

2 **HB 1863** - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 4/13/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.03 RCW  
8 to read as follows:

9 (1) Any part-time commission that has rule-making authority,  
10 performs quasi-judicial functions, has responsibility for the policy  
11 direction of a health profession credentialing program, and performs  
12 regulatory and licensing functions with respect to a health care  
13 profession licensed under Title 18 RCW shall be identified as a class  
14 five group for purposes of compensation.

15 (2) Except as otherwise provided in this section, each member of a  
16 class five group is eligible to receive compensation in an amount not  
17 to exceed two hundred fifty dollars for each day during which the  
18 member attends an official meeting of the group or performs statutorily  
19 prescribed duties approved by the chairperson of the group. A person  
20 shall not receive compensation for a day of service under this section  
21 if the person (a) occupies a position, normally regarded as full-time  
22 in nature, in any agency of the federal government, Washington state  
23 government, or Washington state local government; and (b) receives any  
24 compensation from such government for working that day.

25 (3) Compensation may be paid a member under this section only if it  
26 is necessarily incurred in the course of authorized business consistent  
27 with the responsibilities of the commission established by law.

28 **Sec. 2.** RCW 18.25.0171 and 1994 sp.s. c 9 s 107 are each amended  
29 to read as follows:

30 The commission shall elect officers each year. Meetings of the  
31 commission are open to the public, except that the commission may hold  
32 executive sessions to the extent permitted by chapter 42.30 RCW. The  
33 secretary of health shall furnish such secretarial, clerical, and other  
34 assistance as the commission may require.

1 Each member of the commission shall be compensated in accordance  
2 with ((RCW 43.03.240)) section 1 of this act. Members shall be  
3 reimbursed for travel expenses incurred in the actual performance of  
4 their duties, as provided in RCW 43.03.050 and 43.03.060.

5 A majority of the commission members appointed and serving  
6 constitutes a quorum for the transaction of commission business. The  
7 affirmative vote of a majority of a quorum of the commission is  
8 required to carry a motion or resolution, to adopt a rule, or to pass  
9 a measure.

10 The commission may appoint members of panels of at least three  
11 members. A quorum for transaction of any business by a panel is a  
12 minimum of three members. A majority vote of a quorum of the panel is  
13 required to transact business delegated to it by the commission.

14 The members of the commission are immune from suit in an action,  
15 civil or criminal, based upon its disciplinary proceedings or other  
16 official acts performed in good faith as members of the commission.

17 The commission may, whenever the workload of the commission  
18 requires, request that the secretary appoint pro tempore members.  
19 While serving as members pro tempore persons have all the powers,  
20 duties, and immunities, and are entitled to the emoluments, including  
21 travel expenses, of the commission.

22 The commission shall prepare or determine the nature of the  
23 examinations for applicants to practice chiropractic.

24 The commission may adopt such rules as are consistent with this  
25 chapter as may be deemed necessary and proper to carry out the purposes  
26 of this chapter.

27 **Sec. 3.** RCW 18.32.0361 and 1994 sp.s. c 9 s 208 are each amended  
28 to read as follows:

29 Each member of the commission shall be compensated in accordance  
30 with ((RCW 43.03.240)) section 1 of this act. Members shall be  
31 reimbursed for travel expenses incurred in the actual performance of  
32 their duties, as provided in RCW 43.03.050 and 43.03.060. Commission  
33 members shall be compensated and reimbursed for their activities in  
34 developing or administering a multistate licensing examination, as  
35 provided in this chapter.

