

HOUSE BILL REPORT

HB 1779

As Passed Legislature

Title: An act relating to requiring specialized training for persons conducting victim interviews as part of the disciplinary process for a health professional alleged to have committed sexual misconduct.

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.

Brief History:

Committee Activity:

Health Care & Wellness: 2/3/15, 2/20/15 [DP].

Floor Activity:

Passed House: 3/2/15, 92-5.

Passed Senate: 4/15/15, 46-2.

Passed Legislature.

Brief Summary of Bill

- Requires persons who interview victims of sexual misconduct in the health professions disciplinary process to receive training.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 12 members: Representatives Cody, Chair; Riccelli, Vice Chair; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Tharinger and Van De Wege.

Minority Report: Do not pass. Signed by 3 members: Representatives Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Short.

Staff: Jim Morishima (786-7191).

Background:

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.

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 of Bill:

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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Without appropriate training, health professions investigators will not understand the complex needs of victims of sexual assault, especially when they know their perpetrators. This can cause unintentional harm to the victim. Investigators sometimes ask questions that blame the victim, which only perpetuates feelings of shame and guilt. Investigators do not want to cause additional harm to victims and therefore need training. Investigations should be conducted consistent with the Victims' Bill of Rights. Victims have a right to be

questioned by investigators trained in working with sexual assault victims. It is important to get this requirement in law so it does not disappear. Most health professionals provide competent, ethical care. Disciplining authorities treat allegations of sexual misconduct seriously. The issue is deserving of special training. Some investigators are former law enforcement and already have the training, but all investigators could benefit from the training.

(Opposed) None.

Persons Testifying: Representative Van De Wege, prime sponsor; Joyce Hagen, Washington Federation of State Employees; and Kristi Weeks, Department of Health.

Persons Signed In To Testify But Not Testifying: None.