
SENATE BILL 5671

State of Washington

62nd Legislature

2011 Regular Session

By Senators Ericksen, Becker, Delvin, and Honeyford

Read first time 02/04/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to hospital and emergency service personnel
2 reporting requirements to local enforcement; and amending RCW
3 70.41.440.

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

5 **Sec. 1.** RCW 70.41.440 and 2009 c 359 s 2 are each amended to read
6 as follows:

7 (1) A hospital and any emergency service personnel shall report to
8 a local law enforcement authority as soon as reasonably possible,
9 taking into consideration a patient's emergency care needs, when the
10 hospital or emergency service personnel: (a) Provides treatment for a
11 bullet wound, gunshot wound, blunt force injury, or stab wound to a
12 patient ~~((who is unconscious))~~; or (b) receives or provides treatment
13 to a patient who is deceased or dies after admission from a drug-
14 related overdose. ((A)) Hospitals and emergency service personnel
15 shall establish a written policy to identify the person or persons
16 responsible for making the report.

17 (2) The report required under subsection (1) of this section must
18 include the following information, if known:

19 (a) The name, residence, sex, and age of the patient;

1 (b) Whether the patient has received a bullet wound, gunshot wound,
2 (~~or~~), blunt force injury, stab wound, or has died as the result of a
3 drug-related overdose; and

4 (c) The name of the health care provider providing treatment for
5 the bullet wound, gunshot wound, (~~or~~) stab wound, or drug-related
6 overdose.

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

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

18 (5) Any hospital, emergency service personnel, or person who in
19 good faith, and without gross negligence or willful or wanton
20 misconduct, makes a report required by this section, cooperates in an
21 investigation or criminal or judicial proceeding related to such
22 report, or maintains bullets, clothing, or other foreign objects, or
23 provides such items to a law enforcement authority as described in
24 subsection (4) of this section, is immune from civil or criminal
25 liability or professional licensure action arising out of or related to
26 the report and its contents or the absence of information in the
27 report, cooperation in an investigation or criminal or judicial
28 proceeding, and the maintenance or provision to a law enforcement
29 authority of bullets, clothing, or other foreign objects under
30 subsection (4) of this section.

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

37 (7) All reporting, preservation, or other requirements of this

1 section are secondary to patient care needs and may be delayed or
2 compromised without penalty to the hospital or person required to
3 fulfill the requirements of this section.

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