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SENATE BILL 5833

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State of Washington

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By Senators Deccio, Franklin, Brandland, Keiser, Parlette, Winsley, Thibaudeau and Rasmussen

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1 AN ACT Relating to coordinating and scheduling surveys and audits  
2 of hospitals and health care services and facilities operated or  
3 controlled by hospitals; amending RCW 18.20.110, 18.51.091, 43.09.260,  
4 51.36.110, 69.41.270, 70.41.080, 70.41.120, 70.42.170, 70.62.250,  
5 70.96A.090, 70.98.080, 70.98.090, 70.127.180, 70.168.070, 70.168.080,  
6 71.12.480, 71.12.485, 71.12.500, and 74.09.200; adding a new section to  
7 chapter 18.64 RCW; adding a new section to chapter 43.09 RCW; adding a  
8 new section to chapter 43.20A RCW; adding a new section to chapter  
9 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new  
10 section to chapter 43.70 RCW; adding a new section to chapter 70.175  
11 RCW; adding a new section to chapter 74.39A RCW; adding a new section  
12 to chapter 82.01 RCW; and adding a new chapter to Title 43 RCW.

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

14 NEW SECTION. **Sec. 1.** The legislature finds and declares that it  
15 is in the interest of the public health and safety of patients to  
16 improve the regulatory environment for hospitals and affiliated health  
17 care services and facilities by requiring state agencies that survey  
18 hospitals and their affiliated health care services and facilities to  
19 coordinate the scheduling of surveys and audits, to provide advance

1 notice of surveys and audits to hospitals, and to share information  
2 obtained during surveys and audits. Hospitals and their affiliated  
3 health care services and facilities are surveyed and audited by a  
4 myriad of federal, state, and local agencies, some being subject to  
5 more than a dozen different surveys or audits by state agencies, as  
6 well as being surveyed to be accredited by the joint commission on the  
7 accreditation of health care organizations. The legislature finds that  
8 hospitals, particularly those in rural communities, that provide a  
9 continuum of health care services including nursing homes, assisted  
10 living facilities, or ambulance services, all of which are subject to  
11 licensing surveys, will be better able to respond to surveys and  
12 audits, and implement suggested changes to improve the quality of  
13 patient care, if hospitals are not subject to simultaneous or back-to-  
14 back surveys or audits. Surveys and audits will be more cost-effective  
15 for hospitals and affiliated services and facilities if hospitals are  
16 not required to respond to multiple requests for the same information.

17 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
18 otherwise, the definitions in this section apply throughout this  
19 chapter.

20 (1) "Agency" means a department of state government created under  
21 RCW 43.17.010 and the office of the state auditor.

22 (2) "Audit" means an examination of records or financial accounts  
23 to evaluate accuracy and monitor compliance with statutory or  
24 regulatory requirements.

25 (3) "Hospital" means a hospital licensed under chapter 70.41 RCW.

26 (4) "Hospital services or facilities" means licensed or certified  
27 health care services or facilities operated or controlled by a  
28 hospital, including ambulance services, assisted living facilities,  
29 boarding homes, chemical dependency or psychiatric facilities, home  
30 health services, hospice, nursing homes, pharmacies, and rural health  
31 clinics.

32 (5) "Survey" means an inspection, examination, or site visit  
33 conducted by an agency to evaluate and monitor the compliance of a  
34 hospital or hospital services or facilities with statutory or  
35 regulatory requirements.

1           NEW SECTION.   **Sec. 3.** (1) Except as provided in subsection (2) of  
2 this section, an agency that conducts surveys or audits of hospitals or  
3 hospital services or facilities shall:

4           (a) Coordinate the scheduling of all surveys and audits with  
5 programs of that agency and with other agencies and take into  
6 consideration surveys and audits scheduled by the joint commission on  
7 the accreditation of health care organizations;

8           (b) Only schedule audits or surveys at least four weeks before or  
9 four weeks after another audit or survey;

10          (c) Develop a process to resolve conflicts regarding scheduling  
11 surveys and audits; and

12          (d) Unless prohibited by state or federal law, provide a hospital  
13 or a hospital service or facility written notice, at least four weeks  
14 prior to the survey or audit, of: (i) The date the survey or audit  
15 will start; and (ii) the estimated number of days that the survey or  
16 audit will last.

17          (2) Subsection (1) of this section does not apply to investigations  
18 and site visits not conducted as part of a regularly scheduled survey  
19 or audit that are: (a) In response to a complaint received by an  
20 agency; or (b) requested by a hospital.

21           NEW SECTION.   **Sec. 4.** (1) Hospitals and hospital services or  
22 facilities are required to provide the same information and documents  
23 pertaining to surveys and audits to agencies only once every twelve  
24 months. If a hospital or hospital service or facility has already  
25 provided information and documents to one agency during a twelve-month  
26 period, a program within that agency or another agency requesting the  
27 same information and documents may obtain the information and documents  
28 from the agency that already received the information and documents  
29 from the hospital or hospital service or facility and may not require  
30 the hospital or hospital service or facility to provide the information  
31 or documents.

32          (2) An agency is permitted to disclose information and documents  
33 obtained from surveys and audits of hospitals and hospital services and  
34 facilities to programs within the agency and to other agencies,  
35 provided that the information and documents disclosed would otherwise  
36 be available to the program or agency seeking the information and  
37 documents.

1 (3) An agency may not retaliate against a hospital or hospital  
2 service or facility that refuses to provide information or documents  
3 that already have been provided to a program within that agency or to  
4 another agency in accordance with subsection (1) of this section.

5 NEW SECTION. **Sec. 5.** (1) If an agency does not comply with the  
6 requirements of this chapter, a hospital or hospital service or  
7 facility may refuse to allow the agency to conduct the survey or audit  
8 at the time selected by the agency and the agency must reschedule the  
9 audit or survey in accordance with the requirements of this chapter.

