
HOUSE BILL 1057

State of Washington

55th Legislature

1997 Regular Session

By Representatives Backlund and Cody; by request of Department of Health

Read first time 01/13/97. Referred to Committee on Health Care.

1 AN ACT Relating to public disclosure of complaints filed under the
2 uniform disciplinary act; amending RCW 18.130.095; and adding a new
3 section to chapter 42.17 RCW.

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

5 **Sec. 1.** RCW 18.130.095 and 1995 c 336 s 6 are each amended to read
6 as follows:

7 (1) The secretary, in consultation with the disciplining
8 authorities, shall develop uniform procedural rules to respond to
9 public inquiries concerning complaints and their disposition, active
10 investigations, statement of charges, findings of fact, and final
11 orders involving a licensee, applicant, or unlicensed person. The
12 uniform procedural rules adopted under this subsection apply to all
13 adjudicative proceedings conducted under this chapter and shall include
14 provisions for ((the)) establishing time periods for initial
15 assessment, investigation, charging, discovery, settlement, and
16 adjudication of complaints, and shall include enforcement provisions
17 for violations of the specific time periods by the department, the
18 disciplining authority, and the respondent. Complaints about the
19 practice of health care providers filed after the effective date of

1 this act are not subject to public disclosure under chapter 42.17 RCW
2 until the report has been assessed and determined to warrant an
3 investigation by the disciplining authority. The secretary, in
4 consultation with the disciplining authorities, shall establish
5 criteria for initiation of an investigation which must be uniformly
6 applied by all disciplining authorities. Reports determined not to
7 warrant an investigation by the disciplining authority remain exempt
8 from public disclosure but must remain in the records and tracking
9 system of the department.

10 (2) The uniform procedures for conducting investigations shall
11 provide that prior to taking a written statement:

12 (a) For violation of this chapter, the investigator shall inform
13 such person, in writing of: (i) The nature of the complaint; (ii) that
14 the person may consult with legal counsel at his or her expense prior
15 to making a statement; and (iii) that any statement that the person
16 makes may be used in an adjudicative proceeding conducted under this
17 chapter; and

18 (b) From a witness or potential witness in an investigation under
19 this chapter, the investigator shall inform the person, in writing,
20 that the statement may be released to the licensee, applicant, or
21 unlicensed person under investigation if a statement of charges is
22 issued.

23 (3) Only upon the authorization of a disciplining authority
24 identified in RCW 18.130.040(2)(b), the secretary, or his or her
25 designee, may serve as the presiding officer for any disciplinary
26 proceedings of the disciplining authority authorized under this
27 chapter. Except as provided in RCW 18.130.050(8), the presiding
28 officer shall not vote on or make any final decision. All functions
29 performed by the presiding officer shall be subject to chapter 34.05
30 RCW. The secretary, in consultation with the disciplining authorities,
31 shall adopt procedures for implementing this subsection.

32 (4) The uniform procedural rules shall be adopted by all
33 disciplining authorities listed in RCW 18.130.040(2), and shall be used
34 for all adjudicative proceedings conducted under this chapter, as
35 defined by chapter 34.05 RCW. The uniform procedural rules shall
36 address the use of a presiding officer authorized in subsection (3) of
37 this section to determine and issue decisions on all legal issues and
38 motions arising during adjudicative proceedings.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW
2 under the subchapter heading "public records" to read as follows:
3 Complaints filed under chapter 18.130 RCW after the effective date
4 of this act are exempt from disclosure under this chapter to the extent
5 provided in RCW 18.130.095(1).

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