

**WAC 246-15-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Consumer" means:

(a) An individual receiving health care or services from a health care facility or health care professional;

(b) A person pursuant to RCW 7.70.065 authorized to provide informed consent to health care on behalf of (a) of this subsection who is not competent to consent.

(2) "Department" means the Washington state department of health.

(3) "Employee" means an individual employed by a health care facility or health care professional at the time the:

(a) Alleged improper quality of care occurred; or

(b) Alleged improper quality of care is discovered.

(4) "Good faith" means an honest and reasonable belief in the truth of the allegation.

(5) "Health care" means any care, service, or procedure provided by a health care facility or a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or function of the human body.

(6) "Health care facility" means the following facilities and includes such facilities if owned and operated by a political subdivision or instrumentality of the state, and such other facilities as required by federal law and implementing regulations:

(a) Ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW;

(b) Ambulatory surgical facilities licensed under chapter 70.230 RCW;

(c) Behavioral health agencies licensed under chapter 71.05 or 71.24 RCW;

(d) Home health agencies licensed under chapter 70.127 RCW;

(e) Hospices licensed under chapter 70.127 RCW;

(f) Hospitals licensed under chapter 70.41 RCW;

(g) Kidney disease treatment centers licensed under chapter 70.41 RCW;

(h) Nursing homes licensed under chapter 18.51 RCW;

(i) Private psychiatric hospitals licensed under chapter 71.12 RCW; or

(j) Rural health care facilities as defined in RCW 70.175.020.

(7) "Health care provider," "health care professional," "professional" or "provider" mean a person who is licensed, certified, registered or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Improper quality of care," means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 RCW or chapters 70.41, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the department, further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(9) "Whistleblower" means a consumer, employee, or health care professional including a health care provider as defined in RCW

7.70.020(1) or member of a medical staff at a health care facility, who in good faith reports alleged quality of care concerns to the department of health or initiates, participates, or cooperates in any investigation or administrative proceeding under RCW 43.70.075.

[Statutory Authority: RCW 43.70.075 and 2019 c 62. WSR 22-02-017, § 246-15-010, filed 12/27/21, effective 1/27/22. Statutory Authority: RCW 43.70.075 and 2012 c 10. WSR 14-08-046, § 246-15-010, filed 3/27/14, effective 4/27/14. Statutory Authority: RCW 43.70.075 and 43.70.040. WSR 97-02-013, § 246-15-010, filed 12/20/96, effective 1/20/97.]