

# FINAL BILL REPORT

## SHB 2495

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C 161 L 92  
*Synopsis As Enacted*

**Brief Description:** Concerning rural public hospital districts.

By House Committee on Local Government (originally sponsored by Representatives Rayburn, Moyer, Haugen, Sheldon, Paris and Wynne).

House Committee on Local Government  
Senate Committee on Health & Long-Term Care

**Background:** The Interlocal Agreement Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any powers, privileges, or authority held by a public agency may be exercised jointly with any other public agency having the same power, privilege, or authority.

A "public agency" includes any agency, political subdivision, or unit of local government in this state including, but not limited to municipal corporations, quasi municipal corporations, special purpose districts, and local service districts, as well as any state agency, federal agency, Indian tribe recognized by the federal government, and political subdivision of another state. Public hospital districts are included within this definition.

Concerns have been expressed that public hospital districts are susceptible to antitrust challenges if they enter into interlocal agreements. Proponents of such agreements assert that competition among hospitals, particularly in rural areas, is not cost-effective, practical, or desirable in providing quality health care to people in these areas. It has been suggested that more interlocal agreements between rural public hospital districts would be created if there was a clear statement in statute encouraging these agreements.

Interlocal agreements must be filed with the city clerk, county auditor, and the Secretary of State before they take effect. It has been suggested that filing interlocal agreements with the city clerk is unnecessary since they are filed with the county auditor.

Public agencies that participate in interlocal agreements may supply personnel and services to the joint undertaking, but are not specifically authorized to provide property to the joint undertaking.

If a proposed interlocal agreement deals with services or facilities over which a state agency or officer has control, then the proposed agreement must be submitted to the state agency or officer for approval. No time limit is specified in statute for the state agency or officer to respond to the proposed agreement.

Public agencies must specify the precise organization of any separate legal entity created by an interlocal agreement. This entity may include a nonprofit organization whose membership is limited to the participating public agencies. Partnerships are not authorized to be formed in an interlocal agreement.

**Summary:** Rural public hospital districts are expressly authorized to enter into interlocal agreements and contracts with other rural public hospital districts to provide for health care needs of the people served in the districts. A rural public hospital district is defined as a public hospital district that does not include a city with a population of greater than 30,000 within its geographic boundaries.

Interlocal agreements and contracts between rural public hospital districts may include provisions for the: allocation of health care services among different facilities owned and operated by the districts; combined purchases and allocations of medical equipment and technologies; joint contracts for health care service delivery and payment with public and private entities; and other cooperative arrangements. All cooperative agreements and contracts are subject to the provisions of the Interlocal Cooperation Act.

Interlocal agreements no longer have to be filed with the city clerk.

Proposed interlocal agreements submitted to state officers or state agencies for approval are deemed approved if the officer or agency does not approve or disapprove of the proposed agreement within 90 days of its receipt.

Public agencies entering into interlocal agreements may supply property, as well as personnel and services to the joint undertaking.

Public agencies may, in an interlocal agreements, form partnerships comprised of participating public agencies.

***Votes on Final Passage:***

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|--------|----|---|-------------------|
| House  | 96 | 0 |                   |
| Senate | 45 | 0 | (Senate amended)  |
| House  | 96 | 0 | (House concurred) |

***Effective:*** June 11, 1992