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HOUSE BILL 1103

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody

Read first time 01/10/2007. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to health professions; amending RCW 18.130.050,  
2 18.130.060, 18.130.080, 18.130.090, 18.130.170, 18.130.172, and  
3 70.41.210; adding a new section to chapter 18.130 RCW; and prescribing  
4 penalties.

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

6            **Sec. 1.** RCW 18.130.050 and 2006 c 99 s 4 are each amended to read  
7 as follows:

8            The disciplining authority has the following authority:

9            (1) To adopt, amend, and rescind such rules as are deemed necessary  
10 to carry out this chapter;

11            (2) To (~~investigate~~) provide consultation and assistance with  
12 investigations of all complaints or reports of unprofessional conduct  
13 as defined in this chapter as requested by the secretary and to hold  
14 hearings as provided in this chapter. If the secretary determines that  
15 the complaint involves standards of practice or that clinical expertise  
16 is necessary, the secretary shall assure that the board or commission  
17 is actively involved in the investigation;

18            (3) To issue subpoenas and administer oaths in connection with any  
19 investigation, hearing, or proceeding held under this chapter;

1 (4) To take or cause depositions to be taken and use other  
2 discovery procedures as needed in any investigation, hearing, or  
3 proceeding held under this chapter;

4 (5) To compel attendance of witnesses at hearings;

5 (6) In the course of (~~investigating~~) consulting and assisting  
6 with the investigation of a complaint or report of unprofessional  
7 conduct, to conduct practice reviews as requested by the secretary;

8 (~~To take emergency action ordering summary suspension of a~~  
9 ~~license, or restriction or limitation of the license holder's practice~~  
10 ~~pending proceedings by the disciplining authority. Consistent with RCW~~  
11 ~~18.130.370, a disciplining authority shall issue a summary suspension~~  
12 ~~of the license or temporary practice permit of a license holder~~  
13 ~~prohibited from practicing a health care profession in another state,~~  
14 ~~federal, or foreign jurisdiction because of an act of unprofessional~~  
15 ~~conduct that is substantially equivalent to an act of unprofessional~~  
16 ~~conduct prohibited by this chapter or any of the chapters specified in~~  
17 ~~RCW 18.130.040. The summary suspension remains in effect until~~  
18 ~~proceedings by the Washington disciplining authority have been~~  
19 ~~completed;~~

20 (~~8~~) To use a presiding officer as authorized in RCW 18.130.095(3)  
21 or the office of administrative hearings as authorized in chapter 34.12  
22 RCW to conduct hearings. The disciplining authority shall make the  
23 final decision regarding disposition of the license unless the  
24 disciplining authority elects to delegate in writing the final decision  
25 to the presiding officer;

26 (~~9~~) (8) To use individual members of the boards to (~~direct~~)  
27 provide consultation and assistance with investigations as requested by  
28 the secretary. However, the member of the board shall not subsequently  
29 participate in the hearing of the case;

30 (~~10~~) (9) To enter into contracts for professional services  
31 determined to be necessary for adequate enforcement of this chapter;

32 (~~11~~) (10) To contract with licensees or other persons or  
33 organizations to provide services necessary for the monitoring and  
34 supervision of licensees who are placed on probation, whose  
35 professional activities are restricted, or who are for any authorized  
36 purpose subject to monitoring by the disciplining authority;

37 (~~12~~) (11) To adopt standards of professional conduct or  
38 practice;

1       (~~(13)~~) (12) To grant or deny license applications, and in the  
2 event of a finding of unprofessional conduct by an applicant or license  
3 holder, to impose any sanction against a license applicant or license  
4 holder provided by this chapter;

5       (~~(14)~~) (13) To designate individuals authorized to sign subpoenas  
6 and statements of charges;

7       (~~(15)~~) (14) To establish panels consisting of three or more  
8 members of the board to perform any duty or authority within the  
9 board's jurisdiction under this chapter;

10       (~~(16)~~) (15) To review and audit the records of licensed health  
11 facilities' or services' quality assurance committee decisions in which  
12 a licensee's practice privilege or employment is terminated or  
13 restricted. Each health facility or service shall produce and make  
14 accessible to the disciplining authority the appropriate records and  
15 otherwise facilitate the review and audit. Information so gained shall  
16 not be subject to discovery or introduction into evidence in any civil  
17 action pursuant to RCW 70.41.200(3).

