H-2785.1

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**HOUSE BILL 2172**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Caldier and Jinkins

AN ACT Relating to protecting whistleblowers who provide information to the attorney general regarding anticompetitive transactions involving hospitals, hospital systems, or provider organizations; and adding a new section to chapter 19.86 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 19.86 RCW to read as follows:

(1) A hospital, hospital system, or provider organization may not engage in reprisal or retaliatory action against a whistleblower who reports or provides information to the attorney general regarding an alleged violation of this chapter in connection with a merger, acquisition, or contracting affiliation involving the hospital, hospital system, or provider organization. Any whistleblower who is the subject of reprisal or retaliatory action by a hospital, hospital system, or provider organization is entitled to a remedy under RCW 43.70.075.

(2) In any action brought by the attorney general against a hospital, hospital system, or provider organization for a violation of this chapter in connection with a merger, acquisition, or contracting affiliation, the hospital, hospital system, or provider organization is liable for all costs incurred by a whistleblower in responding to any discovery request made by the hospital, hospital system, or provider organization, including all costs and reasonable attorneys' fees incurred in preparing for and attending a deposition or in responding to requests for the production of documents.

(3) For the purposes of this section:

(a) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW.

(b)"Hospital system" means:

(i) A parent corporation of one or more hospitals and any entity affiliated with such a parent corporation through ownership or control; or

(ii) A hospital and any entity affiliated with a hospital through ownership.

(c) "Provider organization" means a corporation, partnership, business trust, association, or organized group of persons, whether incorporated or not, which is in the business of health care delivery or management and that represents seven or more health care providers in contracting with carriers or third-party administrators for the payments of health care services. A "provider organization" includes physician organizations, physician-hospital organizations, independent practice associations, provider networks, and accountable care organizations.

(d) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports or provides information to the attorney general regarding alleged violations of this chapter resulting from a merger, acquisition, or contracting affiliation involving a hospital, hospital system, or provider organization.

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