

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5282**

Chapter 187, Laws of 2020

66th Legislature  
2020 Regular Session

PELVIC EXAMS--INFORMED CONSENT

EFFECTIVE DATE: June 11, 2020

Passed by the Senate March 10, 2020  
Yeas 49 Nays 0

CYRUS HABIB

**President of the Senate**

Passed by the House February 27, 2020  
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved March 27, 2020 2:29 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5282** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

March 27, 2020

**Secretary of State  
State of Washington**

---

**ENGROSSED SENATE BILL 5282**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

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

**By** Senators Lias, Cleveland, Darneille, Short, Kuderer, Walsh, Brown, Randall, Dhingra, Rolfes, Billig, Das, Hunt, Keiser, and Pedersen

Read first time 01/16/19. Referred to Committee on Health & Long Term Care.

1            AN ACT Relating to informed consent for pelvic exams; amending  
2 RCW 18.130.180; adding a new section to chapter 18.130 RCW; and  
3 prescribing penalties.

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  
6 RCW to read as follows:

7            (1) A health care provider licensed under this title may not  
8 knowingly perform or authorize a student practicing under their  
9 authority to perform a pelvic examination on a patient who is  
10 anesthetized or unconscious unless:

11            (a) The patient or a person authorized to make health care  
12 decisions for the patient gave specific informed consent to the  
13 examination;

14            (b) The examination is necessary for diagnostic or treatment  
15 purposes; or

16            (c) Sexual assault is suspected, evidence may be collected if the  
17 patient is not capable of informed consent due to longer term medical  
18 condition, or if evidence will be lost.

19            (2) A licensed health care provider who violates subsection (1)  
20 of this section is subject to discipline pursuant to this chapter,  
21 the uniform disciplinary act.

1       **Sec. 2.** RCW 18.130.180 and 2019 c 427 s 17 are each amended to  
2 read as follows:

3       The following conduct, acts, or conditions constitute  
4 unprofessional conduct for any license holder under the jurisdiction  
5 of this chapter:

6       (1) The commission of any act involving moral turpitude,  
7 dishonesty, or corruption relating to the practice of the person's  
8 profession, whether the act constitutes a crime or not. If the act  
9 constitutes a crime, conviction in a criminal proceeding is not a  
10 condition precedent to disciplinary action. Upon such a conviction,  
11 however, the judgment and sentence is conclusive evidence at the  
12 ensuing disciplinary hearing of the guilt of the license holder of  
13 the crime described in the indictment or information, and of the  
14 person's violation of the statute on which it is based. For the  
15 purposes of this section, conviction includes all instances in which  
16 a plea of guilty or nolo contendere is the basis for the conviction  
17 and all proceedings in which the sentence has been deferred or  
18 suspended. Nothing in this section abrogates rights guaranteed under  
19 chapter 9.96A RCW;

20       (2) Misrepresentation or concealment of a material fact in  
21 obtaining a license or in reinstatement thereof;

22       (3) All advertising which is false, fraudulent, or misleading;

23       (4) Incompetence, negligence, or malpractice which results in  
24 injury to a patient or which creates an unreasonable risk that a  
25 patient may be harmed. The use of a nontraditional treatment by  
26 itself shall not constitute unprofessional conduct, provided that it  
27 does not result in injury to a patient or create an unreasonable risk  
28 that a patient may be harmed;

29       (5) Suspension, revocation, or restriction of the individual's  
30 license to practice any health care profession by competent authority  
31 in any state, federal, or foreign jurisdiction, a certified copy of  
32 the order, stipulation, or agreement being conclusive evidence of the  
33 revocation, suspension, or restriction;

34       (6) Except when authorized by RCW 18.130.345, the possession,  
35 use, prescription for use, or distribution of controlled substances  
36 or legend drugs in any way other than for legitimate or therapeutic  
37 purposes, diversion of controlled substances or legend drugs, the  
38 violation of any drug law, or prescribing controlled substances for  
39 oneself;

