

MINUTES
Public Records Exemptions Accountability Committee
(“Sunshine Committee”)
Virtual Meeting held via Zoom Webinar
John A. Cherberg Building – Conference Room ABC – Olympia, WA

November 12, 2024

Members Present: Chair Toby Nixon, Vice Chair Rowland Thompson, Sen. Jeff Wilson, Melissa Luck, David Zeeck, Jennifer Steele, and Rep. Larry Springer.

Members Absent: Sen. Sam Hunt, Rep. Jenny Graham, and Tricia Smith.

Staff Present: Assistant Attorney General Lisa Petersen (Committee Counsel), Elizabeth Mateo, and Brian North (Committee Staff).

1) Call to Order

1.1 Introduction / Roll Call and Establishment of Quorum

Chair Toby Nixon called the meeting of the Sunshine Committee (Committee) to order at 9:00 a.m., November 12, 2024, remotely via Zoom Webinar and at the John A. Cherberg Building, Conference Room ABC, Olympia, WA.

Seven out of 10 members were present at the beginning of the meeting. A quorum was established.

1.2 Adoption of Agenda for November 12, 2024

Chair Nixon requested item 4.3, Consideration of the Draft Annual Report, to be added to the agenda. No objection was made to adding agenda item 4.3.

Motion: To adopt the November 12, 2024 agenda with the addition of item 4.3. Moved by Vice Chair Thompson, seconded by Melissa Luck. Approved unanimously.

1.3 Review and Approve September 17, 2024 Meeting Minutes

Motion: To adopt the September 17, 2024 meeting minutes. Moved by Vice Chair Thompson, seconded by Melissa Luck. Approved unanimously.

2) New Business

2.1 Health Care – [RCW 42.56.360\(1\)\(c\)](#) [Thompson] (No. 174 on Schedule of Review)

Vice Chair Thompson explained RCW 42.56.360(1)(c) deals with the peer review process in clinical and hospital settings where committees - comprised of health care colleagues - meet to discuss issues of substandard patient care provided by doctors and other medical staff. During the review process, conclusions are made based upon discussions of patient procedure and treatment,

and the review of patient medical records. The exemption is aimed at keeping all information discussed and reviewed at the committee meetings confidential and closed from public view.

Brief discussion followed as to the types of information that would be deemed confidential during the review process.

Motion: To recommend continuing the exemption in RCW 42.56.360(1)(c) as is without modification. Moved by Vice Chair Thompson, seconded by Jennifer Steele. Approved unanimously.

2.2 Health Care – [RCW 42.56.360\(2\) and 70.02](#) [Thompson] (No. 183 on Schedule of Review)

Vice Chair Thompson explained RCW 42.56.360(2) and 70.02 deals with a public health entity sharing patient records with a physician despite the absence of a relationship between patient and physician, and how any breach of privilege in the process of sharing records will not waive patient confidentiality. Vice Chair Thompson recommended continuing the exemption as is without modification.

Brief discussion followed regarding situations requiring a physician to receive patient records without there being a patient-physician relationship.

Motion: To recommend continuing the exemption in RCW 42.56.360(2) and 70.02 as is without modification. Moved by Vice Chair Thompson, seconded by Jennifer Steele. Approved unanimously.

2.3 Health Care – [RCW 9.02.100](#) [Zeeck] (No.229 on Schedule of Review)

David Zeeck explained RCW 9.02.100 deals with the Reproductive Privacy Act. Mr. Zeeck advised that there does not appear to be an existing exemption within the statute. Jennifer Steele agreed with Mr. Zeeck’s assessment, but suggested the statute’s reference to “privacy” could possibly be brought in as an exemption argument under the Public Records Act.

Motion: To recommend continuing the exemption in RCW 9.02.100 as is without modification. Moved by David Zeeck, seconded by Jennifer Steele. Approved unanimously.

3) Public Comment

No general comment from the public was made.

4) Committee Business

4.1 Report on Committee Vacancies

Chair Nixon informed he has not received any inquiries or additional interest from anyone wishing to serve on the Committee. Vice Chair Thompson suggested that the new chair of the State Government Committee be invited to join the Sunshine Committee.

4.2 Assignment of Exemptions & Review Updates

Chair Nixon indicated there are quite a few assigned exemptions still to be reviewed and hoped to have some of those exemptions on the agenda for the first meeting of 2025. Discussion followed regarding the Committee meeting schedule for the upcoming year. Vice Chair Thompson indicated he would present on exemptions 341 and 348 at the January meeting. Rep. Springer advised he should have exemptions 128, 307, and 361 ready to present on at the January meeting as well.

4.3 Consideration of the Draft Annual Report

Chair Nixon shared the draft Annual Report and went through the report for the Committee to review and edit. A small revision was made to the “Looking Forward” section. No other changes were made to the report.

Brief discussion ensued as to the possible impact the Annual Report may have on re-generating legislative interest in the Committee’s work.

Motion: To adopt the draft Annual Report as written and to submit the draft Annual Report to the Legislature. Moved by Rep. Springer, seconded by Vice Chair Thompson. Approved unanimously.

5) Adjourn

The Committee adjourned at 10:04 a.m.