

# FINAL BILL REPORT

## SHB 1493

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Synopsis as Enacted

**Brief Description:** Providing greater transparency to the health professions disciplinary process.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Pedersen, Bailey, Kagi, Clibborn, Ryu, Jenkins, Hinkle, Moeller, Van De Wege, Roberts, Stanford and Kenney).

**Health Care & Wellness:** 2/2/11, 2/10/11 [DPS].

**Health & Human Services Appropriations & Oversight:** 2/16/11 [Failed].

### **Background:**

#### Overview of the Health Professions Disciplinary Process.

Credentialed health care providers are subject to professional discipline under the Uniform Disciplinary Act (UDA). Under the UDA, the disciplining authority may take action against a provider for a variety of reasons, including unprofessional conduct, unlicensed practice, and the mental or physical inability to practice skillfully or safely. The Department of Health is the disciplining authority for many providers, and various boards and commissions are the disciplining authority for the remainder.

The UDA allows (and in some cases requires) individuals and organizations to file reports or complaints about health care providers. Once a disciplining authority receives a complaint, it makes a threshold determination as to whether the conduct in the complaint constitutes a violation of the law and whether the disciplining authority has the legal authority to take action. If a complaint does not meet this threshold, it is closed. If it does, the disciplining authority conducts an investigation.

After the investigation, if the evidence supports the complaint, the disciplining authority may institute disciplinary proceedings against the provider. Disciplinary proceedings may be resolved in a variety of ways, including a formal hearing (pursuant to the Administrative Procedures Act) or a stipulated agreement.

#### Disclosure of Documents Related to Disciplinary Proceedings.

A complaint submitted to a disciplining authority is exempt from public disclosure until a determination of whether to investigate is made. Complaints determined to warrant no cause of action after an investigation must include an explanation of the decision to close the

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complaint. Disciplinary files are generally open to public inspection and copying, except for certain information such as patient information and the name, address, and Social Security number of the provider.

#### Notifications to Complainants.

A disciplining authority must provide notification to a complainant in several stages of a disciplinary proceeding. For example, the disciplining authority must provide a complainant with notice as soon as the initial assessment of the complaint is complete. Also, the disciplining authority must report the issuance of statements of charges and final orders to the complainant.

#### **Summary:**

A disciplining authority must:

- provide a complainant with a reasonable opportunity to supplement or amend the contents of the complaint and must allow the license holder to respond;
- promptly respond to inquiries as to the status of the complaint; and
- provide the complainant or the license holder, following the investigation or closure of the complaint, with a copy of the file relating to the complaint upon request, including any response submitted by the subject of the complaint. Provision of the file is subject to the Public Records Act. The disciplining authority may not disclose any confidential or privileged information or any information exempt from public disclosure. The complainant or license holder may be charged a fee for copying the file.

Prior to any final decision in any disciplinary proceeding, the disciplining authority must provide the complainant or his or her representative an opportunity to be heard through an oral or written impact statement. If the license holder who is the subject of the proceeding is not present at the proceeding, the disciplining authority must transmit the impact statement to him or her. The license holder must certify to the disciplining authority that he or she has received and read it.

The disciplining authority must inform the complainant and the license holder in writing of the final disposition of the complaint. If the complaint was closed prior to a statement of charges or allegations being filed, the complainant may, within 30 days of receiving the notice of final disposition, make a request for reconsideration on the basis of new information. Within 30 days of receiving the request for reconsideration, the disciplining authority must notify the license holder of the request and provide the license holder with 30 days to respond. The disciplining authority must notify the complainant and the license holder in writing of its final decision on the request for reconsideration, including an explanation of the reasoning behind the decision. A request for reconsideration may only be made once.

#### **Votes on Final Passage:**

House	68	29	
Senate	47	1	(Senate amended)
House	61	35	(House concurred)

**Effective:** July 22, 2011