18       **Sec. 2.** RCW 18.130.060 and 2006 c 99 s 1 are each amended to read  
19 as follows:

20       In addition to the authority specified in RCW 18.130.050, the  
21 secretary has the following additional authority:

22       (1) To employ such investigative, administrative, and clerical  
23 staff as necessary for the enforcement of this chapter;

24       (2) Upon the request of a board or commission, to appoint pro tem  
25 members to participate as members of a panel of the board or commission  
26 in connection with proceedings specifically identified in the request.  
27 Individuals so appointed must meet the same minimum qualifications as  
28 regular members of the board or commission. Pro tem members appointed  
29 for matters under this chapter are appointed for a term of no more than  
30 one year. No pro tem member may serve more than four one-year terms.  
31 While serving as board or commission members pro tem, persons so  
32 appointed have all the powers, duties, and immunities, and are entitled  
33 to the emoluments, including travel expenses in accordance with RCW  
34 43.03.050 and 43.03.060, of regular members of the board or commission.  
35 The chairperson of a panel shall be a regular member of the board or  
36 commission appointed by the board or commission chairperson. Panels  
37 have authority to act as directed by the board or commission with

1 respect to (~~all matters concerning the review, investigation, and~~  
2 ~~adjudication of~~) all complaints, allegations, charges, and matters  
3 subject to the jurisdiction of the board or commission and within the  
4 authority of the board or commission. The authority to act through  
5 panels does not restrict the authority of the board or commission to  
6 act as a single body at any phase of proceedings within the board's or  
7 commission's jurisdiction. Board or commission panels may make interim  
8 orders and issue final decisions with respect to matters and cases  
9 delegated to the panel by the board or commission. Final decisions may  
10 be appealed as provided in chapter 34.05 RCW, the administrative  
11 procedure act;

12 (3) To establish fees to be paid for witnesses, expert witnesses,  
13 and consultants used in any investigation and to establish fees to  
14 witnesses in any agency adjudicative proceeding as authorized by RCW  
15 34.05.446;

16 (4) To conduct investigations and practice reviews (~~at the~~  
17 ~~direction of the disciplining authority~~) and to issue subpoenas,  
18 administer oaths, and take depositions in the course of conducting  
19 those investigations and practice reviews (~~at the direction of the~~  
20 ~~disciplining authority~~). The secretary may request the consultation  
21 and assistance of the appropriate disciplining authority, and where  
22 standards of practice or clinical expertise is necessary, the secretary  
23 shall assure that the board or commission is actively involved in the  
24 investigation;

25 (5) To review results of investigations conducted under this  
26 chapter and determine the appropriate disposition, which may include  
27 closure, notice of correction, stipulations permitted by RCW  
28 18.130.172, or issuance of a statement of charges;

29 (6) To take emergency action ordering summary suspension of a  
30 license, or restriction or limitation of the license holder's practice  
31 pending proceedings by the disciplining authority. Consistent with RCW  
32 18.130.370, the secretary shall issue a summary suspension of the  
33 license or temporary practice permit of a license holder prohibited  
34 from practicing a health care profession in another state, federal, or  
35 foreign jurisdiction because of an act of unprofessional conduct that  
36 is substantially equivalent to an act of unprofessional conduct  
37 prohibited by this chapter or any of the chapters specified in RCW

1 18.130.040. The summary suspension remains in effect until proceedings  
2 by the Washington disciplining authority have been completed;

3 (7) To have the health professions regulatory program establish a  
4 system to recruit potential public members, to review the  
5 qualifications of such potential members, and to provide orientation to  
6 those public members appointed pursuant to law by the governor or the  
7 secretary to the boards and commissions specified in RCW  
8 18.130.040(2)(b), and to the advisory committees and councils for  
9 professions specified in RCW 18.130.040(2)(a); and

10 ~~((+6+))~~ (8) To adopt rules, in consultation with the disciplining  
11 authorities, requiring every license holder to report information  
12 identified in RCW 18.130.070.

13 **Sec. 3.** RCW 18.130.080 and 2006 c 99 s 5 are each amended to read  
14 as follows:

15 (1) ~~((A person, including but not limited to consumers, licensees,~~  
16 ~~corporations, organizations, health care facilities, impaired~~  
17 ~~practitioner programs, or voluntary substance abuse monitoring programs~~  
18 ~~approved by disciplining authorities, and state and local governmental~~  
19 ~~agencies,)) (a) An individual may submit a written complaint to the~~  
20 ~~((disciplining authority)) secretary~~ charging a license holder or  
21 applicant with unprofessional conduct and specifying the grounds  
22 therefor or to report information to the ~~((disciplining authority))~~  
23 secretary, or voluntary substance abuse monitoring program, or an  
24 impaired practitioner program approved by the disciplining authority,  
25 which indicates that the license holder may not be able to practice his  
26 or her profession with reasonable skill and safety to consumers as a  
27 result of a mental or physical condition.

