
SUBSTITUTE HOUSE BILL 2622

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Hymes, Cody, Murray, Dyer, Brumsickle, Crouse, Skinner and Backlund)

Read first time 01/29/96.

1 AN ACT Relating to public disclosure of complaints filed under the
2 uniform disciplinary act; amending RCW 18.130.080 and 42.17.310; and
3 adding a new section to chapter 18.130 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130 RCW
6 to read as follows:

7 Written complaints submitted to a disciplining authority under this
8 chapter are not subject to disclosure under chapter 42.17 RCW until the
9 disciplining authority files a statement of charge or charges under RCW
10 18.130.090. Reports of complaints for which statements of charges have
11 not been filed are exempt from disclosure under chapter 42.17 RCW, but
12 must be maintained in the records and tracking system of the
13 department.

14 **Sec. 2.** RCW 18.130.080 and 1986 c 259 s 5 are each amended to read
15 as follows:

16 A person, including but not limited to consumers, licensees,
17 corporations, organizations, health care facilities, and state and
18 local governmental agencies, may submit a written complaint to the

1 disciplining authority charging a license holder or applicant with
2 unprofessional conduct and specifying the grounds therefor. All
3 complaints must be in writing and signed by the person submitting the
4 complaint. A copy of the complaint shall be given to the license
5 holder being charged by the disciplinary authority. If the
6 disciplining authority determines that the complaint merits
7 investigation, or if the disciplining authority has reason to believe,
8 without a formal complaint, that a license holder or applicant may have
9 engaged in unprofessional conduct, the disciplining authority shall
10 investigate to determine whether there has been unprofessional conduct.
11 However, investigations by the disciplinary authority must be related
12 to matters pertaining to the complaint. A person who files a complaint
13 under this section in good faith is immune from suit in any civil
14 action related to the filing or contents of the complaint.

15 **Sec. 3.** RCW 42.17.310 and 1995 c 267 s 6 are each amended to read
16 as follows:

17 (1) The following are exempt from public inspection and copying:

18 (a) Personal information in any files maintained for students in
19 public schools, patients or clients of public institutions or public
20 health agencies, or welfare recipients.

21 (b) Personal information in files maintained for employees,
22 appointees, or elected officials of any public agency to the extent
23 that disclosure would violate their right to privacy.

24 (c) Information required of any taxpayer in connection with the
25 assessment or collection of any tax if the disclosure of the
26 information to other persons would (i) be prohibited to such persons by
27 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
28 in unfair competitive disadvantage to the taxpayer.

29 (d) Specific intelligence information and specific investigative
30 records compiled by investigative, law enforcement, and penology
31 agencies, and state agencies vested with the responsibility to
32 discipline members of any profession, the nondisclosure of which is
33 essential to effective law enforcement or for the protection of any
34 person's right to privacy.

35 (e) Information revealing the identity of persons who are witnesses
36 to or victims of crime or who file complaints with investigative, law
37 enforcement, or penology agencies, other than the public disclosure
38 commission, if disclosure would endanger any person's life, physical

1 safety, or property. If at the time a complaint is filed the
2 complainant, victim or witness indicates a desire for disclosure or
3 nondisclosure, such desire shall govern. However, all complaints filed
4 with the public disclosure commission about any elected official or
5 candidate for public office must be made in writing and signed by the
6 complainant under oath.

7 (f) Test questions, scoring keys, and other examination data used
8 to administer a license, employment, or academic examination.

9 (g) Except as provided by chapter 8.26 RCW, the contents of real
10 estate appraisals, made for or by any agency relative to the
11 acquisition or sale of property, until the project or prospective sale
12 is abandoned or until such time as all of the property has been
13 acquired or the property to which the sale appraisal relates is sold,
14 but in no event shall disclosure be denied for more than three years
15 after the appraisal.

16 (h) Valuable formulae, designs, drawings, and research data
17 obtained by any agency within five years of the request for disclosure
18 when disclosure would produce private gain and public loss.

19 (i) Preliminary drafts, notes, recommendations, and intra-agency
20 memorandums in which opinions are expressed or policies formulated or
21 recommended except that a specific record shall not be exempt when
22 publicly cited by an agency in connection with any agency action.

23 (j) Records which are relevant to a controversy to which an agency
24 is a party but which records would not be available to another party
25 under the rules of pretrial discovery for causes pending in the
26 superior courts.

27 (k) Records, maps, or other information identifying the location of
28 archaeological sites in order to avoid the looting or depredation of
29 such sites.

30 (l) Any library record, the primary purpose of which is to maintain
31 control of library materials, or to gain access to information, which
32 discloses or could be used to disclose the identity of a library user.

33 (m) Financial information supplied by or on behalf of a person,
34 firm, or corporation for the purpose of qualifying to submit a bid or
35 proposal for (i) a ferry system construction or repair contract as
36 required by RCW 47.60.680 through 47.60.750 or (ii) highway
37 construction or improvement as required by RCW 47.28.070.

38 (n) Railroad company contracts filed prior to July 28, 1991, with
39 the utilities and transportation commission under RCW 81.34.070, except

1 that the summaries of the contracts are open to public inspection and
2 copying as otherwise provided by this chapter.

