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HOUSE BILL 1694

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Skinner, Murray, Dyer, Cody and O'Brien

Read first time 02/05/97. Referred to Committee on Health Care.

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

18            (2)(a) "Improper quality of care" means any practice, procedure,  
19 action, or failure to act that violates any state law or rule of the

1 applicable state health licensing authority under Title 18 or chapters  
2 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and  
3 enforced by the department of health. Each health disciplinary  
4 authority as defined in RCW 18.130.040, except the medical quality  
5 assurance commission and the board of osteopathic medicine and surgery,  
6 may, with consultation and interdisciplinary coordination provided by  
7 the state department of health, adopt rules defining accepted standards  
8 of practice for their profession that shall further define improper  
9 quality of care. Improper quality of care shall not include good faith  
10 personnel actions related to employee performance or actions taken  
11 according to established terms and conditions of employment.

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

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

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

28 (4) The department shall adopt rules to implement procedures for  
29 filing, investigation, and resolution of whistleblower complaints that  
30 are integrated with complaint procedures under Title 18 RCW for health  
31 professionals or health care facilities.

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