

FINAL BILL REPORT

HB 1779

C 159 L 15

Synopsis as Enacted

Brief Description: Requiring specialized training for persons conducting victim interviews as part of the disciplinary process for a health professional alleged to have committed sexual misconduct.

Sponsors: Representatives Van De Wege, Johnson, Harris, Jinkins and Tharinger.

House Committee on Health Care & Wellness
Senate Committee on Health Care

Background:

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 Secretary of Health is the disciplining authority for many providers, and various boards and commissions are the disciplining authorities 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.

If the alleged unprofessional conduct involves only sexual misconduct, the Secretary of Health serves as the sole disciplining authority. A board or commission that receives such a complaint must forward the matter to the Secretary of Health.

Summary:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Beginning July 1, 2016, for all complaints alleging sexual misconduct, all victim interviews conducted as part of an investigation must be conducted by a person who has successfully completed a training program on interviewing victims of sexual misconduct in a manner that minimizes the negative impacts on victims. The training may be provided by the disciplining authority, the Department of Health, or an outside entity. When determining the type of training that is appropriate, the disciplining authority must consult with a statewide organization that provides information, training, and expertise to persons and entities who support victims, family and friends, the general public, and other persons whose lives have been affected by sexual assault.

Votes on Final Passage:

House	92	5
Senate	46	2

Effective: July 24, 2015