36 **Sec. 4.** RCW 18.71.015 and 1994 sp.s. c 9 s 303 are each amended to  
37 read as follows:

1 The Washington state medical quality assurance commission is  
2 established, consisting of thirteen individuals licensed to practice  
3 medicine in the state of Washington under this chapter, two individuals  
4 who are licensed as physician assistants under chapter 18.71A RCW, and  
5 four individuals who are members of the public. Each congressional  
6 district now existing or hereafter created in the state must be  
7 represented by at least one physician member of the commission. The  
8 terms of office of members of the commission are not affected by  
9 changes in congressional district boundaries. Public members of the  
10 commission may not be a member of any other health care licensing board  
11 or commission, or have a fiduciary obligation to a facility rendering  
12 health services regulated by the commission, or have a material or  
13 financial interest in the rendering of health services regulated by the  
14 commission.

15 The members of the commission shall be appointed by the governor.  
16 Members of the initial commission may be appointed to staggered terms  
17 of one to four years, and thereafter all terms of appointment shall be  
18 for four years. The governor shall consider such physician and  
19 physician assistant members who are recommended for appointment by the  
20 appropriate professional associations in the state. In appointing the  
21 initial members of the commission, it is the intent of the legislature  
22 that, to the extent possible, the existing members of the board of  
23 medical examiners and medical disciplinary board repealed under section  
24 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission.  
25 No member may serve more than two consecutive full terms. Each member  
26 shall hold office until a successor is appointed.

27 Each member of the commission must be a citizen of the United  
28 States, must be an actual resident of this state, and, if a physician,  
29 must have been licensed to practice medicine in this state for at least  
30 five years.

31 The commission shall meet as soon as practicable after appointment  
32 and elect officers each year. Meetings shall be held at least four  
33 times a year and at such place as the commission determines and at such  
34 other times and places as the commission deems necessary. A majority  
35 of the commission members appointed and serving constitutes a quorum  
36 for the transaction of commission business.

37 The affirmative vote of a majority of a quorum of the commission is  
38 required to carry any motion or resolution, to adopt any rule, or to  
39 pass any measure. The commission may appoint panels consisting of at

1 least three members. A quorum for the transaction of any business by  
2 a panel is a minimum of three members. A majority vote of a quorum of  
3 the panel is required to transact business delegated to it by the  
4 commission.

5 Each member of the commission shall be compensated in accordance  
6 with ((RCW 43.03.240)) section 1 of this act and in addition thereto  
7 shall be reimbursed for travel expenses incurred in carrying out the  
8 duties of the commission in accordance with RCW 43.03.050 and  
9 43.03.060. Any such expenses shall be paid from funds appropriated to  
10 the department of health.

11 Whenever the governor is satisfied that a member of a commission  
12 has been guilty of neglect of duty, misconduct, or malfeasance or  
13 misfeasance in office, the governor shall file with the secretary of  
14 state a statement of the causes for and the order of removal from  
15 office, and the secretary shall forthwith send a certified copy of the  
16 statement of causes and order of removal to the last known post office  
17 address of the member.

18 Vacancies in the membership of the commission shall be filled for  
19 the unexpired term by appointment by the governor.

20 The members of the commission are immune from suit in an action,  
21 civil or criminal, based on its disciplinary proceedings or other  
22 official acts performed in good faith as members of the commission.

23 Whenever the workload of the commission requires, the commission  
24 may request that the secretary appoint pro tempore members of the  
25 commission. When serving, pro tempore members of the commission have  
26 all of the powers, duties, and immunities, and are entitled to all of  
27 the emoluments, including travel expenses, of regularly appointed  
28 members of the commission.

29 **Sec. 5.** RCW 18.79.090 and 1994 sp.s. c 9 s 409 are each amended to  
30 read as follows:

31 Each commission member shall be compensated in accordance with  
32 ((RCW 43.03.240)) section 1 of this act and shall be paid travel  
33 expenses when away from home in accordance with RCW 43.03.050 and  
34 43.03.060."

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4 On page 1, line 2 of the title, after "commissions;" strike the  
5 remainder of the title and insert "amending RCW 18.25.0171, 18.32.0361,  
6 18.71.015, and 18.79.090; and adding a new section to chapter 43.03  
7 RCW."

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