

---

SENATE BILL 5203

---

State of Washington

60th Legislature

2007 Regular Session

By Senators Delvin, Kohl-Welles, Pflug and Roach

Read first time 01/12/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to membership of the Washington state medical  
2 quality assurance commission; amending RCW 18.71.015; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) A large percentage of Washington residents use medical doctors  
7 who practice holistic medicine.

8 (2) Holistic medicine is the art and science that addresses the  
9 whole person, body, mind, and spirit, and the practice of holistic  
10 medicine integrates conventional and complementary therapies to prevent  
11 and treat disease, but most importantly to promote optimal health.

12 (3) The centers for disease control found from the national health  
13 interview survey done in 2002 that thirty-six percent of all adults in  
14 the United States over the age of eighteen years of age use some form  
15 of complementary and alternative medicine.

16 (4) It is in the public interest that at least one physician who  
17 practices holistic medicine be on the medical quality assurance  
18 commission because in some respects the skill sets and treatment  
19 modalities offered materially differ between holistic and allopathic

1 practitioners. Although physicians trained in holistic medicine are  
2 not universally better than allopathic providers, their training is  
3 based on different paradigms. Availability of both is essential for  
4 public health, and the commission can only be reasonably expected to  
5 hold a balanced view on the complete spectrum of treatment modalities  
6 if the holistic segment of the profession is included.

7 **Sec. 2.** RCW 18.71.015 and 2006 c 8 s 103 are each amended to read  
8 as follows:

9 The Washington state medical quality assurance commission is  
10 established, consisting of: Thirteen individuals licensed to practice  
11 medicine in the state of Washington under this chapter, at least one of  
12 the physicians must practice holistic medicine and be certified by the  
13 American board of holistic medicine; two individuals who are licensed  
14 as physician assistants under chapter 18.71A RCW((~~7~~)); and six  
15 individuals who are members of the public. At least two of the public  
16 members shall not be from the health care industry. Each congressional  
17 district now existing or hereafter created in the state must be  
18 represented by at least one physician member of the commission. The  
19 terms of office of members of the commission are not affected by  
20 changes in congressional district boundaries. Public members of the  
21 commission may not be a member of any other health care licensing board  
22 or commission, or have a fiduciary obligation to a facility rendering  
23 health services regulated by the commission, or have a material or  
24 financial interest in the rendering of health services regulated by the  
25 commission.

26 The members of the commission shall be appointed by the governor.  
27 Members of the initial commission may be appointed to staggered terms  
28 of one to four years, and thereafter all terms of appointment shall be  
29 for four years. The governor shall consider such physician and  
30 physician assistant members who are recommended for appointment by the  
31 appropriate professional associations in the state. In appointing the  
32 initial members of the commission, it is the intent of the legislature  
33 that, to the extent possible, the existing members of the board of  
34 medical examiners and medical disciplinary board repealed under section  
35 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.  
36 No member may serve more than two consecutive full terms. Each member  
37 shall hold office until a successor is appointed.

1 Each member of the commission must be a citizen of the United  
2 States, must be an actual resident of this state, and, if a physician,  
3 must have been licensed to practice medicine in this state for at least  
4 five years.

5 The commission shall meet as soon as practicable after appointment  
6 and elect officers each year. Meetings shall be held at least four  
7 times a year and at such place as the commission determines and at such  
8 other times and places as the commission deems necessary. A majority  
9 of the commission members appointed and serving constitutes a quorum  
10 for the transaction of commission business.

11 The affirmative vote of a majority of a quorum of the commission is  
12 required to carry any motion or resolution, to adopt any rule, or to  
13 pass any measure. The commission may appoint panels consisting of at  
14 least three members. When a panel is reviewing a case involving a  
15 physician who practices holistic medicine, at least one member of the  
16 panel shall be a practitioner of holistic medicine. A quorum for the  
17 transaction of any business by a panel is a minimum of three members.  
18 A majority vote of a quorum of the panel is required to transact  
19 business delegated to it by the commission.

20 Each member of the commission shall be compensated in accordance  
21 with RCW 43.03.265 and in addition thereto shall be reimbursed for  
22 travel expenses incurred in carrying out the duties of the commission  
23 in accordance with RCW 43.03.050 and 43.03.060. Any such expenses  
24 shall be paid from funds appropriated to the department of health.

25 Whenever the governor is satisfied that a member of a commission  
26 has been guilty of neglect of duty, misconduct, or malfeasance or  
27 misfeasance in office, the governor shall file with the secretary of  
28 state a statement of the causes for and the order of removal from  
29 office, and the secretary shall forthwith send a certified copy of the  
30 statement of causes and order of removal to the last known post office  
31 address of the member.

32 Vacancies in the membership of the commission shall be filled for  
33 the unexpired term by appointment by the governor.

34 The members of the commission are immune from suit in an action,  
35 civil or criminal, based on its disciplinary proceedings or other  
36 official acts performed in good faith as members of the commission.

37 Whenever the workload of the commission requires, the commission  
38 may request that the secretary appoint pro tempore members of the

1 commission. When serving, pro tempore members of the commission have  
2 all of the powers, duties, and immunities, and are entitled to all of  
3 the emoluments, including travel expenses, of regularly appointed  
4 members of the commission.

--- END ---