

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1493

Chapter 157, Laws of 2011

62nd Legislature
2011 Regular Session

HEALTH PROFESSIONS DISCIPLINARY PROCESS--TRANSPARENCY

EFFECTIVE DATE: 07/22/11

Passed by the House April 13, 2011
Yeas 61 Nays 35

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2011
Yeas 47 Nays 1

BRAD OWEN

President of the Senate

Approved April 22, 2011, 2:04 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1493** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 22, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1493

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Pedersen, Bailey, Kagi, Clibborn, Ryu, Jenkins, Hinkle, Moeller, Van De Wege, Roberts, Stanford, and Kenney)

READ FIRST TIME 02/16/11.

1 AN ACT Relating to providing greater transparency to the health
2 professions disciplinary process; and adding a new section to chapter
3 18.130 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130 RCW
6 to read as follows:

7 (1) A disciplining authority shall provide a person or entity
8 making a complaint or report under RCW 18.130.080 with a reasonable
9 opportunity to supplement or amend the contents of the complaint or
10 report. The license holder must be provided an opportunity to respond
11 to any supplemental or amended complaint or report. The disciplining
12 authority shall promptly respond to inquiries made by the license
13 holder or the person or entity making a complaint or report regarding
14 the status of the complaint or report.

15 (2)(a) Pursuant to chapter 42.56 RCW, following completion of an
16 investigation or closure of a report or complaint, the disciplining
17 authority shall, upon request, provide the license holder or the person
18 or entity making the complaint or report with a copy of the file

1 relating to the complaint or report, including, but not limited to, any
2 response submitted by the license holder under RCW 18.130.095(1).

3 (b) The disciplining authority may not disclose documents in the
4 file that:

5 (i) Contain confidential or privileged information regarding a
6 patient other than the person making the complaint or report; or

7 (ii) Contain information exempt from public inspection and copying
8 under chapter 42.56 RCW.

9 (c) The exemptions in (b) of this subsection are inapplicable to
10 the extent that the relevant information can be deleted from the
11 documents in question.

12 (d) The disciplining authority may impose a reasonable charge for
13 copying the file consistent with the charges allowed for copying public
14 records under RCW 42.56.120.

15 (3)(a) Prior to any final decision on any disciplinary proceeding
16 before a disciplining authority, the disciplining authority shall
17 provide the person submitting the complaint or report or his or her
18 representative, if any, an opportunity to be heard through an oral or
19 written impact statement about the effect of the person's injury on the
20 person and his or her family and on a recommended sanction.

21 (b) If the license holder is not present at the disciplinary
22 proceeding, the disciplining authority shall transmit the impact
23 statement to the license holder, who shall certify to the disciplining
24 authority that he or she has received it.

25 (c) For purposes of this subsection, representatives of the person
26 submitting the complaint or report include his or her family members
27 and such other affected parties as may be designated by the
28 disciplining authority upon request.

29 (4) A disciplining authority shall inform, in writing, the license
30 holder and person or entity submitting the complaint or report of the
31 final disposition of the complaint or report.

32 (5)(a) If the disciplining authority closes a complaint or report
33 prior to issuing a statement of charges under RCW 18.130.090 or a
34 statement of allegations under RCW 18.130.172, the person or entity
35 submitting the report may, within thirty days of receiving notice under
36 subsection (4) of this section, request the disciplining authority to
37 reconsider the closure of the complaint or report on the basis of new

1 information relating to the original complaint or report. A request
2 for reconsideration made under this subsection may only be brought in
3 relation to the original complaint and may only be brought one time.
4 (b) The disciplining authority shall, within thirty days of
5 receiving the request for reconsideration, notify the license holder of
6 the request and the new information providing the basis therefor. The
7 license holder has thirty days to provide a response. The disciplining
8 authority shall notify the person or entity and the license holder in
9 writing of its final decision on the request for reconsideration,
10 including an explanation of the reasoning behind the decision.

Passed by the House April 13, 2011.

Passed by the Senate April 7, 2011.

Approved by the Governor April 22, 2011.

Filed in Office of Secretary of State April 22, 2011.