

SENATE BILL REPORT

SHB 1198

As Passed Senate, April 11, 2019

Title: An act relating to requiring health care providers sanctioned for sexual misconduct to notify patients.

Brief Description: Requiring health care providers sanctioned for sexual misconduct to notify patients.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Cody, Harris, Orwall, Slatter, Macri, Wylie, Eslick, Doglio, Griffey and Robinson).

Brief History: Passed House: 3/04/19, 96-1; 3/04/19, 96-0.

Committee Activity: Health & Long Term Care: 3/22/19, 3/25/19 [DP].

Floor Activity:

Passed Senate: 4/11/19, 47-0.

Brief Summary of Bill

- Requires a health care provider to notify a patient if the provider has been sanctioned for acts of unprofessional conduct involving sexual misconduct and is subject to an order or stipulation issued by a disciplining authority.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Becker, Conway, Dhingra, Frockt, Keiser and Van De Wege.

Staff: Greg Attanasio (786-7410)

Background: All health professions are subject to the Uniform Disciplinary Act (UDA). Under the UDA, the Department of Health (DOH) or a professional board or commission investigates unprofessional conduct claims, and may take disciplinary action against a licensed health care provider. Disciplining actions include fines, license revocations, and restrictions on practice. If the alleged unprofessional conduct involves only sexual

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misconduct, the secretary of DOH serves as the sole disciplining authority. A board or commission that receives such a complaint must forward the matter to the secretary.

In Washington, a person has the right to make their own health care decisions. If a patient is determined to be incapacitated or incompetent to make health care decisions on their own behalf, a surrogate party may speak for the patient, unless the patient indicates otherwise. The people, in order of priority, who may consent to health care decisions on behalf of a patient who is incapacitated or incompetent are:

- an appointed guardian;
- a person with durable power of attorney to make health care decisions;
- a spouse or state registered domestic partner;
- adult children;
- parents; and
- adult siblings.

Summary of Bill: A license holder subject to the UDA that has been sanctioned by a disciplining authority for an act of unprofessional conduct involving sexual misconduct, must provide a disclosure to any patient scheduled for an appointment, or the patient's surrogate decision-maker, during the period of time the license holder is subject to the order or stipulation. The patient or surrogate decision-maker must sign the disclosure and a copy must be maintained in the patient's file. The disclosure is only required to be provided at or prior to the patient's first visit with the license holder following entry of the order or stipulation. The disclosure requirements only apply to license holders who were sanctioned on or after the effective date of this act.

The disclosure must include:

- a copy of the public order or stipulation;
- a description of all sanctions placed on the license holder by the disciplining authority;
- the duration of all sanctions;
- the disciplining authority's telephone number; and
- an explanation of how the patient can find more information about the license holder on the disciplining authority's online license information website.

A disciplining authority may adopt rules to exempt certain types of sexual misconduct from the disclosure requirements. Veterinarians and veterinary technicians are not required to provide the disclosure.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on October 1, 2019.

Staff Summary of Public Testimony: PRO: Patients need information to make informed decisions about who they choose as a provider. Most people do not know where to find

information about the disciplinary history of a provider, and finding the information is an unnecessary burden. This bill will promote patient safety.

Persons Testifying: PRO: Representative Michelle Caldier, Prime Sponsor; Rex Johnson, Washington Advocates for Patient Safety; Yanling Yu, citizen.

Persons Signed In To Testify But Not Testifying: No one.