

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1057**

Chapter 270, Laws of 1997

55th Legislature  
1997 Regular Session

LIMITING DISCLOSURE OF COMPLAINTS FILED UNDER THE UNIFORM  
DISCIPLINARY ACT

EFFECTIVE DATE: 7/27/97

Passed by the House April 19, 1997  
Yeas 89 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 8, 1997  
Yeas 46 Nays 0

BOB MORTON  
**President of the Senate**

Approved May 6, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1057** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 6, 1997 - 4:06 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1057

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Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

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; adding a new section  
3 to chapter 42.17 RCW; and adding a new section to chapter 18.130 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)(a) 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 must be  
19 notified upon receipt of a complaint, except when the notification

1 would impede an effective investigation. At the earliest point of time  
2 the licensee must be allowed to submit a written statement about that  
3 complaint, which statement must be included in the file. Complaints  
4 filed after the effective date of this act are exempt from public  
5 disclosure under chapter 42.17 RCW until the complaint has been  
6 initially assessed and determined to warrant an investigation by the  
7 disciplining authority. Complaints determined not to warrant an  
8 investigation by the disciplining authority are no longer considered  
9 complaints, but must remain in the records and tracking system of the  
10 department. Information about complaints that did not warrant an  
11 investigation, including the existence of the complaint, may be  
12 released only upon receipt of a written public disclosure request or  
13 pursuant to an interagency agreement as provided in (b) of this  
14 subsection. Complaints determined to warrant no cause for action after  
15 investigation are subject to public disclosure, must include an  
16 explanation of the determination to close the complaint, and must  
17 remain in the records and tracking system of the department.

18 (b) The secretary, on behalf of the disciplining authorities, shall  
19 enter into interagency agreements for the exchange of records, which  
20 may include complaints filed but not yet assessed, with other state  
21 agencies if access to the records will assist those agencies in meeting  
22 their federal or state statutory responsibilities. Records obtained by  
23 state agencies under the interagency agreements are subject to the  
24 limitations on disclosure contained in (a) of this subsection.

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

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

33 (b) From a witness or potential witness in an investigation under  
34 this chapter, the investigator shall inform the person, in writing,  
35 that the statement may be released to the licensee, applicant, or  
36 unlicensed person under investigation if a statement of charges is  
37 issued.

38 (3) Only upon the authorization of a disciplining authority  
39 identified in RCW 18.130.040(2)(b), the secretary, or his or her

1 designee, may serve as the presiding officer for any disciplinary  
2 proceedings of the disciplining authority authorized under this  
3 chapter. Except as provided in RCW 18.130.050(8), the presiding  
4 officer shall not vote on or make any final decision. All functions  
5 performed by the presiding officer shall be subject to chapter 34.05  
6 RCW. The secretary, in consultation with the disciplining authorities,  
7 shall adopt procedures for implementing this subsection.

8 (4) The uniform procedural rules shall be adopted by all  
9 disciplining authorities listed in RCW 18.130.040(2), and shall be used  
10 for all adjudicative proceedings conducted under this chapter, as  
11 defined by chapter 34.05 RCW. The uniform procedural rules shall  
12 address the use of a presiding officer authorized in subsection (3) of  
13 this section to determine and issue decisions on all legal issues and  
14 motions arising during adjudicative proceedings.

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

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

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW  
21 to read as follows:

22 This chapter does not affect the use of records, obtained from the  
23 secretary or the disciplining authorities, in any existing  
24 investigation or action by any state agency. Nor does this chapter  
25 limit any existing exchange of information between the secretary or the  
26 disciplining authorities and other state agencies.

Passed the House April 19, 1997.

Passed the Senate April 8, 1997.

Approved by the Governor May 6, 1997.

Filed in Office of Secretary of State May 6, 1997.