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**SUBSTITUTE HOUSE BILL 1493**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

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

READ FIRST TIME 02/16/11.

1            AN ACT Relating to providing greater transparency to the health  
2 professions disciplinary process; and adding a new section to chapter  
3 18.130 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.130 RCW  
6 to read as follows:

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

15            (2)(a) Except as provided in (b) of this subsection, the  
16 disciplining authority shall, upon request, provide the license holder  
17 or the person or entity making the complaint or report with a copy of  
18 the file relating to the complaint or report, including, but not

1 limited to, any response submitted by the license holder under RCW  
2 18.130.095(1).

3 (b) The disciplining authority may not disclose documents in the  
4 file that:

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

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

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

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

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

21 (b) If the license holder is not present at the disciplinary  
22 proceeding, the disciplining authority shall transmit the impact  
23 statement to the license holder, who shall certify to the disciplining  
24 authority that he or she has received and read it.

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

29 (4) A disciplining authority shall inform, in writing, the person  
30 or entity submitting the complaint or report of the final disposition  
31 of the complaint or report.

32 (5) If the disciplining authority closes a complaint or report  
33 prior to issuing a statement of charges under RCW 18.130.090 or a  
34 statement of allegations under RCW 18.130.172, the person or entity  
35 submitting the report may, within thirty days of receiving notice under  
36 subsection (4) of this section, request the disciplining authority to  
37 reconsider the closure of the complaint or report on the basis of new  
38 information relating to the original complaint or report. The

1 disciplining authority shall, within thirty days of receiving the  
2 request for reconsideration, notify the license holder of the request  
3 and the new information providing the basis therefor. The license  
4 holder has thirty days to provide a response. The disciplining  
5 authority shall notify the person or entity and the license holder in  
6 writing of its final decision on the request for reconsideration,  
7 including an explanation of the reasoning behind the decision.

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