

HOUSE BILL REPORT

HB 2622

As Reported By House Committee On:

Health Care

Title: An act relating to public disclosure of complaints filed under the uniform disciplinary act.

Brief Description: Limiting public disclosure of complaints filed under the uniform disciplinary act.

Sponsors: Representatives Hymes, Cody, Murray, Dyer, Brumsickle, Crouse, Skinner and Backlund.

Brief History:

Committee Activity:

Health Care: 1/23/96 [DPS].

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Morris; Sherstad; Skinner and H. Sommers.

Staff: John Welsh (786-7133).

Background: The Uniform Disciplinary Act authorizes state professional disciplinary authorities to investigate and determine allegations of unprofessional conduct for health practitioners licensed, certified or registered by the state. The Secretary of Health is the disciplinary authority for 16 regulated professions, and various boards and commissions serve as the disciplinary authority for 14 additional health professions.

When a complaint is received, it is investigated by the staff and referred to the disciplinary authority for review. The disciplinary authority, or its panel, meet in closed sessions and either files a statement of charges or determines that there is no cause for action.

The existence of a complaint filed against a practitioner may be disclosed to the public upon request pending the investigation. After investigation and determination, all documents are disclosable.

Complaints against licensees must be in writing, but there is no requirement that they be signed. Licensees are not given copies of the complaints pending the investigation.

Summary of Substitute Bill: The requirements for filing and investigating complaints are clarified. Complaints against licensees must be in writing and signed by complainants, and the disciplinary authority must give copies of complaints to the licensees being charged. Investigations of complaints must be related to matters in the complaint.

Substitute Bill Compared to Original Bill: The requirements for filing and investigating complaints are clarified.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Complaints against physicians should not be made public until they are assessed as bona fide with a formal statement of charges by the commission. The professional integrity of physicians should not be so easily sullied. Mere allegations alone can affect the ability of physicians associated with practice groups.

Testimony Against: There are concerns that the right of the public to have access to potential acts of unprofessional misconduct may be impaired.

Testified: (Pro) Carl Nelson, Dr. George Rice, and Andy Dolan, Washington State Medical Association; Jeff Larsen, Washington Osteopathic Medical Association, Washington Academy of Physicians Assistants, Washington Association of Naturopathic Physicians; Nick Federici, Washington State Nurses Association; Barry Anton, Washington State Psychological Association; and Ellie Menzies, Washington State Nurses Association. (Con) Pat Brown, Department of Health; and Linda Grant, Association for Alcohol and Chemical Dependency.