28 (b) Every license holder, corporation, organization, health care  
29 facility, impaired practitioner program, or voluntary substance abuse  
30 monitoring program approved by a disciplining authority, and state and  
31 local governmental agency having knowledge that a license holder or  
32 applicant has engaged in unprofessional conduct or having information  
33 that indicates that the license holder may not be able to practice his  
34 or her profession with reasonable skill and safety to consumers as a  
35 result of a mental or physical condition must promptly submit a written  
36 report to the secretary specifying the nature of the concerns and the  
37 facts supporting the assertions.

1        (2) If the ((disciplining authority)) secretary determines that  
2 ((the)) a complaint submitted under subsection (1) of this section  
3 merits investigation, or if the ((disciplining authority)) secretary  
4 has reason to believe, without a formal complaint, that a license  
5 holder or applicant may have engaged in unprofessional conduct, the  
6 ((disciplining authority)) secretary shall investigate to determine  
7 whether there has been unprofessional conduct. In determining whether  
8 or not to investigate, the ((disciplining authority)) secretary shall  
9 consider any prior complaints received by the ((disciplining  
10 authority)) secretary, any prior findings of fact under RCW 18.130.110,  
11 any stipulations to informal disposition under RCW 18.130.172, and any  
12 comparable action taken by other state disciplining authorities.

13        ((+2)) (3) Notwithstanding subsection ((+1)) (2) of this section,  
14 the ((disciplining authority)) secretary shall initiate an  
15 investigation in every instance where:

16        (a) The ((disciplining authority)) secretary receives information  
17 that a health care provider has been disqualified from participating in  
18 the federal medicare program, under Title XVIII of the federal social  
19 security act, or the federal medicaid program, under Title XIX of the  
20 federal social security act; or

21        (b) There is a pattern of complaints, arrests, adverse actions by  
22 employers, or other actions that may not have resulted in a formal  
23 adjudication of wrongdoing, but when considered together demonstrate a  
24 pattern of behavior that, without investigation, may pose a risk to the  
25 safety of the license holder's patients.

26        (4) Failure of an entity to submit a mandatory report to the  
27 secretary under subsection (1)(b) of this section is punishable by a  
28 civil penalty not to exceed one thousand dollars and constitutes  
29 unprofessional conduct.

30        (5) If a report has been made by a hospital to the department under  
31 RCW 70.41.210, a report to the secretary under subsection (1)(b) of  
32 this section is not required.

33        ((+3)) (6) A person who files a complaint or reports information  
34 under this section in good faith is immune from suit in any civil  
35 action related to the filing or contents of the complaint.

36        **Sec. 4.** RCW 18.130.090 and 1993 c 367 s 1 are each amended to read  
37 as follows:

1 (1) If the ((~~disciplining authority~~)) secretary determines, upon  
2 investigation, that there is reason to believe a violation of RCW  
3 18.130.180 has occurred, a statement of charge or charges shall be  
4 prepared and served upon the license holder or applicant at the  
5 earliest practical time. The statement of charge or charges shall be  
6 accompanied by a notice that the license holder or applicant may  
7 request a hearing to contest the charge or charges. The license holder  
8 or applicant must file a request for hearing with the disciplining  
9 authority within twenty days after being served the statement of  
10 charges. If the twenty-day limit results in a hardship upon the  
11 license holder or applicant, he or she may request for good cause an  
12 extension not to exceed sixty additional days. If the disciplining  
13 authority finds that there is good cause, it shall grant the extension.  
14 The failure to request a hearing constitutes a default, whereupon the  
15 disciplining authority may enter a decision on the basis of the facts  
16 available to it.

17 (2) If a hearing is requested, the time of the hearing shall be  
18 fixed by the disciplining authority as soon as convenient, but the  
19 hearing shall not be held earlier than thirty days after service of the  
20 charges upon the license holder or applicant.