10 (2) An agency may not retaliate against a hospital or hospital  
11 service or facility that refuses to allow the agency to conduct a  
12 survey or audit because the agency has not complied with the  
13 requirements of this chapter.

14 NEW SECTION. **Sec. 6.** The department of health is responsible for  
15 implementing and assuring compliance with this chapter.

16 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.64 RCW  
17 to read as follows:

18 The board of pharmacy shall coordinate and schedule surveys,  
19 audits, and inspections of hospitals licensed under chapter 70.41 RCW  
20 and health care services or facilities operated or controlled by  
21 hospitals licensed under chapter 70.41 RCW in accordance with chapter  
22 43.-- RCW (sections 1 through 6 of this act).

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.09 RCW  
24 to read as follows:

25 The auditor shall coordinate and schedule surveys, audits, and  
26 inspections of hospitals licensed under chapter 70.41 RCW and health  
27 care services or facilities operated or controlled by hospitals  
28 licensed under chapter 70.41 RCW in accordance with chapter 43.-- RCW  
29 (sections 1 through 6 of this act).

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.20A RCW  
31 to read as follows:

32 The department of social and health services shall coordinate and  
33 schedule surveys, audits, and inspections of hospitals licensed under

1 chapter 70.41 RCW and health care services or facilities operated or  
2 controlled by hospitals licensed under chapter 70.41 RCW in accordance  
3 with chapter 43-- RCW (sections 1 through 6 of this act).

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.21A  
5 RCW to read as follows:

6 The department of ecology shall coordinate and schedule surveys,  
7 audits, and inspections of hospitals licensed under chapter 70.41 RCW  
8 and health care services or facilities operated or controlled by  
9 hospitals licensed under chapter 70.41 RCW in accordance with chapter  
10 43.-- RCW (sections 1 through 6 of this act).

11 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.22 RCW  
12 to read as follows:

13 The department of labor and industries shall coordinate and  
14 schedule surveys, audits, and inspections of hospitals licensed under  
15 chapter 70.41 RCW and health care services or facilities operated or  
16 controlled by hospitals licensed under chapter 70.41 RCW in accordance  
17 with chapter 43.-- RCW (sections 1 through 6 of this act).

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.70 RCW  
19 to read as follows:

20 The department of health shall coordinate and schedule surveys,  
21 audits, and inspections of hospitals licensed under chapter 70.41 RCW  
22 and health care services or facilities operated or controlled by  
23 hospitals licensed under chapter 70.41 RCW in accordance with chapter  
24 43.-- RCW (sections 1 through 6 of this act).

25 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.175  
26 RCW to read as follows:

27 The department of health shall coordinate and schedule any surveys,  
28 audits, or inspections of rural health care facilities in accordance  
29 with chapter 43.-- RCW (sections 1 through 6 of this act).

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 74.39A  
31 RCW to read as follows:

32 The department of social and health services shall coordinate and  
33 schedule surveys, audits, and inspections of assisted living services,

1 adult residential care services, or enhanced adult residential care  
2 services operated or controlled by a hospital licensed under chapter  
3 70.41 RCW in accordance with chapter 43.-- RCW (sections 1 through 6 of  
4 this act).

5 NEW SECTION. **Sec. 15.** A new section is added to chapter 82.01 RCW  
6 to read as follows:

7 The department of revenue shall coordinate and schedule surveys,  
8 audits, and inspections of hospitals licensed under chapter 70.41 RCW  
9 and health care services or facilities operated or controlled by  
10 hospitals licensed under chapter 70.41 RCW in accordance with chapter  
11 43.-- RCW (sections 1 through 6 of this act).

12 **Sec. 16.** RCW 18.20.110 and 2000 c 47 s 4 are each amended to read  
13 as follows:

14 The department shall make or cause to be made at least a yearly  
15 inspection and investigation of all boarding homes. Inspections and  
16 investigations of boarding homes operated or controlled by hospitals  
17 licensed under chapter 70.41 RCW must be coordinated and scheduled in  
18 accordance with chapter 43.-- RCW (sections 1 through 6 of this act).  
19 Every inspection shall focus primarily on actual or potential resident  
20 outcomes, and may include an inspection of every part of the premises  
21 and an examination of all records (other than financial records),  
22 methods of administration, the general and special dietary, and the  
23 stores and methods of supply. Following such an inspection or  
24 inspections, written notice of any violation of this law or the rules  
25 adopted hereunder shall be given to the applicant or licensee and the  
26 department. The department may prescribe by rule that any licensee or  
27 applicant desiring to make specified types of alterations or additions  
28 to its facilities or to construct new facilities shall, before  
29 commencing such alteration, addition, or new construction, submit plans  
30 and specifications therefor to the agencies responsible for plan  
31 reviews for preliminary inspection and approval or recommendations with  
32 respect to compliance with the rules and standards herein authorized.

33 **Sec. 17.** RCW 18.51.091 and 1987 c 476 s 24 are each amended to  
34 read as follows:

35 The department shall make or cause to be made at least one

1 inspection of each nursing home prior to license renewal and shall  
2 inspect community-based services as part of the licensing renewal  
3 survey. The inspection shall be made without providing advance notice  
4 of it. Inspections of nursing homes operated or controlled by  
5 hospitals licensed under chapter 70.41 RCW must be coordinated and  
6 scheduled in accordance with chapter 43.-- RCW (sections 1 through 6 of  
7 this act). Every inspection may include an inspection of every part of  
8 the premises and an examination of all records, methods of  
9 administration, the general and special dietary and the stores and  
10 methods of supply. Those nursing homes that provide community-based  
11 care shall establish and maintain separate and distinct accounting and  
12 other essential records for the purpose of appropriately allocating  
13 costs of the providing of such care: PROVIDED, That such costs shall  
14 not be considered allowable costs for reimbursement purposes under  
15 chapter 74.46 RCW. Following such inspection or inspections, written  
16 notice of any violation of this law or ((the)) rules ((and regulations  
17 promulgated hereunder,)) shall be given the applicant or licensee and  
18 the department. The notice shall describe the reasons for the  
19 facility's noncompliance. The department may prescribe by  
20 ((regulations)) rule that any licensee or applicant desiring to make  
21 specified types of alterations or additions to its facilities or to  
22 construct new facilities shall, before commencing such alteration,  
23 addition or new construction, submit its plans and specifications  
24 therefor to the department for preliminary inspection and approval or  
25 recommendations with respect to compliance with the ((regulations))  
26 rules and standards ((herein)) authorized.

