
HOUSE BILL 2842

State of Washington

54th Legislature

1996 Regular Session

By Representatives Sherstad and Kessler

Read first time 01/23/96. Referred to Committee on Health Care.

1 AN ACT Relating to a health care whistleblower; and amending RCW
2 43.70.075.

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

4 **Sec. 1.** RCW 43.70.075 and 1995 c 265 s 19 are each amended to read
5 as follows:

6 (1) The identity of a whistleblower who complains, in good faith,
7 to the department of health about the improper quality of care by a
8 health care provider, or in a health care facility, as defined in RCW
9 (~~43.72.010~~) 48.43.005, shall remain confidential. The provisions of
10 RCW 4.24.500 through 4.24.520, providing certain protections to persons
11 who communicate to government agencies, shall apply to complaints filed
12 under this section. The identity of the whistleblower shall remain
13 confidential unless the department determines that the complaint was
14 not made in good faith. An employee who is a whistleblower, as defined
15 in this section, and who as a result of being a whistleblower has been
16 subjected to workplace reprisal or retaliatory action has the remedies
17 provided under chapter 49.60 RCW.

18 (2)(a) "Improper quality of care" means any practice, procedure,
19 action, or failure to act that violates any state law or rule of the

1 applicable state health licensing authority under Title 18 or chapters
2 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and
3 enforced by the department of health. (~~Each health disciplinary~~
4 ~~authority as defined in RCW 18.130.040 may, with consultation and~~
5 ~~interdisciplinary coordination provided by the state department of~~
6 ~~health, adopt rules defining accepted standards of practice for their~~
7 ~~profession that shall further define improper quality of care.))
8 Improper quality of care shall not include good faith personnel actions
9 related to employee performance or actions taken according to
10 established terms and conditions of employment.~~

11 (b) "Reprisal or retaliatory action" means but is not limited to:
12 Denial of adequate staff to perform duties; frequent staff changes;
13 frequent and undesirable office changes; refusal to assign meaningful
14 work; unwarranted and unsubstantiated report of misconduct pursuant to
15 Title 18 RCW; letters of reprimand or unsatisfactory performance
16 evaluations; demotion; reduction in pay; denial of promotion;
17 suspension; dismissal; denial of employment; and a supervisor or
18 superior encouraging coworkers to behave in a hostile manner toward the
19 whistleblower.

20 (c) "Whistleblower" means a consumer, employee, or health care
21 professional who in good faith reports alleged quality of care concerns
22 to the department of health.

23 (3) Nothing in this section prohibits a health care facility from
24 making any decision exercising its authority to terminate, suspend, or
25 discipline an employee who engages in workplace reprisal or retaliatory
26 action against a whistleblower.

27 (4) The department shall adopt rules to implement procedures for
28 filing, investigation, and resolution of whistleblower complaints that
29 are integrated with complaint procedures under Title 18 RCW for health
30 professionals or health care facilities.

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