

SENATE BILL REPORT

SB 6276

As Reported By Senate Committee On:
Health & Long-Term Care, February 4, 2004

Title: An act relating to reporting of felony complaints against physicians.

Brief Description: Requiring reporting of felony-level complaints against a physician.

Sponsors: Senators Keiser and Eide.

Brief History:

Committee Activity: Health & Long-Term Care: 1/27/04, 2/4/04 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6276 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Staff: Tanya Karwaki (786-7447)

Background: The Medical Quality Assurance Commission is the disciplinary authority for physicians charged with unprofessional conduct under the Uniform Disciplinary Act. The commission is authorized to revoke licenses, among other sanctions available, upon a finding of unprofessional conduct.

Insurers, physicians, and hospitals are required to report certain information to the commission as specified in statute. Insurers providing professional liability insurance to physicians must report malpractice settlements, awards, or payments in excess of \$20,000. Physicians must report if he or she has personal knowledge that a practicing physician may have committed unprofessional conduct or may be unable to practice medicine safely. Hospitals must report when a physician's clinical privileges are terminated or restricted based on a determination that the physician may have committed unprofessional conduct, or when a physician resigns in order to avoid hospital action regarding his or her clinical privileges.

Summary of Substitute Bill: Criminal justice agencies must provide the Department of Health with information of physicians pertaining to an arrest, detention, indictment, information, or other formal criminal charge relating to homicide, drug offenses, sex offenses or fraud within 30 days of the action.

Such information must only be provided if, during the course of the investigation, the criminal justice agency learns that the suspect is a physician licensed in Washington.

Substitute Bill Compared to Original Bill: The substitute narrows the types of crimes to include only homicide, drug offenses, sex offenses or fraud, not all felonies. The substitute also removes the term "allegation" from the bill, requiring information be provided pertaining

to an arrest, detention, indictment, information, or other formal criminal charge. Moreover, criminal justice agencies must only provide this information if they learn during an investigation that a suspect is a physician licensed in Washington. The criminal justice agencies have 30 days from the date of the action to provide the information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The concept is supportable, although the bill should be amended to apply to all health care professions and perhaps limit the crimes to which it applies. There are instances where the police learn of an incident but the Medical Quality Assurance Commission is not informed.

Testimony Other: The term "any allegation" may be too broad and need to be triaged. Perhaps the transfer of information from law enforcement to the commission can occur electronically.

Testimony Against: None.

Testified: Ron Weaver, DOH (pro); Tanya Busnaw, patient (pro); Addy Dolan, Medical Assn.