27 **Sec. 18.** RCW 43.09.260 and 1995 c 301 s 15 are each amended to  
28 read as follows:

29 The examination of the financial affairs of all local governments  
30 shall be made at such reasonable, periodic intervals as the state  
31 auditor shall determine. However, an examination of the financial  
32 affairs of all local governments shall be made at least once in every  
33 three years, and an examination of individual local government health  
34 and welfare benefit plans and local government self-insurance programs  
35 shall be made at least once every two years. The term local  
36 governments for purposes of this chapter includes but is not limited to

1 all counties, cities, and other political subdivisions, municipal  
2 corporations, and quasi-municipal corporations, however denominated.

3 The state auditor shall establish a schedule to govern the auditing  
4 of local governments which shall include: A designation of the various  
5 classifications of local governments; a designation of the frequency  
6 for auditing each type of local government; and a description of events  
7 which cause a more frequent audit to be conducted.

8 Examinations of hospitals licensed under chapter 70.41 RCW and  
9 health care services and facilities operated or controlled by hospitals  
10 licensed under chapter 70.41 RCW must be coordinated and scheduled in  
11 accordance with chapter 43.-- RCW (sections 1 through 6 of this act).

12 On every such examination, inquiry shall be made as to the  
13 financial condition and resources of the local government; whether the  
14 Constitution and laws of the state, the ordinances and orders of the  
15 local government, and the requirements of the state auditor have been  
16 properly complied with; and into the methods and accuracy of the  
17 accounts and reports.

18 A report of such examination shall be made and filed in the office  
19 of state auditor, and one copy shall be transmitted to the local  
20 government. A copy of any report containing findings of noncompliance  
21 with state law shall be transmitted to the attorney general. If any  
22 such report discloses malfeasance, misfeasance, or nonfeasance in  
23 office on the part of any public officer or employee, within thirty  
24 days from the receipt of his or her copy of the report, the attorney  
25 general shall institute, in the proper county, such legal action as is  
26 proper in the premises by civil process and prosecute the same to final  
27 determination to carry into effect the findings of the examination.

28 It shall be unlawful for any local government or the responsible  
29 head thereof, to make a settlement or compromise of any claim arising  
30 out of such malfeasance, misfeasance, or nonfeasance, or any action  
31 commenced therefor, or for any court to enter upon any compromise or  
32 settlement of such action, without the written approval and consent of  
33 the attorney general and the state auditor.

34 **Sec. 19.** RCW 51.36.110 and 1994 c 154 s 312 are each amended to  
35 read as follows:

36 The director of the department of labor and industries or the  
37 director's authorized representative shall have the authority to:



1 (1) Conduct audits and investigations of providers of medical,  
2 chiropractic, dental, vocational, and other health services furnished  
3 to industrially injured workers pursuant to Title 51 RCW. In the  
4 conduct of such audits or investigations, the director or the  
5 director's authorized representatives may examine all records, or  
6 portions thereof, including patient records, for which services were  
7 rendered by a health services provider and reimbursed by the  
8 department, notwithstanding the provisions of any other statute which  
9 may make or purport to make such records privileged or confidential(~~(+  
10 PROVIDED, That no~~)). However, original patient records (~~(shall)~~) may  
11 not be removed from the premises of the health services provider, and  
12 that the disclosure of any records or information obtained under  
13 authority of this section by the department of labor and industries is  
14 prohibited and constitutes a violation of RCW 42.52.050, unless such  
15 disclosure is directly connected to the official duties of the  
16 department(~~(+ AND PROVIDED FURTHER, That)~~). The disclosure of patient  
17 information as required under this section shall not subject any  
18 physician or other health services provider to any liability for breach  
19 of any confidential relationships between the provider and the  
20 patient(~~(+ AND PROVIDED FURTHER, That)~~). The director or the  
21 director's authorized representative shall destroy all copies of  
22 patient medical records in their possession upon completion of the  
23 audit, investigation, or proceedings. Audits and investigations of  
24 hospitals licensed under chapter 70.41 RCW and health care services or  
25 facilities operated or controlled by hospitals licensed under chapter  
26 70.41 RCW must be coordinated and scheduled in accordance with chapter  
27 43.-- RCW (sections 1 through 6 of this act);

28 (2) Approve or deny applications to participate as a provider of  
29 services furnished to industrially injured workers pursuant to Title 51  
30 RCW; and

31 (3) Terminate or suspend eligibility to participate as a provider  
32 of services furnished to industrially injured workers pursuant to Title  
33 51 RCW.

34 **Sec. 20.** RCW 69.41.270 and 1989 c 352 s 5 are each amended to read  
35 as follows:

36 A pharmaceutical manufacturer, wholesaler, pharmacy, or

1 practitioner who purchases, dispenses, or distributes legend drugs  
2 shall maintain invoices or such other records as are necessary to  
3 account for the receipt and disposition of the legend drugs.

4 The records maintained pursuant to this section shall be available  
5 for inspection by the board and its authorized representatives and  
6 shall be maintained for two years. Inspections of pharmacies operated  
7 or controlled by hospitals licensed under chapter 70.41 RCW must be  
8 coordinated and scheduled in accordance with chapter 43.-- RCW  
9 (sections 1 through 6 of this act).