21 **Sec. 5.** RCW 18.130.170 and 1995 c 336 s 8 are each amended to read  
22 as follows:

23 (1) If the ((~~disciplining authority~~)) secretary believes a license  
24 holder or applicant may be unable to practice with reasonable skill and  
25 safety to consumers by reason of any mental or physical condition, a  
26 statement of charges in the name of the ((~~disciplining authority~~))  
27 secretary shall be served on the license holder or applicant and notice  
28 shall also be issued providing an opportunity for a hearing. The  
29 hearing shall be limited to the sole issue of the capacity of the  
30 license holder or applicant to practice with reasonable skill and  
31 safety. If the disciplining authority determines that the license  
32 holder or applicant is unable to practice with reasonable skill and  
33 safety for one of the reasons stated in this subsection, the  
34 disciplining authority shall impose such sanctions under RCW 18.130.160  
35 as is deemed necessary to protect the public.

36 (2)(a) In investigating or adjudicating a complaint or report that  
37 a license holder or applicant may be unable to practice with reasonable

1 skill or safety by reason of any mental or physical condition, the  
2 (~~(disciplining authority)~~) secretary may require a license holder or  
3 applicant to submit to a mental or physical examination by one or more  
4 licensed or certified health professionals designated by the  
5 (~~(disciplining authority)~~) secretary. The license holder or applicant  
6 shall be provided written notice of the (~~(disciplining authority's)~~)  
7 secretary's intent to order a mental or physical examination, which  
8 notice shall include: (i) A statement of the specific conduct, event,  
9 or circumstances justifying an examination; (ii) a summary of the  
10 evidence supporting the (~~(disciplining authority's)~~) secretary's  
11 concern that the license holder or applicant may be unable to practice  
12 with reasonable skill and safety by reason of a mental or physical  
13 condition, and the grounds for believing such evidence to be credible  
14 and reliable; (iii) a statement of the nature, purpose, scope, and  
15 content of the intended examination; (iv) a statement that the license  
16 holder or applicant has the right to respond in writing within twenty  
17 days to challenge the (~~(disciplining authority's)~~) secretary's grounds  
18 for ordering an examination or to challenge the manner or form of the  
19 examination; and (v) a statement that if the license holder or  
20 applicant timely responds to the notice of intent, then the license  
21 holder or applicant will not be required to submit to the examination  
22 while the response is under consideration.

23 (b) Upon submission of a timely response to the notice of intent to  
24 order a mental or physical examination, the license holder or applicant  
25 shall have an opportunity to respond to or refute such an order by  
26 submission of evidence or written argument or both. The evidence and  
27 written argument supporting and opposing the mental or physical  
28 examination shall be reviewed by either a panel of the disciplining  
29 authority members who have not been involved with the allegations  
30 against the license holder or applicant or a neutral decision maker  
31 approved by the disciplining authority. The reviewing panel of the  
32 disciplining authority or the approved neutral decision maker may, in  
33 its discretion, ask for oral argument from the parties. The reviewing  
34 panel of the disciplining authority or the approved neutral decision  
35 maker shall prepare a written decision as to whether: There is  
36 reasonable cause to believe that the license holder or applicant may be  
37 unable to practice with reasonable skill and safety by reason of a



1 mental or physical condition, or the manner or form of the mental or  
2 physical examination is appropriate, or both.

3 (c) Upon receipt by the (~~(disciplining authority)~~) secretary of the  
4 written decision, or upon the failure of the license holder or  
5 applicant to timely respond to the notice of intent, the (~~(disciplining~~  
6 ~~authority)~~) secretary may issue an order requiring the license holder  
7 or applicant to undergo a mental or physical examination. All such  
8 mental or physical examinations shall be narrowly tailored to address  
9 only the alleged mental or physical condition and the ability of the  
10 license holder or applicant to practice with reasonable skill and  
11 safety. An order of the (~~(disciplining authority)~~) secretary requiring  
12 the license holder or applicant to undergo a mental or physical  
13 examination is not a final order for purposes of appeal. The cost of  
14 the examinations ordered by the (~~(disciplining authority)~~) secretary  
15 shall be paid out of the health professions account. In addition to  
16 any examinations ordered by the (~~(disciplining authority)~~) secretary,  
17 the (~~(licensee)~~) license holder may submit physical or mental  
18 examination reports from licensed or certified health professionals of  
19 the license holder's or applicant's choosing and expense.

