

**DEPARTMENT OF HEALTH
WASHINGTON STATE BOARD OF NURSING
PROCEDURE**

Title: Confidentiality, Records Management, and Security **Number:** W30.02

Reference: [RCW 18.130.160](#) - Finding of unprofessional conduct—Orders—Sanctions—Stay—Costs—Stipulations.
[RCW 18.130.175](#) - Physician health and voluntary substance use disorder monitoring programs (*as amended by 2023 c 425*).
[RCW 18.79.440](#) - Public posting of enforcement actions restricted—Substance use disorder monitoring stipend program.
[WAC 246-840-750](#) - Philosophy governing voluntary substance use monitoring programs.
[WAC 246-840-760](#) - Definitions of terms used in WAC 246-840-750 through 246-840-790.
[WAC 246-840-770](#) - Approval of substance use monitoring programs
[WAC 246-840-780](#) - Conditions for participants entering the approved substance use monitoring program.
[WAC 246-840-790](#) - Substance use disorder monitoring stipend program

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W03.01 – January 8, 2016
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Approved: 

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Chair
Washington State Board of Nursing (WABON)

PURPOSE:

Washington Health Professional Services (WHPS) maintains confidentiality to the maximum extent provided by law. Releases of Information (includes contract authorization to communicate/release information) are used for all third-party communication concerning a nurse.

PROCEDURE:

I. Confidentiality

- A. WHPS staff complete *Protecting Electronic Information* training and sign confidentiality agreements annually.
- B. WHPS provides information regarding a nurse's program participation according to laws and procedures.
- C. WHPS maintains the confidentiality of nurses voluntarily participating in the program by not reporting to the Washington State Board of Nursing (WABON) as long as they remain compliant with their program participant contract.

II. Release of Information

- A. The WHPS staff will provide nurses' monitoring records to WABON on disciplinary cases.
- B. WHPS will not communicate with third parties without appropriate authorization to release information.
 - 1. The nurse will sign a Release of Information at intake as part of the program participation contract.
 - 2. If the nurse declines to sign or revokes authorization to release information, WHPS will refer the nurse to the Substance Use Disorder Review Panel (SUDRP) as WHPS cannot effectively monitor the nurse.
 - 3. The Release of Information authorizes WHPS to communicate with, but is not limited to:
 - a) WABON
 - b) Current and prospective employers and schools
 - c) Mental health and substance use disorder professionals and treatment providers
 - d) Healthcare providers
 - e) Peer support facilitators
 - f) Probation departments and drug court agencies
 - g) Drug test collection sites and contractors
 - h) Out of state monitoring and regulatory agencies

C. Legal Representation

- 1. WHPS requires that a nurse in the program has a direct working relationship with the case management team.
 - 2. If a nurse in the program retains legal counsel, WHPS may refer the nurse's legal representative to WABON legal services.
- D. WHPS will refer all media requests to the WABON executive director and the communications team.

III. Public Disclosure

- A. Monitoring records are considered treatment records. RCW 18.79.440 and RCW 18.130.175 (4) protects treatment and monitoring records from public disclosure. This includes nurses requesting their own records.
- B. The assistant director, WHPS will review all records requests and forward to the Public Disclosure Records Unit as necessary.
- C. WHPS will refer all subpoenas to WABON legal services.

IV. Records Management and Security

- A. WHPS maintains monitoring records in a secure, password-protected electronic records system.
- B. WHPS scans and tosses paper documents. WHPS receives faxed documents to a secure email and does not print the documents.
- C. Regardless of format, WHPS maintains all records for 30 years after file closure.
- D. WHPS uses private areas for confidential, sensitive conversations to respect the privacy of the nurse. Case staffing also occurs in a private area, including the telework environment.
- E. WHPS staff lock their computers when away from their workstations.