10 **Sec. 21.** RCW 70.41.080 and 1995 c 369 s 40 are each amended to  
11 read as follows:

12 Standards for fire protection and the enforcement thereof, with  
13 respect to all hospitals to be licensed (~~hereunder~~) under this  
14 chapter shall be the responsibility of the chief of the Washington  
15 state patrol, through the director of fire protection, who shall adopt,  
16 after approval by the department, such recognized standards as may be  
17 applicable to hospitals for the protection of life against the cause  
18 and spread of fire and fire hazards. The department upon receipt of an  
19 application for a license, shall submit to the director of fire  
20 protection in writing, a request for an inspection, giving the  
21 applicant's name and the location of the premises to be licensed. Upon  
22 receipt of such a request, the chief of the Washington state patrol,  
23 through the director of fire protection, or his or her deputy, shall  
24 make an inspection of the hospital to be licensed, and if it is found  
25 that the premises do not comply with the required safety standards and  
26 fire regulations as adopted pursuant to this chapter, he or she shall  
27 promptly make a written report to the hospital and to the department  
28 listing the corrective actions required and the time allowed for  
29 accomplishing such corrections. The applicant or licensee shall notify  
30 the chief of the Washington state patrol, through the director of fire  
31 protection, upon completion of any corrections required by him or her,  
32 and the chief of the Washington state patrol, through the director of  
33 fire protection, or his or her deputy, shall make a reinspection of  
34 such premises. Whenever the hospital to be licensed meets with the  
35 approval of the chief of the Washington state patrol, through the  
36 director of fire protection, he or she shall submit to the department  
37 a written report approving the hospital with respect to fire

1 protection, and such report is required before a full license can be  
2 issued. The chief of the Washington state patrol, through the director  
3 of fire protection, shall make or cause to be made inspections of such  
4 hospitals at least once a year. Inspections must be coordinated and  
5 scheduled in accordance with chapter 43.-- RCW (sections 1 through 6 of  
6 this act).

7 In cities which have in force a comprehensive building code, the  
8 provisions of which are determined by the chief of the Washington state  
9 patrol, through the director of fire protection, to be equal to the  
10 minimum standards of the code for hospitals adopted by the chief of the  
11 Washington state patrol, through the director of fire protection, the  
12 chief of the fire department, provided the latter is a paid chief of a  
13 paid fire department, shall make the inspection with the chief of the  
14 Washington state patrol, through the director of fire protection, or  
15 his or her deputy and they shall jointly approve the premises before a  
16 full license can be issued.

17 **Sec. 22.** RCW 70.41.120 and 1995 c 282 s 4 are each amended to read  
18 as follows:

19 The department shall make or cause to be made at least yearly an  
20 inspection of all hospitals. Every inspection of a hospital may  
21 include an inspection of every part of the premises. The department  
22 may make an examination of all phases of the hospital operation  
23 necessary to determine compliance with the law and the standards((~~7~~))  
24 and rules ((and regulations adopted thereunder)) adopted under the law.  
25 Any licensee or applicant desiring to make alterations or additions to  
26 its facilities or to construct new facilities shall, before commencing  
27 such alteration, addition, or new construction, comply with the  
28 ((~~regulations prescribed~~)) rules adopted by the department.

29 No hospital licensed pursuant to the provisions of this chapter  
30 shall be required to be inspected or licensed under other state laws or  
31 rules ((~~and regulations promulgated thereunder~~)), or local ordinances,  
32 relative to hotels, restaurants, lodging houses, boarding houses,  
33 places of refreshment, nursing homes, maternity homes, or psychiatric  
34 hospitals.

35 To avoid unnecessary duplication in inspections, the department  
36 shall coordinate with the department of social and health services when  
37 inspecting facilities over which both agencies have jurisdiction, the

1 facilities including but not necessarily being limited to hospitals  
2 with both acute care and skilled nursing or psychiatric nursing  
3 functions. Surveys, inspections, and audits of hospitals must be  
4 coordinated and scheduled in accordance with chapter 43.-- RCW  
5 (sections 1 through 6 of this act).

6 **Sec. 23.** RCW 70.42.170 and 1989 c 386 s 18 are each amended to  
7 read as follows:

8 The department may at any time conduct an on-site review of a  
9 licensee or applicant in order to determine compliance with this  
10 chapter. However, an on-site review of test sites operated or  
11 controlled by hospitals licensed under chapter 70.41 RCW must be  
12 coordinated and scheduled in accordance with chapter 43.-- RCW  
13 (sections 1 through 6 of this act). When the department has reason to  
14 believe a waived site is conducting tests requiring a license, the  
15 department may conduct an on-site review of the waived site in order  
16 to determine compliance. The department may also examine and audit  
17 records necessary to determine compliance with this chapter. The right  
18 to conduct an on-site review and audit and examination of records shall  
19 extend to any premises and records of persons whom the department has  
20 reason to believe are opening, owning, conducting, maintaining,  
21 managing, or otherwise operating a test site without a license.

22 Following an on-site review, the department shall give written  
23 notice of any violation of this chapter or the rules adopted under this  
24 chapter. The notice shall describe the reasons for noncompliance and  
25 inform the licensee or applicant or test site operator that it shall  
26 comply within a specified reasonable time. If the licensee or  
27 applicant or test site operator fails to comply, the department may  
28 take disciplinary action under RCW 70.42.120 through 70.42.150, or  
29 further action as authorized by this chapter.

