
HOUSE BILL 1996

State of Washington

54th Legislature

1995 Regular Session

By Representative Veloria

Read first time 02/21/95. Referred to Committee on Health Care.

1 AN ACT Relating to the medical quality assurance commission; and
2 amending RCW 18.71.015.

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

4 **Sec. 1.** RCW 18.71.015 and 1994 sp.s. c 9 s 303 are each amended to
5 read as follows:

6 The Washington state medical quality assurance commission is
7 established, consisting of (~~thirteen individuals licensed to practice~~
8 ~~medicine in the state of Washington under this chapter, two individuals~~
9 ~~who are licensed as physician assistants under chapter 18.71A RCW, and~~
10 ~~four individuals who are members of the public. Each congressional~~
11 ~~district now existing or hereafter created in the state must be~~
12 ~~represented by at least one physician member of the commission. The~~
13 ~~terms of office of members of the commission are not affected by~~
14 ~~changes in congressional district boundaries)) two individuals licensed
15 to practice medicine in the state of Washington under this chapter, one
16 individual who is licensed as a physician assistant, one individual who
17 is knowledgeable in the use of nontraditional treatment preventive
18 medicine, a registered nurse, and six individuals who are members of
19 the public. Public members of the commission may not be a member of~~

1 any other health care licensing board or commission, or have a
2 fiduciary obligation to a facility rendering health services regulated
3 by the commission, or have a material or financial interest in the
4 rendering of health services regulated by the commission.

5 The members of the commission shall be ~~((appointed by the~~
6 ~~governor))~~ elected. Members of the initial commission may be appointed
7 to staggered terms of one to four years, and thereafter all terms ~~((of~~
8 ~~appointment))~~ shall be for ~~((four years))~~ two-years. ~~((The governor~~
9 ~~shall consider such physician and physician assistant members who are~~
10 ~~recommended for appointment by the appropriate professional~~
11 ~~associations in the state.))~~ In appointing the initial members of the
12 commission, it is the intent of the legislature that, to the extent
13 possible, the ~~((existing))~~ current members of the ~~((board of medical~~
14 ~~examiners and medical disciplinary board repealed under section 336,~~
15 ~~chapter 9, Laws of 1994 1st sp. sess.))~~ commission not be appointed to
16 the commission. No member may serve more than two consecutive full
17 terms. Each member shall hold office until a successor is
18 ~~((appointed))~~ elected. The department of health shall adopt rules for
19 election procedures.

20 Each member of the commission must be a citizen of the United
21 States, must be ~~((an actual))~~ a resident of this state, and, if a
22 physician, ~~((must have been))~~ be licensed to practice medicine in this
23 state for at least five years.

24 The commission shall meet as soon as practicable after appointment
25 and elect officers each year. Meetings shall be held at least ~~((four~~
26 ~~times a year))~~ once per month at a location designated by the secretary
27 of the department of health and at such place as the commission
28 determines and at such other times and places as the commission deems
29 necessary. A majority of the commission members appointed and/or
30 elected and serving constitutes a quorum for the transaction of
31 commission business. The commission shall have subpoena power.

32 The affirmative vote of a majority of a quorum of the commission is
33 required to carry any motion or resolution, to adopt any rule, or to
34 pass any measure. The commission may appoint panels consisting of ~~((at~~
35 ~~least three members))~~ a majority of public members and at least one
36 health care provider member. A quorum for the transaction of any
37 business by a panel is a minimum of three members. A majority vote of
38 a quorum of the panel is required to transact business delegated to it
39 by the commission. A decision of the panel may be appealed to the full

1 commission within thirty days after a decision has been rendered.
2 Notwithstanding rules of procedure to prevent biased witness testimony,
3 all hearings of any subpanel or the full commission shall be open to
4 the public. Attorneys shall not be present during the proceedings.
5 The commission shall develop procedures for protecting the integrity of
6 the hearings.

7 Each member of the commission shall be compensated in accordance
8 with RCW 43.03.240 and ~~((in addition thereto shall be reimbursed for~~
9 ~~travel expenses incurred in carrying out the duties of the commission~~
10 ~~in accordance with RCW 43.03.050 and 43.03.060. Any such expenses~~
11 ~~shall be paid from funds appropriated to the department of health))~~
12 shall order medical records for each complaint filed or to accept
13 records from a complainant that appear to be genuine. The commission
14 shall be reimbursed by the department of health for any records ordered
15 and shall reimburse the complainant for records submitted upon the
16 completion of an investigation.

17 Whenever the governor is satisfied that a member of a commission
18 has been guilty of neglect of duty, misconduct, or malfeasance or
19 misfeasance in office, the governor shall file with the secretary of
20 state a statement of the causes for and the order of removal ~~((from~~
21 ~~office, and the secretary shall forthwith send a certified copy of the~~
22 ~~statement of causes and order of removal to the last known post office~~
23 ~~address of the member.~~

24 ~~Vacancies in the membership of the commission shall be filled for~~
25 ~~the unexpired term by appointment by the governor))~~ and an election
26 shall be held at the next general election during the year of an
27 alleged offense or in the following year if there are less than ninety
28 calendar days between the alleged offense and the next general
29 election.

30 The members of the commission are immune from suit in ~~((an))~~ a
31 civil action, ~~((civil or criminal,))~~ based on its disciplinary
32 proceedings or other official acts performed in good faith as members
33 of the commission.

34 Whenever the workload of the commission requires, the commission
35 may request that the secretary appoint pro tempore members of the
36 commission. When serving, pro tempore members of the commission have
37 all of the powers, duties, and immunities, and are entitled to all of

1 the emoluments(~~(, including travel expenses,~~) of regularly appointed
2 members of the commission.

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