
HOUSE BILL 1066

State of Washington 58th Legislature 2003 Regular Session

By Representatives Campbell, Cody, Miloscia, Simpson and Hudgins

Read first time 01/15/2003. Referred to Committee on Health Care.

1 AN ACT Relating to health facility quality assurance and patient
2 protection; adding a new chapter to Title 70 RCW; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that it
6 is in the interest of the public health and safety to assure access to
7 quality facility-based health care services that minimizes risks to
8 patient safety. Quality assurance includes the ability of the state to
9 redress risks to patient safety effectively and efficiently with a
10 rapid remediation system that operates in tandem with a broad range of
11 remedies for correcting defective hospital health care services. The
12 availability of a cooperative rapid remediation system in lieu of
13 sanctions offers a prudent opportunity to address health and safety
14 problems that minimizes risks to patient safety and avoids the delays
15 and inconveniences of the formal sanctioning process. In addition, the
16 availability of a selected range of sanctioning options ensures that
17 deficient health standards are addressed in a manner that is tailored
18 to correcting hospital health and safety problems more appropriately.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Administrative action" means a formal process that either the
4 department or a facility may use to determine the existence of a
5 condition that is not compliant with the statutes and rules applicable
6 to that facility and the most appropriate corrective sanctions to
7 correct a noncompliant condition.

8 (2) "Department" means the department of health.

9 (3) "Facility" means a facility or service as listed in section 3
10 of this act.

11 (4) "Informal order" means a description prepared by the department
12 that explains the procedures and methods to be used by a facility to
13 correct conditions at the facility that are not compliant with the
14 statutes and rules applicable to that facility.

15 (5) "Plan of correction" means a description prepared by a facility
16 and approved by the department that explains the procedures and methods
17 to be used to correct conditions at a facility that are not compliant
18 with the statutes and rules applicable to that facility.

19 NEW SECTION. **Sec. 3.** This chapter applies only to those
20 facilities or services specified in this section. This chapter does
21 not apply to a facility or service not specifically cited in this
22 section. The facilities or services covered by this section are:

23 (1) Acute care hospitals licensed under chapter 70.41 RCW;

24 (2) Psychiatric hospitals licensed under chapter 71.12 RCW; and

25 (3) Alcohol and chemical dependency hospitals licensed under
26 chapter 71.12 RCW.

27 NEW SECTION. **Sec. 4.** The department is authorized to survey and
28 inspect facilities as provided in the applicable statutes and rules for
29 those facilities covered under section 3 of this act to determine
30 compliance with the conditions of licensure. In all instances,
31 facilities must provide to the department full and open access to all
32 areas of the premises and all documents and records that are related to
33 the provision of care, the standards of licensure, or the treatment of
34 any patient.

1 NEW SECTION. **Sec. 5.** (1) A facility that fails to comply with the
2 applicable statutes and rules for licensure must make the changes
3 necessary to bring the facility's operation into compliance as required
4 by the department.

5 (2) The department is authorized to use the following procedures to
6 ensure that the facility is compliant with all applicable statutes and
7 rules for licensure:

8 (a) A plan of correction;

9 (b) An informal order; or

10 (c) An administrative action authorized under section 6 of this
11 act.

12 (3) Failure or refusal to comply with the terms of a plan of
13 correction or an informal order are grounds for an administrative
14 action authorized under section 6 of this act. Where an administrative
15 action is brought for these reasons, the department may also address
16 other facility conditions that do not comply with the statutes and
17 rules for licensure, including the conditions that were the basis for
18 the plan of correction or informal order.

19 (4) In determining which procedure to use under subsection (2) of
20 this section, the department shall consider the speed,
21 comprehensiveness, and reliability of the remediation.

22 NEW SECTION. **Sec. 6.** (1) An administrative action must be
23 conducted in accordance with the requirements of an adjudicative
24 proceeding under chapter 34.05 RCW and, as applicable, RCW 43.70.115.

25 (2) During an administrative action, the presiding officer is
26 responsible for conducting the proceedings of an administrative action,
27 issuing findings of fact, and entering orders as provided in chapter
28 34.05 RCW.

29 (3) At the conclusion of an adjudicative proceeding conducted
30 pursuant to an administrative action where the facility is found to
31 have been out of compliance with the applicable statutes and rules for
32 licensure, the presiding officer may enter an order requiring
33 corrective sanctions. In determining the appropriate corrective
34 sanctions, the presiding officer must consider the health, safety, and
35 welfare of the public and, where appropriate, tailor the corrective
36 sanctions to educate and rehabilitate the facility. Corrective
37 sanctions include one or more of the following:

- 1 (a) Revocation of the license;
- 2 (b) Suspension of the license for a fixed or conditional term;
- 3 (c) Restriction, condition, modification, or limitation of the
4 license;
- 5 (d) Requiring the satisfactory completion of a specific training or
6 education program;
- 7 (e) Monitoring and evaluating the hospital through an independent
8 agent approved by the department;
- 9 (f) Censure or reprimand;
- 10 (g) Payment of a fine for each violation not to exceed five
11 thousand dollars per violation. Funds received must be placed in the
12 department's local fee account;
- 13 (h) Requiring the satisfactory completion of a corrective action
14 and payment of all necessary costs for the remedy;
- 15 (i) Requiring the refunding of fees billed to and collected from
16 the patient; and
- 17 (j) Reimbursement of the costs incurred by the department for the
18 investigation of the matter and pursuing the administrative action.
- 19 (4) All costs necessary to comply with an order issued under this
20 section are the obligation of the facility.
- 21 (5) An order may be stayed, in whole or in part, by the department
22 if it is determined to be in the best interest of the public health.
- 23 (6) After a statement of charges has been issued under an
24 administrative action, but prior to the issuance of findings of fact
25 and an order by the presiding officer, the department and the facility
26 may enter into an agreed order disposing of the charges. Such an
27 agreed order must include one or more of the sanctions and specific
28 findings of conditions that are not in compliance with the applicable
29 statutes and rules for licensure.

30 NEW SECTION. **Sec. 7.** The department is authorized to adopt rules
31 consistent with this chapter to carry out the purpose of this chapter.

32 NEW SECTION. **Sec. 8.** This act may be known and cited as the
33 health facility quality assurance and patient protection act.

34 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
35 a new chapter in Title 70 RCW.

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