30 **Sec. 24.** RCW 70.62.250 and 1971 ex.s. c 239 s 6 are each amended  
31 to read as follows:

32 The department is hereby granted and shall have and exercise, in  
33 addition to the powers herein granted, all the powers necessary and  
34 appropriate to carry out and execute the purposes of this chapter,  
35 including but not limited to the power:

1 (1) To develop (~~such~~) rules (~~and regulations~~) for proposed  
2 adoption by the board as may be necessary to implement the purposes of  
3 this chapter;

4 (2) To enter and inspect at any reasonable time any transient  
5 accommodation and to make such investigations as are reasonably  
6 necessary to carry out the provisions of this chapter and any rules  
7 (~~and regulations promulgated thereunder: PROVIDED, That no~~) adopted  
8 under this chapter. However, a room or suite (~~shall~~) may not be  
9 entered for inspection unless (~~said~~) the room or suite is not  
10 occupied by any patron or guest of the transient accommodation at the  
11 time of entry. Inspections of transient accommodations operated or  
12 controlled by hospitals licensed under chapter 70.41 RCW must be  
13 coordinated and scheduled in accordance with chapter 43.-- RCW  
14 (sections 1 through 6 of this act);

15 (3) To perform such other duties and employ such personnel as may  
16 be necessary to carry out the provisions of this chapter; and

17 (4) To administer and enforce the provisions of this chapter and  
18 the rules (~~and regulations promulgated thereunder~~) adopted by the  
19 board.

20 **Sec. 25.** RCW 70.96A.090 and 1995 c 312 s 46 are each amended to  
21 read as follows:

22 (1) The department shall adopt rules establishing standards for  
23 approved treatment programs, the process for the review and inspection  
24 program applying to the department for certification as an approved  
25 treatment program, and fixing the fees to be charged by the department  
26 for the required inspections. The standards may concern the health  
27 standards to be met and standards of services and treatment to be  
28 afforded patients.

29 (2) The department may suspend, revoke, limit, restrict, or modify  
30 an approval, or refuse to grant approval, for failure to meet the  
31 provisions of this chapter, or the standards adopted under this  
32 chapter. RCW 43.20A.205 governs notice of a license denial,  
33 revocation, suspension, or modification and provides the right to an  
34 adjudicative proceeding.

35 (3) No treatment program may advertise or represent itself as an  
36 approved treatment program if approval has not been granted, or has  
37 been denied, suspended, revoked, or canceled.

1 (4) Certification as an approved treatment program is effective for  
2 one calendar year from the date of issuance of the certificate. The  
3 certification shall specify the types of services provided by the  
4 approved treatment program that meet the standards adopted under this  
5 chapter. Renewal of certification shall be made in accordance with  
6 this section for initial approval and in accordance with the standards  
7 set forth in rules adopted by the secretary.

8 (5) Approved treatment programs shall not provide alcoholism or  
9 other drug addiction treatment services for which the approved  
10 treatment program has not been certified. Approved treatment programs  
11 may provide services for which approval has been sought and is pending,  
12 if approval for the services has not been previously revoked or denied.

13 (6) The department periodically shall inspect approved public and  
14 private treatment programs at reasonable times and in a reasonable  
15 manner. Inspections of treatment programs operated or controlled by  
16 hospitals licensed under chapter 70.41 RCW must be coordinated and  
17 scheduled in accordance with chapter 43.-- RCW (sections 1 through 6 of  
18 this act).

19 (7) The department shall maintain and periodically publish a  
20 current list of approved treatment programs.

21 (8) Each approved treatment program shall file with the department  
22 on request, data, statistics, schedules, and information the department  
23 reasonably requires. An approved treatment program that without good  
24 cause fails to furnish any data, statistics, schedules, or information  
25 as requested, or files fraudulent returns thereof, may be removed from  
26 the list of approved treatment programs, and its certification revoked  
27 or suspended.

28 (9) The department shall use the data provided in subsection (8) of  
29 this section to evaluate each program that admits children to inpatient  
30 treatment upon application of their parents. The evaluation shall be  
31 done at least once every twelve months. In addition, the department  
32 shall randomly select and review the information on individual children  
33 who are admitted on application of the child's parent for the purpose  
34 of determining whether the child was appropriately placed into  
35 treatment based on an objective evaluation of the child's condition and  
36 the outcome of the child's treatment.

37 (10) Upon petition of the department and after a hearing held upon  
38 reasonable notice to the facility, the superior court may issue a

1 warrant to an officer or employee of the department authorizing him or  
2 her to enter and inspect at reasonable times, and examine the books and  
3 accounts of, any approved public or private treatment program refusing  
4 to consent to inspection or examination by the department or which the  
5 department has reasonable cause to believe is operating in violation of  
6 this chapter.

7 **Sec. 26.** RCW 70.98.080 and 1984 c 96 s 1 are each amended to read  
8 as follows:

9 (1) The agency shall provide by rule (~~(or regulation)~~) for general  
10 or specific licensing of byproduct, source, special nuclear materials,  
11 or devices or equipment utilizing such materials, or other radioactive  
12 material occurring naturally or produced artificially. Such rule (~~(or~~  
13 ~~regulation)~~) shall provide for amendment, suspension, or revocation of  
14 licenses. Such rule (~~(or regulation)~~) shall provide that:

15 (a) Each application for a specific license shall be in writing and  
16 shall state such information as the agency, by rule (~~(or regulation)~~),  
17 may determine to be necessary to decide the technical, insurance, and  
18 financial qualifications, or any other qualification of the applicant  
19 as the agency may deem reasonable and necessary to protect the  
20 occupational and public health and safety. The agency may at any time  
21 after the filing of the application, and before the expiration of the  
22 license, require further written statements and shall make such  
23 inspections as the agency deems necessary in order to determine whether  
24 the license should be granted or denied or whether the license should  
25 be modified, suspended, or revoked. In no event shall the agency grant  
26 a specific license to any applicant who has never possessed a specific  
27 license issued by a recognized state or federal authority until the  
28 agency has conducted an inspection which insures that the applicant can  
29 meet the rules(~~(, regulations)~~) and standards adopted pursuant to this  
30 chapter. Inspection of hospitals licensed under chapter 70.41 RCW and  
31 health care services or facilities operated or controlled by hospitals  
32 licensed under chapter 70.41 RCW must be coordinated and scheduled in  
33 accordance with chapter 43.-- RCW (sections 1 through 6 of this act).  
34 All applications and statements shall be signed by the applicant or  
35 licensee. The agency may require any applications or statements to be  
36 made under oath or affirmation;

