
SUBSTITUTE SENATE BILL 5056

State of Washington

61st Legislature

2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Brandland, Regala, Keiser, and McAuliffe)

READ FIRST TIME 02/04/09.

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 70.41 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) Except when treatment is provided in a hospital licensed under
8 chapter 70.41 RCW, a physician's trained emergency medical service
9 intermediate life support technician and paramedic, emergency medical
10 technician, or first responder who renders treatment to a patient for
11 (a) a bullet wound, gunshot wound, powder burn, or other injury arising
12 from or caused by the discharge of a firearm; (b) an injury caused by
13 a knife, an ice pick, or any other sharp or pointed instrument which
14 federal, state, or local law enforcement authorities reasonably believe
15 to have been intentionally inflicted upon a person; (c) a blunt force
16 injury that federal, state, or local law enforcement authorities
17 reasonably believe resulted from a criminal act; or (d) injuries
18 sustained in an automobile collision, shall disclose, upon a request

1 from a federal, state, or local law enforcement authority as defined in
2 RCW 70.02.010(3), the following health care information, if known,
3 without the patient's authorization:

4 (i) The name of the patient;

5 (ii) The patient's residence;

6 (iii) The patient's sex;

7 (iv) The patient's age;

8 (v) The patient's condition or extent and location of injuries as
9 determined by the emergency medical technician or first responder;

10 (vi) Whether the patient was conscious when contacted;

11 (vii) Whether the patient appears to have consumed alcohol or
12 appears to be under the influence of alcohol or drugs;

13 (viii) The name of the emergency medical technicians or first
14 responders who provided care to the patient; and

15 (ix) The name of the facility to which the patient is being
16 transported for additional treatment.

17 (2) An emergency medical technician or first responder or other
18 individual who discloses information pursuant to this section is immune
19 from liability for the disclosure, provided that the emergency medical
20 technician or first responder or other individual acted in good faith
21 and without gross or wanton negligence.

22 (3) The obligation to provide information pursuant to this section
23 shall be subordinate to patient care. Information shall be provided as
24 soon as reasonably possible taking into consideration emergent patient
25 care needs.

26 (4) For purposes of this section, "a physician's trained emergency
27 medical service intermediate life support technician and paramedic" has
28 the same meaning as in RCW 18.71.200.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW
30 to read as follows:

31 (1) A hospital shall cause a report to be made to a local law
32 enforcement agency as soon as reasonably possible taking into
33 consideration a patient's emergency care needs when a hospital provides
34 treatment for a bullet wound, gunshot wound, or stab wound to a patient
35 who is unconscious.

36 (2) The report shall include the following information, if known:

37 (a) The name, address, sex, and age of the patient;

1 (b) Whether the patient has received a bullet wound, gunshot wound,
2 or stab wound; and

3 (c) The name of the health care provider providing treatment for
4 the bullet wound, gunshot wound, or stab wound.

5 (3) Nothing in this section shall limit a person's duty to report
6 under RCW 26.44.030 or 74.34.035.

7 (4) Any bullets, clothing, or other foreign objects that are
8 removed from a patient for whom a hospital is required to make a report
9 pursuant to subsection (1) of this section shall be preserved and kept
10 in custody in such a way that the identity and integrity thereof are
11 reasonably maintained until the bullets, clothing, or other foreign
12 objects taken into possession by a law enforcement agency or the
13 hospital's normal period for retention of such items expires, whichever
14 occurs first.

15 (5) Any person, entity, or hospital who in good faith, and absent
16 gross or wanton negligence, makes a report required by this section,
17 cooperates in an investigation or criminal or judicial proceeding
18 related to such report, or who maintains bullets, clothing, or other
19 foreign objects or provides such items to law enforcement as described
20 in subsection (4) of this section, is immune from civil or criminal
21 liability or professional licensure action arising out of or related to
22 the report and its contents or the absence of information in the
23 report, cooperation in an investigation or criminal or judicial
24 proceeding, and the maintenance or provision to a law enforcement
25 agency of bullets, clothing, or other foreign objects under subsection
26 (4) of this section.

27 (6) The physician-patient privilege described in RCW 5.60.060(4),
28 the registered nurse-patient privilege described in RCW 5.62.020 and
29 any other health care provider-patient privilege created or recognized
30 by law shall not be a basis for excluding as evidence in any criminal
31 proceeding any report, or information contained in a report made under
32 this section.

33 (7) All reporting, preservation, or other requirements of this
34 section shall be secondary to patient care needs and may be delayed or
35 compromised without penalty to the person, hospital, or entity required
36 to fulfill the requirements of this section.

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