
HOUSE BILL 2939

State of Washington

58th Legislature

2004 Regular Session

By Representatives Ruderman, Nixon, Miloscia, McDermott, Cooper, Wood, Sullivan, O'Brien and Rockefeller

Read first time 01/23/2004. Referred to Committee on Health Care.

1 AN ACT Relating to regulation of health care providers; amending
2 RCW 18.71.015 and 18.71.350; and adding a new section to chapter 18.130
3 RCW.

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

5 **Sec. 1.** RCW 18.71.015 and 1999 c 366 s 4 are each amended to read
6 as follows:

7 The Washington state medical quality assurance commission is
8 established, consisting of thirteen individuals licensed to practice
9 medicine in the state of Washington under this chapter, two individuals
10 who are licensed as physician assistants under chapter 18.71A RCW, and
11 (~~four~~) eight individuals who are members of the public. Each
12 congressional district now existing or hereafter created in the state
13 must be represented by at least one physician member of the commission.
14 The terms of office of members of the commission are not affected by
15 changes in congressional district boundaries. Public members of the
16 commission may not be a member of any other health care licensing board
17 or commission, or have a fiduciary obligation to a facility rendering
18 health services regulated by the commission, or have a material or

1 financial interest in the rendering of health services regulated by the
2 commission.

3 The members of the commission shall be appointed by the governor.
4 Members of the initial commission may be appointed to staggered terms
5 of one to four years, and thereafter all terms of appointment shall be
6 for four years. The governor shall consider such physician and
7 physician assistant members who are recommended for appointment by the
8 appropriate professional associations in the state. In appointing the
9 initial members of the commission, it is the intent of the legislature
10 that, to the extent possible, the existing members of the board of
11 medical examiners and medical disciplinary board repealed under section
12 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.
13 No member may serve more than two consecutive full terms. Each member
14 shall hold office until a successor is appointed.

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

19 The commission shall meet as soon as practicable after appointment
20 and elect officers each year. Meetings shall be held at least four
21 times a year and at such place as the commission determines and at such
22 other times and places as the commission deems necessary. A majority
23 of the commission members appointed and serving constitutes a quorum
24 for the transaction of commission business.

25 The affirmative vote of a majority of a quorum of the commission is
26 required to carry any motion or resolution, to adopt any rule, or to
27 pass any measure. The commission may appoint panels consisting of at
28 least three members. A quorum for the transaction of any business by
29 a panel is a minimum of three members. A majority vote of a quorum of
30 the panel is required to transact business delegated to it by the
31 commission.

32 Each member of the commission shall be compensated in accordance
33 with RCW 43.03.265 and in addition thereto shall be reimbursed for
34 travel expenses incurred in carrying out the duties of the commission
35 in accordance with RCW 43.03.050 and 43.03.060. Any such expenses
36 shall be paid from funds appropriated to the department of health.

37 Whenever the governor is satisfied that a member of a commission
38 has been guilty of neglect of duty, misconduct, or malfeasance or

1 misfeasance in office, the governor shall file with the secretary of
2 state a statement of the causes for and the order of removal from
3 office, and the secretary shall forthwith send a certified copy of the
4 statement of causes and order of removal to the last known post office
5 address of the member.

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

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

11 Whenever the workload of the commission requires, the commission
12 may request that the secretary appoint pro tempore members of the
13 commission. When serving, pro tempore members of the commission have
14 all of the powers, duties, and immunities, and are entitled to all of
15 the emoluments, including travel expenses, of regularly appointed
16 members of the commission.

17 **Sec. 2.** RCW 18.71.350 and 1994 sp.s. c 9 s 333 are each amended to
18 read as follows:

19 (1) Every institution or organization providing professional
20 liability insurance to physicians shall send a complete report to the
21 commission of all malpractice settlements, awards, or payments in
22 excess of twenty thousand dollars as a result of a claim or action for
23 damages alleged to have been caused by an insured physician's
24 incompetency or negligence in the practice of medicine. Such
25 institution or organization shall also report the award, settlement, or
26 payment of three or more claims during a five-year time period as the
27 result of the alleged physician's incompetence or negligence in the
28 practice of medicine regardless of the dollar amount of the award or
29 payment.

30 (2)(a) The commission may initiate an investigation and
31 disciplinary proceedings under chapter 18.130 RCW against any physician
32 based upon any information contained in a report received under
33 subsection (1) of this section.

34 (b) The commission shall conduct a full investigation of the
35 circumstances underlying any case where reports received under
36 subsection (1) of this section demonstrate that a physician has three

1 or more claims within a five-year period and each claim equals at least
2 fifty thousand dollars.

3 (3) Reports required by this section shall be made within sixty
4 days of the date of the settlement or verdict. Failure to comply with
5 this section is punishable by a civil penalty not to exceed two hundred
6 fifty dollars.

7 NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW
8 to read as follows:

9 (1) The department shall establish and maintain an electronic
10 health care provider locator system to allow the public to use the
11 internet to locate and access data regarding credentialed health care
12 providers in Washington. The system shall, at a minimum, include the
13 following data about each health care provider:

- 14 (a) Year of birth;
- 15 (b) Credential number;
- 16 (c) Type of credential or credentials;
- 17 (d) Status of the license;
- 18 (e) Date that the health care provider first became credentialed;
- 19 (f) Expiration date of the credential;
- 20 (g) Last renewal date of the credential;
- 21 (h) History of restrictions or disciplinary actions taken against
22 the health care provider;
- 23 (i) Copies of legal documents issued after July 1998;
- 24 (j) Convictions of any felonies; and
- 25 (k) Any other information related to the competency of health care
26 providers.

27 (2) With respect to both the design of the web site and the
28 information provided on the web site, the system shall facilitate, to
29 the greatest extent practicable, the ability of health care consumers
30 and others to obtain information related to the qualifications or
31 competence of health care providers.

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