

SHB 1493 - S COMM AMD

By Committee on Health & Long-Term Care

ADOPTED AND ENGROSSED 4/7/11

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130
4 RCW to read as follows:

5 (1) A disciplining authority shall provide a person or entity
6 making a complaint or report under RCW 18.130.080 with a reasonable
7 opportunity to supplement or amend the contents of the complaint or
8 report. The license holder must be provided an opportunity to respond
9 to any supplemental or amended complaint or report. The disciplining
10 authority shall promptly respond to inquiries made by the license
11 holder or the person or entity making a complaint or report regarding
12 the status of the complaint or report.

13 (2)(a) Pursuant to chapter 42.56 RCW, following completion of an
14 investigation or closure of a report or complaint, the disciplining
15 authority shall, upon request, provide the license holder or the person
16 or entity making the complaint or report with a copy of the file
17 relating to the complaint or report, including, but not limited to, any
18 response submitted by the license holder under RCW 18.130.095(1).

19 (b) The disciplining authority may not disclose documents in the
20 file that:

21 (i) Contain confidential or privileged information regarding a
22 patient other than the person making the complaint or report; or

23 (ii) Contain information exempt from public inspection and copying
24 under chapter 42.56 RCW.

25 (c) The exemptions in (b) of this subsection are inapplicable to
26 the extent that the relevant information can be deleted from the
27 documents in question.

28 (d) The disciplining authority may impose a reasonable charge for
29 copying the file consistent with the charges allowed for copying public
30 records under RCW 42.56.120.

1 (3)(a) Prior to any final decision on any disciplinary proceeding
2 before a disciplining authority, the disciplining authority shall
3 provide the person submitting the complaint or report or his or her
4 representative, if any, an opportunity to be heard through an oral or
5 written impact statement about the effect of the person's injury on the
6 person and his or her family and on a recommended sanction.

7 (b) If the license holder is not present at the disciplinary
8 proceeding, the disciplining authority shall transmit the impact
9 statement to the license holder, who shall certify to the disciplining
10 authority that he or she has received it.

11 (c) For purposes of this subsection, representatives of the person
12 submitting the complaint or report include his or her family members
13 and such other affected parties as may be designated by the
14 disciplining authority upon request.

15 (4) A disciplining authority shall inform, in writing, the license
16 holder and person or entity submitting the complaint or report of the
17 final disposition of the complaint or report.

18 (5)(a) If the disciplining authority closes a complaint or report
19 prior to issuing a statement of charges under RCW 18.130.090 or a
20 statement of allegations under RCW 18.130.172, the person or entity
21 submitting the report may, within thirty days of receiving notice under
22 subsection (4) of this section, request the disciplining authority to
23 reconsider the closure of the complaint or report on the basis of new
24 information relating to the original complaint or report. A request
25 for reconsideration made under this subsection may only be brought in
26 relation to the original complaint and may only be brought one time.

27 (b) The disciplining authority shall, within thirty days of
28 receiving the request for reconsideration, notify the license holder of
29 the request and the new information providing the basis therefor. The
30 license holder has thirty days to provide a response. The disciplining
31 authority shall notify the person or entity and the license holder in
32 writing of its final decision on the request for reconsideration,
33 including an explanation of the reasoning behind the decision."

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1 On page 1, line 2 of the title, after "process;" strike the
2 remainder of the title and insert "and adding a new section to chapter
3 18.130 RCW."

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