
SENATE BILL 6347

State of Washington

54th Legislature

1996 Regular Session

By Senators Kohl, Quigley, Winsley, Wojahn, Wood, Franklin and Thibaudeau

Read first time 01/11/96. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to whistleblower complaints against health
2 carriers; and amending RCW 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, by a health carrier, or in a health care
9 facility, as defined in RCW (~~(43.72.010)~~) 48.43.005, shall remain
10 confidential. The provisions of RCW 4.24.500 through 4.24.520,
11 providing certain protections to persons who communicate to government
12 agencies, shall apply to complaints filed under this section. The
13 identity of the whistleblower shall remain confidential unless the
14 department determines that the complaint was not made in good faith.
15 An employee who is a whistleblower, as defined in this section, and who
16 as a result of being a whistleblower has been subjected to workplace
17 reprisal or retaliatory action has the remedies provided under chapter
18 49.60 RCW.

1 (2)(a) "Improper quality of care" means any practice, procedure,
2 action, or failure to act that violates any state law or rule of the
3 applicable state health licensing authority under Title 18 or chapters
4 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW or violates
5 any state law or rule adopted under Title 48 RCW or chapter 265, Laws
6 of 1995, regulating health carriers, and enforced by the department of
7 health or the insurance commissioner. Each health disciplinary
8 authority as defined in RCW 18.130.040 may, with consultation and
9 interdisciplinary coordination provided by the state department of
10 health, adopt rules defining accepted standards of practice for their
11 profession that shall further define improper quality of care.
12 Improper quality of care shall not include good faith personnel actions
13 related to employee performance or actions taken according to
14 established terms and conditions of employment.

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

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

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

31 (4) The department shall adopt rules to implement procedures for
32 filing, investigation, and resolution of whistleblower complaints that
33 are integrated with complaint procedures under Title 18 RCW for health
34 professionals or health care facilities and under Title 48 RCW and
35 chapter 265, Laws of 1995, for health carriers.

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