
SUBSTITUTE HOUSE BILL 1057

State of Washington

55th Legislature

1997 Regular Session

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

Read first time 02/04/97.

1 AN ACT Relating to public disclosure of complaints filed under the
2 uniform disciplinary act; amending RCW 18.130.095; and adding a new
3 section to chapter 42.17 RCW.

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

5 **Sec. 1.** RCW 18.130.095 and 1995 c 336 s 6 are each amended to read
6 as follows:

7 (1) The secretary, in consultation with the disciplining
8 authorities, shall develop uniform procedural rules to respond to
9 public inquiries concerning complaints and their disposition, active
10 investigations, statement of charges, findings of fact, and final
11 orders involving a licensee, applicant, or unlicensed person. The
12 uniform procedural rules adopted under this subsection apply to all
13 adjudicative proceedings conducted under this chapter and shall include
14 provisions for ~~((the))~~ establishing time periods for initial
15 assessment, investigation, charging, discovery, settlement, and
16 adjudication of complaints, and shall include enforcement provisions
17 for violations of the specific time periods by the department, the
18 disciplining authority, and the respondent. A licensee shall be
19 notified of the receipt of a complaint, except when such notification

1 would impede an effective investigation, and shall be allowed to submit
2 a written statement about that complaint at the earliest point of time
3 which shall be included in the file. Complaints about the practice of
4 health care providers filed after the effective date of this act are
5 exempt from public disclosure under chapter 42.17 RCW until the
6 complaint has been assessed and determined to warrant an investigation
7 by the disciplining authority. Complaints determined not to warrant an
8 investigation by the disciplining authority shall no longer be
9 considered complaints but shall remain in the records and tracking
10 system of the department subject to public disclosure. Complaints,
11 after investigation, determined to warrant no cause for action, may be
12 disclosed upon request with an explanation of that determination, but
13 shall remain in the records and tracking system of the department,
14 subject to public disclosure.

15 (2) The uniform procedures for conducting investigations shall
16 provide that prior to taking a written statement:

17 (a) For violation of this chapter, the investigator shall inform
18 such person, in writing of: (i) The nature of the complaint; (ii) that
19 the person may consult with legal counsel at his or her expense prior
20 to making a statement; and (iii) that any statement that the person
21 makes may be used in an adjudicative proceeding conducted under this
22 chapter; and

23 (b) From a witness or potential witness in an investigation under
24 this chapter, the investigator shall inform the person, in writing,
25 that the statement may be released to the licensee, applicant, or
26 unlicensed person under investigation if a statement of charges is
27 issued.

28 (3) Only upon the authorization of a disciplining authority
29 identified in RCW 18.130.040(2)(b), the secretary, or his or her
30 designee, may serve as the presiding officer for any disciplinary
31 proceedings of the disciplining authority authorized under this
32 chapter. Except as provided in RCW 18.130.050(8), the presiding
33 officer shall not vote on or make any final decision. All functions
34 performed by the presiding officer shall be subject to chapter 34.05
35 RCW. The secretary, in consultation with the disciplining authorities,
36 shall adopt procedures for implementing this subsection.

37 (4) The uniform procedural rules shall be adopted by all
38 disciplining authorities listed in RCW 18.130.040(2), and shall be used
39 for all adjudicative proceedings conducted under this chapter, as

1 defined by chapter 34.05 RCW. The uniform procedural rules shall
2 address the use of a presiding officer authorized in subsection (3) of
3 this section to determine and issue decisions on all legal issues and
4 motions arising during adjudicative proceedings.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
6 under the subchapter heading "public records" to read as follows:

7 Complaints filed under chapter 18.130 RCW after the effective date
8 of this act are exempt from disclosure under this chapter to the extent
9 provided in RCW 18.130.095(1).

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