20 (d) If the disciplining authority finds that a license holder or  
21 applicant has failed to submit to a properly ordered mental or physical  
22 examination, then the disciplining authority may order appropriate  
23 action or discipline under RCW 18.130.180(9), unless the failure was  
24 due to circumstances beyond the person's control. However, no such  
25 action or discipline may be imposed unless the license holder or  
26 applicant has had the notice and opportunity to challenge the  
27 (~~(disciplining authority's)~~) secretary's grounds for ordering the  
28 examination, to challenge the manner and form, to assert any other  
29 defenses, and to have such challenges or defenses considered by either  
30 a panel of the disciplining authority members who have not been  
31 involved with the allegations against the license holder or applicant  
32 or a neutral decision maker approved by the disciplining authority, as  
33 previously set forth in this section. Further, the action or  
34 discipline ordered by the disciplining authority shall not be more  
35 severe than a suspension of the license, certification, registration or  
36 application until such time as the license holder or applicant complies  
37 with the properly ordered mental or physical examination.

1 (e) Nothing in this section shall restrict the power of ((a  
2 ~~disciplining authority~~)) the secretary to act in an emergency under RCW  
3 34.05.422(4), 34.05.479, and ((~~18.130.050(7)~~)) 18.130.060(6).

4 (f) A determination by a court of competent jurisdiction that a  
5 license holder or applicant is mentally incompetent or ((~~mentally ill~~))  
6 an individual with mental illness is presumptive evidence of the  
7 license holder's or applicant's inability to practice with reasonable  
8 skill and safety. An individual affected under this section shall at  
9 reasonable intervals be afforded an opportunity, at his or her expense,  
10 to demonstrate that the individual can resume competent practice with  
11 reasonable skill and safety to the consumer.

12 (3) For the purpose of subsection (2) of this section, an applicant  
13 or license holder governed by this chapter, by making application,  
14 practicing, or filing a license renewal, is deemed to have given  
15 consent to submit to a mental, physical, or psychological examination  
16 when directed in writing by the ((~~disciplining authority~~)) secretary  
17 and further to have waived all objections to the admissibility or use  
18 of the examining health professional's testimony or examination reports  
19 by the ((~~disciplining authority~~)) secretary on the ground that the  
20 testimony or reports constitute privileged communications.

21 **Sec. 6.** RCW 18.130.172 and 2000 c 171 s 29 are each amended to  
22 read as follows:

23 (1) Prior to serving a statement of charges under RCW 18.130.090 or  
24 18.130.170, the ((~~disciplinary authority~~)) secretary may furnish a  
25 statement of allegations to the licensee or applicant along with a  
26 detailed summary of the evidence relied upon to establish the  
27 allegations and a proposed stipulation for informal resolution of the  
28 allegations. These documents shall be exempt from public disclosure  
29 until such time as the allegations are resolved either by stipulation  
30 or otherwise.

31 (2) The ((~~disciplinary~~)) disciplining authority and the applicant  
32 or licensee may stipulate that the allegations may be disposed of  
33 informally in accordance with this subsection. The stipulation shall  
34 contain a statement of the facts leading to the filing of the  
35 complaint; the act or acts of unprofessional conduct alleged to have  
36 been committed or the alleged basis for determining that the applicant  
37 or licensee is unable to practice with reasonable skill and safety; a

1 statement that the stipulation is not to be construed as a finding of  
2 either unprofessional conduct or inability to practice; an  
3 acknowledgement that a finding of unprofessional conduct or inability  
4 to practice, if proven, constitutes grounds for discipline under this  
5 chapter; and an agreement on the part of the licensee or applicant that  
6 the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1),  
7 (2), (6), and (8), may be imposed as part of the stipulation, except  
8 that no fine may be imposed but the licensee or applicant may agree to  
9 reimburse the ((disciplinary authority)) secretary the costs of  
10 investigation and processing the complaint up to an amount not  
11 exceeding one thousand dollars per allegation; and an agreement on the  
12 part of the ((disciplinary)) disciplining authority to forego further  
13 disciplinary proceedings concerning the allegations. A stipulation  
14 entered into pursuant to this subsection shall not be considered formal  
15 disciplinary action.