1 (b) Each license shall be in such form and contain such terms and  
2 conditions as the agency may by rule (~~(or regulation)~~) prescribe;

3 (c) No license issued under the authority of this chapter and no  
4 right to possess or utilize sources of ionizing radiation granted by  
5 any license shall be assigned or in any manner disposed of; and

6 (d) The terms and conditions of all licenses shall be subject to  
7 amendment, revision, or modification by rules(~~(, regulations)~~) or  
8 orders issued in accordance with the provisions of this chapter.

9 (2) Before the agency issues a license to an applicant under this  
10 section, it shall give notice of such application to the chief  
11 executive officer of the incorporated city or town, if the application  
12 is for a license within an incorporated city or town, or to the county  
13 legislative authority, if the application is for a license outside the  
14 boundaries of incorporated cities or towns. The incorporated city or  
15 town, through the official or employee selected by it, or the county  
16 legislative authority or the official or employee selected by it, shall  
17 have the right to file with the agency within twenty days after date of  
18 transmittal of such notice, written objections against the applicant or  
19 against the activity for which the license is sought, and shall include  
20 with such objections a statement of all facts upon which such  
21 objections are based, and in case written objections are filed, may  
22 request and the agency may in its discretion hold a formal hearing  
23 under chapter 34.05 RCW. Upon the granting of a license under this  
24 section the agency shall send a duplicate of the license or written  
25 notification to the chief executive officer of the incorporated city or  
26 town in which the license is granted, or to the county legislative  
27 authority if the license is granted outside the boundaries of  
28 incorporated cities or towns.

29 This subsection shall not apply to activities conducted within the  
30 boundaries of the Hanford reservation.

31 (3) The agency may require registration of all sources of ionizing  
32 radiation.

33 (4) The agency may exempt certain sources of ionizing radiation or  
34 kinds of uses or users from the registration or licensing requirements  
35 set forth in this section when the agency makes a finding after  
36 approval of the technical advisory board that the exemption of such  
37 sources of ionizing radiation or kinds of uses or users will not  
38 constitute a significant risk to the health and safety of the public.



1 (5) In (~~promulgating rules and regulations pursuant to~~) adopting  
2 rules under this chapter the agency shall, insofar as practical, strive  
3 to avoid requiring dual licensing, and shall provide for such  
4 recognition of other state or federal licenses as the agency shall deem  
5 desirable, subject to such registration requirements as the agency may  
6 prescribe.

7 **Sec. 27.** RCW 70.98.090 and 1985 c 372 s 2 are each amended to read  
8 as follows:

9 The agency or its duly authorized representative shall have the  
10 power to enter at all reasonable times upon any private or public  
11 property for the purpose of determining whether or not there is  
12 compliance with or violation of the provisions of this chapter and  
13 rules (~~and regulations issued thereunder~~) adopted under this chapter.  
14 Inspection of hospitals licensed under chapter 70.41 RCW and health  
15 care services or facilities operated or controlled by hospitals  
16 licensed under chapter 70.41 RCW must be coordinated and scheduled in  
17 accordance with chapter 43.-- RCW (sections 1 through 6 of this act).

18 **Sec. 28.** RCW 70.127.180 and 2000 c 175 s 15 are each amended to  
19 read as follows:

20 (1) The department may at any time conduct a survey of all records  
21 and operations of a licensee in order to determine compliance with this  
22 chapter. The department may conduct in-home visits to observe  
23 patient/client care and services. The right to conduct a survey shall  
24 extend to any premises and records of persons whom the department has  
25 reason to believe are providing home health, hospice, or home care  
26 services without a license. Surveys of licensees operated or  
27 controlled by hospitals licensed under chapter 70.41 RCW must be  
28 coordinated and scheduled in accordance with chapter 43.-- RCW  
29 (sections 1 through 6 of this act).

30 (2) Following a survey, the department shall give written notice of  
31 any violation of this chapter or the rules adopted under this chapter.  
32 The notice shall describe the reasons for noncompliance.

33 (3) The licensee may be subject to formal enforcement action under  
34 RCW 70.127.170 if the department determines: (a) The licensee has  
35 previously been subject to a formal enforcement action for the same or  
36 similar type of violation of the same statute or rule, or has been

1 given previous notice of the same or similar type of violation of the  
2 same statute or rule; (b) the licensee failed to achieve compliance  
3 with a statute, rule, or order by the date established in a previously  
4 issued notice or order; (c) the violation resulted in actual serious  
5 physical or emotional harm or immediate threat to the health, safety,  
6 welfare, or rights of one or more individuals; or (d) the violation has  
7 a potential for serious physical or emotional harm or immediate threat  
8 to the health, safety, welfare, or rights of one or more individuals.

9       **Sec. 29.** RCW 70.168.070 and 1990 c 269 s 9 are each amended to  
10 read as follows:

11       Any hospital or health care facility that desires to be authorized  
12 to provide a designated trauma care service shall request designation  
13 from the department. Designation involves a contractual relationship  
14 between the state and a hospital or health care facility whereby each  
15 agrees to maintain a level of commitment and resources sufficient to  
16 meet responsibilities and standards required by the statewide emergency  
17 medical services and trauma care system plan. By January 1992, the  
18 department shall determine by rule the manner and form of such  
19 requests. Upon receiving a request, the department shall review the  
20 request to determine whether the hospital or health care facility is in  
21 compliance with standards for the trauma care service or services for  
22 which designation is desired. If requests are received from more than  
23 one hospital or health care facility within the same emergency medical  
24 planning and trauma care planning and service region, the department  
25 shall select the most qualified applicant or applicants to be selected  
26 through a competitive process. Any applicant not designated may  
27 request a hearing to review the decision.

