

FINAL BILL REPORT

ESHB 1057

C 270 L 97

Synopsis as Enacted

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

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Backlund and Cody; by request of Department of Health).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The Uniform Disciplinary Act provides procedures and sanctions for unprofessional conduct committed by professionals who are licensed, certified, or registered by the Department of Health. The Secretary of Health and fourteen boards and commissions serve as the disciplining authorities for these regulated professions and share responsibility for responding to complaints, conducting investigations, and taking appropriate disciplinary action where warranted.

Under the Public Disclosure Act, the existence of a complaint against a health professional licensee is a public record subject to disclosure by the Department of Health over the telephone upon request, even though the complaint may not be substantiated. Complaints being investigated or that warrant no cause for action must also be disclosed, as well as those that lead to a formal charge against a health professional licensee. The record of these complaints is also subject to disclosure.

The health professional licensee is notified of a complaint except when notification may compromise the investigation. The law does not provide the health professional licensee an opportunity to file a written statement regarding the complaint.

Summary: Health professional licensees must be notified upon the receipt of a complaint against them, and allowed to submit a written statement about the complaint for the file. A complaint is exempt from public disclosure until initially assessed and determined to warrant an investigation by the disciplining authority. A complaint determined not to warrant an investigation is no longer considered a complaint, but must remain in the record and tracking system, and may be released only upon written request. Information about a complaint that did not warrant an investigation may be released only pursuant to a written public disclosure request or interagency agreement.

The secretary of the Department of Health, on behalf of the disciplining authorities, must enter into interagency agreements for the exchange of records if access to records will assist those agencies in meeting their federal or state statutory responsibilities. However, state agencies are subject to the same limitations on disclosure as the disciplining authorities.

The provisions do not affect the use of records in any existing investigation by a state agency, nor do they limit the existing exchange of information between the disciplining authorities and state agencies.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	89	0	(House concurred)

Effective: July 27, 1997