
HOUSE BILL 1564

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Schmick, Harris, and Green

Read first time 01/30/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the medical quality assurance commission;
2 amending RCW 43.70.320, 18.71.401, 18.71.420, and 18.71.0191; adding a
3 new section to chapter 42.52 RCW; and adding new sections to chapter
4 18.71 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.52 RCW
7 to read as follows:

8 Members of a health profession board or commission, as identified
9 in RCW 18.130.040(2)(b), may express their professional opinions to an
10 elected official about the work of the board or commission on which the
11 member serves, even if those opinions differ from the department of
12 health's official position.

13 **Sec. 2.** RCW 43.70.320 and 2008 c 134 s 16 are each amended to read
14 as follows:

15 (1) There is created in the state treasury an account to be known
16 as the health professions account. Except as provided otherwise in
17 chapter 18.71 RCW for the medical quality assurance commission, all
18 fees received by the department for health professions licenses,

1 registration, certifications, renewals, or examinations and the civil
2 penalties assessed and collected by the department under RCW 18.130.190
3 (~~shall~~) must be forwarded to the state treasurer who (~~shall~~) must
4 credit such moneys to the health professions account.

5 (2) Except as provided otherwise in chapter 18.71 RCW for the
6 medical quality assurance commission, all expenses incurred in carrying
7 out the health professions licensing activities of the department
8 (~~shall~~) must be paid from the account as authorized by legislative
9 appropriation(~~(, except as provided in subsection (4) of this~~
10 ~~section)~~). Any residue in the account (~~shall~~) must be accumulated
11 and (~~shall~~) does not revert to the general fund at the end of the
12 biennium.

13 (3) The secretary (~~shall~~) must biennially prepare a budget
14 request based on the anticipated costs of administering the health
15 professions licensing activities of the department which (~~shall~~) must
16 include the estimated income from health professions fees.

17 (~~((4) The secretary shall, at the request of a board or commission~~
18 ~~as applicable, spend unappropriated funds in the health professions~~
19 ~~account that are allocated to the requesting board or commission to~~
20 ~~meet unanticipated costs of that board or commission when revenues~~
21 ~~exceed more than fifteen percent over the department's estimated~~
22 ~~six-year spending projections for the requesting board or commission.~~
23 ~~Unanticipated costs shall be limited to spending as authorized in~~
24 ~~subsection (3) of this section for anticipated costs.))~~)

25 NEW SECTION. Sec. 3. A new section is added to chapter 18.71 RCW
26 to read as follows:

27 (1) The commission has authority over budget development, spending,
28 and staffing.

29 (a) That the commission must employ an executive director that is:

30 (i) Hired by and serves at the pleasure of the commission;

31 (ii) Exempt from the provisions of the civil service law, chapter
32 41.06 RCW, and whose salary is established by the commission in
33 accordance with RCW 43.03.028 and 42.17A.110; and

34 (iii) Responsible for performing all administrative duties of the
35 commission, including preparing an annual budget, and any other duties
36 as delegated to the executive director by the commission;

1 (b) Consistent with the budgeting and accounting act, beginning
2 with the 2013-2015 biennium, the commission is responsible for
3 proposing its own biennial budget that the commission submits to the
4 office of financial management;

5 (c) Prior to adopting credentialing fees under RCW 43.70.250, the
6 commission may consult with the secretary to determine the appropriate
7 fees necessary to support the activities of the commission;

8 (d) Prior to the secretary adopting uniform rules and guidelines,
9 or any other actions that might impact the licensing or disciplinary
10 authority of the commission, the secretary must first meet with the
11 commission to determine how those rules or guidelines, or changes to
12 rules or guidelines, might impact the commission's ability to
13 effectively carry out its statutory duties. If the commission
14 determines that the proposed rules or guidelines, or changes to
15 existing rules or guidelines, will negatively impact the commission's
16 ability to effectively carry out its statutory duties, then the
17 commission must develop alternative solutions to mitigate the impacts.

18 (2) An attorney general representing the department, secretary, or
19 the commission must liberally construe the commission's powers and
20 independence.

21 (3) The commission, its members, or staff as directed by the
22 commission, may communicate, present information requested, volunteer
23 information, testify before legislative committees, and educate the
24 legislature, as the commission may from time to time see fit.

25 (4) The commission may contract with the department for services
26 from the department that it provides other entities within the
27 department. The commission may negotiate terms and price with the
28 department; however, the department may not charge the commission a
29 higher rate or less favorable term than the best terms received by any
30 of its entities or contractors.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.71 RCW
32 to read as follows:

33 The medical quality assurance account is hereby created in the
34 state treasury.

35 **Sec. 5.** RCW 18.71.401 and 1997 c 79 s 1 are each amended to read
36 as follows:

1 All assessments, fines, and other funds collected or received under
2 this chapter must be deposited in the (~~health professions account~~)
3 medical quality assurance account created in section 4 of this act and
4 used solely to administer and implement this chapter.

5 **Sec. 6.** RCW 18.71.420 and 1991 c 3 s 171 are each amended to read
6 as follows:

7 The (~~secretary of health shall~~) commission must allocate all
8 appropriated funds to accomplish the purposes of this chapter.

9 **Sec. 7.** RCW 18.71.0191 and 1994 sp.s. c 9 s 326 are each amended
10 to read as follows:

11 (~~The secretary of the department of health shall~~) Except as
12 provided otherwise in section 3 of this act, the commission must
13 appoint, from a list of three names supplied by the commission, an
14 executive director who (~~shall~~) must act to carry out the provisions
15 of this chapter. The secretary (~~shall~~) must also employ such
16 additional staff including administrative assistants, investigators,
17 and clerical staff as are required to enable the commission to
18 accomplish its duties and responsibilities. The executive director is
19 exempt from the provisions of the civil service law, chapter 41.06 RCW,
20 as now or hereafter amended.

21 NEW SECTION. **Sec. 8.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

--- END ---