28       Designations are valid for a period of three years and are  
29 renewable upon receipt of a request for renewal prior to expiration  
30 from the hospital or health care facility. When an authorization for  
31 designation is due for renewal other hospitals and health care  
32 facilities in the area may also apply and compete for designation.  
33 Regional emergency medical and trauma care councils shall be notified  
34 promptly of designated hospitals and health care facilities in their  
35 region so they may incorporate them into the regional plan as required  
36 by this chapter. The department may revoke or suspend the designation  
37 should it determine that the hospital or health care facility is

1 substantially out of compliance with the standards and has refused or  
2 been unable to comply after a reasonable period of time has elapsed.  
3 The department shall promptly notify the regional emergency medical and  
4 trauma care planning and service region of suspensions or revocations.  
5 Any facility whose designation has been revoked or suspended may  
6 request a hearing to review the action by the department as provided  
7 for in chapter 34.05 RCW.

8 As a part of the process to designate and renew the designation of  
9 hospitals authorized to provide level I, II, or III trauma care  
10 services or level I, II, and III pediatric trauma care services, the  
11 department shall contract for on-site reviews of such hospitals to  
12 determine compliance with required standards. The department may  
13 contract for on-site reviews of hospitals and health care facilities  
14 authorized to provide level IV or V trauma care services or level I, I-  
15 pediatric, II, or III trauma-related rehabilitative services to  
16 determine compliance with required standards. Members of on-site  
17 review teams and staff included in site visits are exempt from RCW  
18 42.17.250 through 42.17.450. They may not divulge and cannot be  
19 subpoenaed to divulge information obtained or reports written pursuant  
20 to this section in any civil action, except, after in camera review,  
21 pursuant to a court order which provides for the protection of  
22 sensitive information of interested parties including the department:  
23 (1) In actions arising out of the department's designation of a  
24 hospital or health care facility pursuant to this section; (2) in  
25 actions arising out of the department's revocation or suspension of  
26 designation status of a hospital or health care facility under this  
27 section; or (3) in actions arising out of the restriction or revocation  
28 of the clinical or staff privileges of a health care provider as  
29 defined in RCW (~~70.70.020~~) 7.70.020 (1) and (2), subject to any  
30 further restrictions on disclosure in RCW 4.24.250 that may apply.  
31 Information that identifies individual patients shall not be publicly  
32 disclosed without the patient's consent. When a facility requests  
33 designation for more than one service, the department may coordinate  
34 the joint consideration of such requests.

35 On-site reviews, inspections or surveys of hospitals licensed under  
36 chapter 70.41 RCW or health care facilities operated or controlled by  
37 hospitals licensed under chapter 70.41 RCW must be coordinated and

1 scheduled in accordance with chapter 43.-- RCW (sections 1 through 6 of  
2 this act).

3 The department may establish fees to help defray the costs of this  
4 section, though such fees shall not be assessed to health care  
5 facilities authorized to provide level IV and V trauma care services.

6 This section shall not restrict the authority of a hospital or a  
7 health care provider licensed under Title 18 RCW to provide services  
8 which it has been authorized to provide by state law.

9 **Sec. 30.** RCW 70.168.080 and 1990 c 269 s 10 are each amended to  
10 read as follows:

11 (1) Any provider desiring to provide a verified prehospital trauma  
12 care service shall indicate on the licensing application how they meet  
13 the standards required for verification as a provider of this service.  
14 The department shall notify the regional emergency medical services and  
15 trauma care councils of the providers of verified trauma care services  
16 in their regions. The department may conduct on-site reviews of  
17 prehospital providers to assess compliance with the applicable  
18 standards. On-site reviews, inspections, or surveys of prehospital  
19 providers operated or controlled by hospitals licensed under chapter  
20 70.41 RCW must be coordinated and scheduled in accordance with chapter  
21 43.-- RCW (sections 1 through 6 of this act).

22 (2) Should the department determine that a prehospital provider is  
23 substantially out of compliance with the standards, the department  
24 shall notify the regional emergency medical services and trauma care  
25 council. If the failure of a prehospital provider to comply with the  
26 applicable standards results in the region being out of compliance with  
27 its regional plan, the council shall take such steps necessary to  
28 assure the region is brought into compliance within a reasonable period  
29 of time. The council may seek assistance and funding from the  
30 department and others to provide training or grants necessary to bring  
31 a prehospital provider into compliance. The council may appeal to the  
32 department for modification of the regional plan if it is unable to  
33 assure continued compliance with the regional plan. The department may  
34 authorize modification of the plan if such modifications meet the  
35 requirements of this chapter. The department may suspend or revoke the  
36 authorization of a prehospital provider to provide a verified  
37 prehospital service if the provider has refused or been unable to

1 comply after a reasonable period of time has elapsed. The council  
2 shall be notified promptly of any revocations or suspensions. Any  
3 prehospital provider whose verification has been suspended or revoked  
4 may request a hearing to review the action by the department as  
5 provided for in chapter 34.05 RCW.

6 (3) The department may grant a variance from provisions of this  
7 section if the department determines: (a) That no detriment to public  
8 health and safety will result from the variance, and (b) compliance  
9 with provisions of this section will cause a reduction or loss of  
10 existing prehospital services. Variances may be granted for a period  
11 not to exceed one year. A variance may be renewed by the department.  
12 If a renewal is granted, a plan of compliance shall be prepared  
13 specifying steps necessary to bring a provider or region into  
14 compliance and expected date of compliance.

