

SENATE BILL REPORT

ESHB 1057

As Reported By Senate Committee On:
Health & Long-Term Care, March 27, 1997

Title: An act relating to public disclosure of complaints filed under the uniform disciplinary act.

Brief Description: Limiting public disclosure of complaints filed under the uniform disciplinary act.

Sponsors: House Committee on Health Care (originally sponsored by Representatives Backlund and Cody; by request of Department of Health).

Brief History:

Committee Activity: Health & Long-Term Care: 3/21/97, 3/27/97 [DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Staff: Rhoda Jones (786-7198)

Background: Any health care professional who is licensed, certified, or registered by the Department of Health may be sanctioned under the state's Uniform Disciplinary Act (UDA) for unprofessional conduct. The Secretary of Health and fourteen boards and commissions serve as the disciplinary authorities for these regulated professions and share responsibility for responding to complaints, conducting investigations, and taking appropriate disciplinary action where appropriate.

Under the Public Disclosure Act, any complaint against a professional is a public record subject to disclosure by the Department of Health over the telephone upon request, even though the complaint may be unsubstantiated. Complaints under investigation and those which warrant no cause for action must also be disclosed, along with those which lead to a formal charge against a health professional. The record of these complaints is also subject to disclosure.

Summary of Amended Bill: Licensees must be notified upon the receipt of any complaints against them and allowed to submit a written statement about the complaint for the file. Complaints are exempt from public disclosure until initially assessed and determined not to warrant an investigation by the disciplining authority. Complaints determined not to warrant an investigation are deemed not to be complaints, but remain in the record and tracking system and may be released only upon written request. Complaints determined to warrant no cause for action after investigation are subject to public disclosure, and must include an explanation of the determination to close the complaint and remain in the records and tracking system of the department.

The Department of Health is required to enter into interagency agreements with the Department of Social and Health Services, the Department of Labor and Industries and the Attorney General's Office for exchange of records so that these agencies may meet their federal or state statutory requirements. These agencies are under the same disclosure restrictions as are stated in the bill. Nothing in this legislation affects or limits the use of records in any existing investigation or action by a state agency.

Amended Bill Compared to Original Bill: The Department of Health is required to enter into interagency agreements with the Department of Social and Health Services, the Department of Labor and Industries and the Attorney General's Office for exchange of records so that these agencies may meet their federal or state statutory requirements. These agencies are under the same disclosure restrictions as are stated in the bill. Nothing in this legislation affects or limits the use of records in any existing investigation or action by a state agency.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There should be some protection for health care practitioners who are the victims of trivial or malicious complaints. This will control the flow of information about complaints until the department deems them important enough to investigate.

Testimony Against: None.

Testified: PRO: Representative Backlund, prime sponsor; Ron Weaver, DOH; Pat Lashway, DSHS; Carl Nelson, WSMA; Gail McGaffick, WA State Psychological Association, ARNPs United; Jeff Larsen, WOMA; Rowland Thompson, Allied Daily Newspapers; Ann Simons, WA Association for Marriage and Family Therapy.