 testimony after the administration of such oath (~~shall be~~) is guilty  
7 of perjury in the first degree.

8 (4) If any person summoned as a witness before the department, or  
9 its authorized agent, fails or refuses to obey the summons, or refuses  
10 to testify or answer any material questions, or to produce any book,  
11 record (excluding individually identifiable health information), paper,  
12 or data when required to do so, the person is subject to proceedings  
13 for contempt, and the department (~~shall thereupon~~) must institute  
14 contempt of court proceedings in the superior court of Thurston county  
15 or of the county in which such person resides.

16 (5) For purposes of this section, "individually identifiable health  
17 information" means information that relates to the past, present, or  
18 future physical or mental health or condition of an individual,  
19 identifies the individual, or identifies the provision of health care  
20 to an individual.

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