

RCW 18.330 Section 15
Consumer Protection Act

- RCW 19.86
 - Provides for Protections and Penalties Against “Unfair and Deceptive Acts and Practices in the Conduct of Trade and Commerce.”
 - Provides for triple damages, attorneys’ fees, and civil penalties. (Since Jan. 1st 2012)
 - Enforcement by AAG or Privately.

CPA Violation

- Unfair or Deceptive Act;
- In trade or commerce;
- Which affects the public interest;
- That results in damages; and
- The Unfair or Deceptive Act caused the injury.

Disclosure Statement Section 6

RCW 18.330 Section 6 (c) THE REFERRAL FEE:

- Amount of fee received from the client, if any. Alternatively, if the fee is to be received from the provider, the method of computation of the fee and the time and method of payment. In addition, the agency shall disclose to the client the amount of fee to be received from the provider, if the client requests such information.

Provider Profile Section 8 2 (b):

“The agency shall update this information regarding the provider at least annually. To the extent practicable, referrals shall be made to providers who appear, in the best judgment of the agency, capable of meeting the vulnerable adult’s identified needs.”

Washington Health Care
Information Act 1991

RCW 70.02 is the public policy of Washington that a patient's interest in the use and disclosure of the health care information survives *even when the information is held by persons other than health care providers.*

A health care provider (referral agency) may not disclose health care information about a patient to any other person without the patient's written authorization.

Health care provider (referral agency) may charge a reasonable fee for the reproduction of the files.

RCW 18.330 Section 5(3) Record keeping

Referral agency's records identifying a client are considered "health care information" subject to the Health Care Information Act but only if the records meet the definition of health care information under the Health Care Information Act. "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care.

Most information obtained via intake constitutes health care information: medical history, diagnoses, health concerns, medication and medication management, mental illness . . .

Accordingly, to disclose health care information, the referral agency must obtain a written authorization that comports with the Health Care Information Act:

- *Writing, dated and signed by the patient;*
- *Identify the nature of the information to be disclosed;*
- *Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;*
- *Identify the provider or class of providers who are to make the disclosure;*
- *Identify the patient; and*
- *Contain an expiration date or expiration event that relates to the patient or purpose of the disclosure.*

Health Care Information Release

The holder of the information has the obligation to ensure compliance with HIPAA and the Washington Health Care Information Act. In this case, the provider will likely have a form that they would like the client to sign or the referral agency may provide its own form to expedite the process. For best practices we recommend:

AUTHORIZATION TO OBTAIN and RELEASE HEALTH CARE INFORMATION

I, or my authorized representative, authorize the following individual or agency to obtain and release written and oral health care information about my needs and required services with care and supported housing providers with the intention of assisting me in locating appropriate housing or care services.