1 (7) Violation of any state or federal statute or administrative  
2 rule regulating the profession in question, including any statute or  
3 rule defining or establishing standards of patient care or  
4 professional conduct or practice;

5 (8) Failure to cooperate with the disciplining authority by:

6 (a) Not furnishing any papers, documents, records, or other  
7 items;

8 (b) Not furnishing in writing a full and complete explanation  
9 covering the matter contained in the complaint filed with the  
10 disciplining authority;

11 (c) Not responding to subpoenas issued by the disciplining  
12 authority, whether or not the recipient of the subpoena is the  
13 accused in the proceeding; or

14 (d) Not providing reasonable and timely access for authorized  
15 representatives of the disciplining authority seeking to perform  
16 practice reviews at facilities utilized by the license holder;

17 (9) Failure to comply with an order issued by the disciplining  
18 authority or a stipulation for informal disposition entered into with  
19 the disciplining authority;

20 (10) Aiding or abetting an unlicensed person to practice when a  
21 license is required;

22 (11) Violations of rules established by any health agency;

23 (12) Practice beyond the scope of practice as defined by law or  
24 rule;

25 (13) Misrepresentation or fraud in any aspect of the conduct of  
26 the business or profession;

27 (14) Failure to adequately supervise auxiliary staff to the  
28 extent that the consumer's health or safety is at risk;

29 (15) Engaging in a profession involving contact with the public  
30 while suffering from a contagious or infectious disease involving  
31 serious risk to public health;

32 (16) Promotion for personal gain of any unnecessary or  
33 inefficacious drug, device, treatment, procedure, or service;

34 (17) Conviction of any gross misdemeanor or felony relating to  
35 the practice of the person's profession. For the purposes of this  
36 subsection, conviction includes all instances in which a plea of  
37 guilty or nolo contendere is the basis for conviction and all  
38 proceedings in which the sentence has been deferred or suspended.  
39 Nothing in this section abrogates rights guaranteed under chapter  
40 9.96A RCW;

- 1 (18) The procuring, or aiding or abetting in procuring, a  
2 criminal abortion;
- 3 (19) The offering, undertaking, or agreeing to cure or treat  
4 disease by a secret method, procedure, treatment, or medicine, or the  
5 treating, operating, or prescribing for any health condition by a  
6 method, means, or procedure which the licensee refuses to divulge  
7 upon demand of the disciplining authority;
- 8 (20) The willful betrayal of a practitioner-patient privilege as  
9 recognized by law;
- 10 (21) Violation of chapter 19.68 RCW or a pattern of violations of  
11 RCW 48.49.020 or 48.49.030;
- 12 (22) Interference with an investigation or disciplinary  
13 proceeding by willful misrepresentation of facts before the  
14 disciplining authority or its authorized representative, or by the  
15 use of threats or harassment against any patient or witness to  
16 prevent them from providing evidence in a disciplinary proceeding or  
17 any other legal action, or by the use of financial inducements to any  
18 patient or witness to prevent or attempt to prevent him or her from  
19 providing evidence in a disciplinary proceeding;
- 20 (23) Current misuse of:
- 21 (a) Alcohol;
- 22 (b) Controlled substances; or
- 23 (c) Legend drugs;
- 24 (24) Abuse of a client or patient or sexual contact with a client  
25 or patient;
- 26 (25) Acceptance of more than a nominal gratuity, hospitality, or  
27 subsidy offered by a representative or vendor of medical or health-  
28 related products or services intended for patients, in contemplation  
29 of a sale or for use in research publishable in professional  
30 journals, where a conflict of interest is presented, as defined by  
31 rules of the disciplining authority, in consultation with the  
32 department, based on recognized professional ethical standards;
- 33 (26) Violation of RCW 18.130.420;
- 34 (27) Performing conversion therapy on a patient under age  
35 eighteen;
- 36 (28) Violation of section 1 of this act.

Passed by the Senate March 10, 2020.  
Passed by the House February 27, 2020.  
Approved by the Governor March 27, 2020.

Filed in Office of Secretary of State March 27, 2020.

--- **END** ---