3 (o) Financial and commercial information and records supplied by
4 private persons pertaining to export services provided pursuant to
5 chapter 43.163 RCW and chapter 53.31 RCW.

6 (p) Financial disclosures filed by private vocational schools under
7 chapter 28C.10 RCW.

8 (q) Records filed with the utilities and transportation commission
9 or attorney general under RCW 80.04.095 that a court has determined are
10 confidential under RCW 80.04.095.

11 (r) Financial and commercial information and records supplied by
12 businesses or individuals during application for loans or program
13 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
14 or during application for economic development loans or program
15 services provided by any local agency.

16 (s) Membership lists or lists of members or owners of interests of
17 units in timeshare projects, subdivisions, camping resorts,
18 condominiums, land developments, or common-interest communities
19 affiliated with such projects, regulated by the department of
20 licensing, in the files or possession of the department.

21 (t) All applications for public employment, including the names of
22 applicants, resumes, and other related materials submitted with respect
23 to an applicant.

24 (u) The residential addresses and residential telephone numbers of
25 employees or volunteers of a public agency which are held by the agency
26 in personnel records, employment or volunteer rosters, or mailing lists
27 of employees or volunteers.

28 (v) The residential addresses and residential telephone numbers of
29 the customers of a public utility contained in the records or lists
30 held by the public utility of which they are customers.

31 (w)(i) The federal social security number of individuals governed
32 under chapter 18.130 RCW maintained in the files of the department of
33 health, except this exemption does not apply to requests made directly
34 to the department from federal, state, and local agencies of
35 government, and national and state licensing, credentialing,
36 investigatory, disciplinary, and examination organizations; (ii) the
37 current residential address and current residential telephone number of
38 a health care provider governed under chapter 18.130 RCW maintained in
39 the files of the department, if the provider requests that this

1 information be withheld from public inspection and copying, and
2 provides to the department an accurate alternate or business address
3 and business telephone number. On or after January 1, 1995, the
4 current residential address and residential telephone number of a
5 health care provider governed under RCW 18.130.140 maintained in the
6 files of the department shall automatically be withheld from public
7 inspection and copying if the provider has provided the department with
8 an accurate alternative or business address and telephone number.

9 (x) Information obtained by the board of pharmacy as provided in
10 RCW 69.45.090.

11 (y) Information obtained by the board of pharmacy or the department
12 of health and its representatives as provided in RCW 69.41.044,
13 69.41.280, and 18.64.420.

14 (z) Financial information, business plans, examination reports, and
15 any information produced or obtained in evaluating or examining a
16 business and industrial development corporation organized or seeking
17 certification under chapter 31.24 RCW.

18 (aa) Financial and commercial information supplied to the state
19 investment board by any person when the information relates to the
20 investment of public trust or retirement funds and when disclosure
21 would result in loss to such funds or in private loss to the providers
22 of this information.

23 (bb) Financial and valuable trade information under RCW 51.36.120.

24 (cc) Client records maintained by an agency that is a domestic
25 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
26 crisis center as defined in RCW 70.125.030.

27 (dd) Information that identifies a person who, while an agency
28 employee: (i) Seeks advice, under an informal process established by
29 the employing agency, in order to ascertain his or her rights in
30 connection with a possible unfair practice under chapter 49.60 RCW
31 against the person; and (ii) requests his or her identity or any
32 identifying information not be disclosed.

33 (ee) Investigative records compiled by an employing agency
34 conducting a current investigation of a possible unfair practice under
35 chapter 49.60 RCW or of a possible violation of other federal, state,
36 or local laws prohibiting discrimination in employment.

37 (ff) Business related information protected from public inspection
38 and copying under RCW 15.86.110.

1 (gg) Financial, commercial, operations, and technical and research
2 information and data submitted to or obtained by the clean Washington
3 center in applications for, or delivery of, program services under
4 chapter 70.95H RCW.

5 (hh) Information and documents created specifically for, and
6 collected and maintained by a quality improvement committee pursuant to
7 RCW 43.70.510, regardless of which agency is in possession of the
8 information and documents.

9 (ii) Written complaints filed under chapter 18.130 RCW that are
10 exempt from disclosure under section 1 of this act.

11 (2) Except for information described in subsection (1)(c)(i) of
12 this section and confidential income data exempted from public
13 inspection pursuant to RCW 84.40.020, the exemptions of this section
14 are inapplicable to the extent that information, the disclosure of
15 which would violate personal privacy or vital governmental interests,
16 can be deleted from the specific records sought. No exemption may be
17 construed to permit the nondisclosure of statistical information not
18 descriptive of any readily identifiable person or persons.

19 (3) Inspection or copying of any specific records exempt under the
20 provisions of this section may be permitted if the superior court in
21 the county in which the record is maintained finds, after a hearing
22 with notice thereof to every person in interest and the agency, that
23 the exemption of such records is clearly unnecessary to protect any
24 individual's right of privacy or any vital governmental function.

25 (4) Agency responses refusing, in whole or in part, inspection of
26 any public record shall include a statement of the specific exemption
27 authorizing the withholding of the record (or part) and a brief
28 explanation of how the exemption applies to the record withheld.

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