
SENATE BILL 5775

State of Washington

62nd Legislature

2011 Regular Session

By Senator Chase

Read first time 02/11/11. Referred to Committee on Health & Long-Term Care.

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 and shall promptly respond to inquiries made by the person or
11 entity regarding the status of the complaint or report.

12 (2)(a) Except as provided in (b) of this subsection, the
13 disciplining authority shall, upon request, provide the person or
14 entity making the complaint or report with a copy of the file relating
15 to the complaint or report, including, but not limited to, any response
16 submitted by the license holder under RCW 18.130.095(1).

17 (b) The disciplining authority may not disclose documents in the
18 file that:

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

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

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

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

11 (3)(a) Prior to any final decision on any disciplinary proceeding
12 before a disciplining authority, the disciplining authority shall
13 provide the complainant or his or her representative, if any, an
14 opportunity to be heard through an oral or written victim impact
15 statement about the effect of the victim's injury on the victim and his
16 or her family and on a recommended sanction.

17 (b) If the subject of the proceeding is not present at the
18 disciplinary proceeding, the disciplining authority shall transmit the
19 victim impact statement to the subject of the proceeding, who shall
20 certify to the commission that he or she has received and read it.

21 (c) For purposes of this subsection, representatives of the victim
22 include his or her family members and such other affected parties as
23 may be designated by the disciplining authority upon request.

24 (4) A disciplining authority shall inform, in writing, the person
25 or entity submitting the complaint or report of the final disposition
26 of the complaint or report.

27 (5) Within thirty days of receiving notice under subsection (4) of
28 this section, the person or entity submitting the complaint or report
29 may request the disciplining authority to reconsider its decision. The
30 request for reconsideration may contain supplemental information
31 relating to the original complaint or report. The disciplining
32 authority shall, within thirty days of receiving the request for
33 reconsideration, notify the person or entity in writing of the
34 disciplining authority's final decision on the request, including an
35 explanation of the reasoning behind the decision.

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