15 (4) This section shall not restrict the authority of a provider  
16 licensed under Title 18 RCW to provide services which it has been  
17 authorized to provide by state law.

18 **Sec. 31.** RCW 71.12.480 and 2000 c 93 s 24 are each amended to read  
19 as follows:

20 The department of health shall not grant any such license until it  
21 has made an examination of all phases of the operation of the  
22 establishment necessary to determine compliance with rules adopted  
23 under this chapter including the premises proposed to be licensed and  
24 is satisfied that the premises are substantially as described, and are  
25 otherwise fit and suitable for the purposes for which they are designed  
26 to be used, and that such license should be granted. Examinations of  
27 establishments operated or controlled by hospitals licensed under  
28 chapter 70.41 RCW must be coordinated and scheduled in accordance with  
29 chapter 43.-- RCW (sections 1 through 6 of this act).

30 **Sec. 32.** RCW 71.12.485 and 1995 c 369 s 61 are each amended to  
31 read as follows:

32 Standards for fire protection and the enforcement thereof, with  
33 respect to all establishments to be licensed hereunder, shall be the  
34 responsibility of the chief of the Washington state patrol, through the  
35 director of fire protection, who shall adopt such recognized standards  
36 as may be applicable to such establishments for the protection of life

1 against the cause and spread of fire and fire hazards. The department  
2 of health, upon receipt of an application for a license, or renewal of  
3 a license, shall submit to the chief of the Washington state patrol,  
4 through the director of fire protection, in writing, a request for an  
5 inspection, giving the applicant's name and the location of the  
6 premises to be licensed. Upon receipt of such a request, the chief of  
7 the Washington state patrol, through the director of fire protection,  
8 or his or her deputy shall make an inspection of the establishment to  
9 be licensed, and if it is found that the premises do not comply with  
10 the required safety standards and fire (~~regulations as promulgated~~)  
11 rules adopted by the chief of the Washington state patrol, through the  
12 director of fire protection, he or she shall promptly make a written  
13 report to the establishment and the department of health as to the  
14 manner and time allowed in which the premises must qualify for a  
15 license and set forth the conditions to be remedied with respect to  
16 fire regulations. The department of health, applicant or licensee  
17 shall notify the chief of the Washington state patrol, through the  
18 director of fire protection, upon completion of any requirements made  
19 by him or her, and the director of fire protection or his or her deputy  
20 shall make a reinspection of such premises. Whenever the establishment  
21 to be licensed meets with the approval of the chief of the Washington  
22 state patrol, through the director of fire protection, he or she shall  
23 submit to the department of health a written report approving same with  
24 respect to fire protection before a full license can be issued. The  
25 chief of the Washington state patrol, through the director of fire  
26 protection, shall make or cause to be made inspections of such  
27 establishments at least annually. The department of health shall not  
28 license or continue the license of any establishment unless and until  
29 it shall be approved by the chief of the Washington state patrol,  
30 through the director of fire protection, as (~~herein~~) provided in this  
31 section.

32 In cities which have in force a comprehensive building code, the  
33 provisions of which are determined by the chief of the Washington state  
34 patrol, through the director of fire protection, to be equal to the  
35 minimum standards of the chief of the Washington state patrol, through  
36 the director of fire protection, for such establishments, the chief of  
37 the fire department, provided the latter is a paid chief of a paid fire  
38 department, shall make the inspection with the chief of the Washington

1 state patrol, through the director of fire protection, or his or her  
2 deputy, and they shall jointly approve the premises before a full  
3 license can be issued. Inspections of establishments operated or  
4 controlled by hospitals licensed under chapter 70.41 RCW must be  
5 coordinated and scheduled in accordance with chapter 43.-- RCW  
6 (sections 1 through 6 of this act).

7 **Sec. 33.** RCW 71.12.500 and 2000 c 93 s 25 are each amended to read  
8 as follows:

9 The department of health may at any time examine and ascertain how  
10 far a licensed establishment is conducted in compliance with this  
11 chapter, the rules adopted under this chapter, and the requirements of  
12 the license therefor. However, examinations of licensed establishments  
13 operated or controlled by hospitals licensed under chapter 70.41 RCW  
14 must be coordinated and scheduled in accordance with chapter 43.-- RCW  
15 (sections 1 through 6 of this act). If the interests of the patients  
16 of the establishment so demand, the department may, for just and  
17 reasonable cause, suspend, modify, or revoke any such license. RCW  
18 43.70.115 governs notice of a license denial, revocation, suspension,  
19 or modification and provides the right to an adjudicative proceeding.

20 **Sec. 34.** RCW 74.09.200 and 1979 ex.s. c 152 s 1 are each amended  
21 to read as follows:

22 The legislature finds and declares it to be in the public interest  
23 and for the protection of the health and welfare of the residents of  
24 the state of Washington that a proper regulatory and inspection program  
25 be instituted in connection with the providing of medical, dental, and  
26 other health services to recipients of public assistance and medically  
27 indigent persons. In order to effectively accomplish such purpose and  
28 to assure that the recipient of such services receives such services as  
29 are paid for by the state of Washington, the acceptance by the  
30 recipient of such services, and by practitioners of reimbursement for  
31 performing such services, shall authorize the secretary of ((~~the~~  
32 ~~department of~~)) social and health services or ((~~his~~)) a designee, to  
33 inspect and audit all records in connection with the providing of such  
34 services. Inspections, audits, and surveys of hospitals licensed under  
35 chapter 70.41 RCW and health care services or facilities operated or

1 controlled by hospitals licensed under chapter 70.41 RCW must be  
2 coordinated and scheduled in accordance with chapter 43.-- RCW  
3 (sections 1 through 6 of this act).

4 NEW SECTION. **Sec. 35.** Sections 1 through 6 of this act constitute  
5 a new chapter in Title 43 RCW.

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