16 (3) If the licensee or applicant declines to agree to disposition  
17 of the charges by means of a stipulation pursuant to subsection (2) of  
18 this section, the ((disciplinary authority)) secretary may proceed to  
19 formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

20 (4) Upon execution of a stipulation under subsection (2) of this  
21 section by both the licensee or applicant and the ((disciplinary))  
22 disciplining authority, the complaint is deemed disposed of and shall  
23 become subject to public disclosure on the same basis and to the same  
24 extent as other records of the ((disciplinary)) disciplining authority.  
25 Should the licensee or applicant fail to pay any agreed reimbursement  
26 within thirty days of the date specified in the stipulation for  
27 payment, the ((disciplinary authority)) secretary may seek collection  
28 of the amount agreed to be paid in the same manner as enforcement of a  
29 fine under RCW 18.130.165.

30 **Sec. 7.** RCW 70.41.210 and 2005 c 470 s 1 are each amended to read  
31 as follows:

32 (1) The chief administrator or executive officer of a hospital  
33 shall report to the department when the practice of a health care  
34 practitioner as defined in subsection (2) of this section is  
35 restricted, suspended, limited, or terminated based upon a conviction,  
36 determination, or finding by the hospital that the health care  
37 practitioner has committed an action defined as unprofessional conduct

1 under RCW 18.130.180. The chief administrator or executive officer  
2 shall also report any voluntary restriction or termination of the  
3 practice of a health care practitioner as defined in subsection (2) of  
4 this section while the practitioner is under investigation or the  
5 subject of a proceeding by the hospital regarding unprofessional  
6 conduct, or in return for the hospital not conducting such an  
7 investigation or proceeding or not taking action. The department will  
8 forward the report to the appropriate disciplining authority.

9 (2) The reporting requirements apply to the following health care  
10 practitioners: Pharmacists as defined in chapter 18.64 RCW; advanced  
11 registered nurse practitioners as defined in chapter 18.79 RCW;  
12 dentists as defined in chapter 18.32 RCW; naturopaths as defined in  
13 chapter 18.36A RCW; optometrists as defined in chapter 18.53 RCW;  
14 osteopathic physicians and surgeons as defined in chapter 18.57 RCW;  
15 osteopathic ((~~physician~~ [~~physicians~~'])) physicians' assistants as  
16 defined in chapter 18.57A RCW; physicians as defined in chapter 18.71  
17 RCW; physician assistants as defined in chapter 18.71A RCW; podiatric  
18 physicians and surgeons as defined in chapter 18.22 RCW; and  
19 psychologists as defined in chapter 18.83 RCW.

20 (3) Reports made under subsection (1) of this section shall be made  
21 within fifteen days of the date: (a) A conviction, determination, or  
22 finding is made by the hospital that the health care practitioner has  
23 committed an action defined as unprofessional conduct under RCW  
24 18.130.180; or (b) the voluntary restriction or termination of the  
25 practice of a health care practitioner, including his or her voluntary  
26 resignation, while under investigation or the subject of proceedings  
27 regarding unprofessional conduct under RCW 18.130.180 is accepted by  
28 the hospital.

29 (4) Failure of a hospital to comply with this section is punishable  
30 by a civil penalty not to exceed ((~~two hundred fifty~~)) one thousand  
31 dollars.

32 (5) A hospital, its chief administrator, or its executive officer  
33 who files a report under this section is immune from suit, whether  
34 direct or derivative, in any civil action related to the filing or  
35 contents of the report, unless the conviction, determination, or  
36 finding on which the report and its content are based is proven to not  
37 have been made in good faith. The prevailing party in any action

1 brought alleging the conviction, determination, finding, or report was  
2 not made in good faith, shall be entitled to recover the costs of  
3 litigation, including reasonable attorneys' fees.

4 (6) The department shall forward reports made under subsection (1)  
5 of this section to the appropriate disciplining authority designated  
6 under Title 18 RCW within fifteen days of the date the report is  
7 received by the department. The department shall notify a hospital  
8 that has made a report under subsection (1) of this section of the  
9 results of the disciplining authority's case disposition decision  
10 within fifteen days after the case disposition. Case disposition is  
11 the decision whether to issue a statement of charges, take informal  
12 action, or close the complaint without action against a practitioner.  
13 In its biennial report to the legislature under RCW 18.130.310, the  
14 department shall specifically identify the case dispositions of reports  
15 made by hospitals under subsection (1) of this section.

16 (7) The department shall not increase hospital license fees to  
17 carry out this section before July 1, 2007.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.130 RCW  
19 to read as follows:

20 Any license holder performing a gynecological examination or  
21 procedure must ensure that a second individual is in the room where the  
22 examination or procedure is being conducted, unless the patient signs  
23 a written waiver of the right while the patient is competent to sign  
24 such a waiver.

--- END ---