

SENATE BILL REPORT

HB 1779

As Reported by Senate Committee On:
Health Care, March 30, 2015

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: Passed House: 3/02/15, 92-5.

Committee Activity: Health Care: 3/23/15, 3/30/15 [DP, w/oRec].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Angel, Brown, Cleveland, Conway, Jayapal, Keiser, Parlette and Rivers.

Minority Report: That it be referred without recommendation.

Signed by Senator Bailey.

Staff: Evan Klein (786-7483)

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

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.

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 Procedure 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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill says that the Department of Health (DOH) officials must have specialized training to deal with victims of sexual misconduct. People who have been sexually abused in a health care setting need all of the help and assistance they can get. Currently, health care investigators do not get any specialized training, even though investigators need to be able to understand the complexities faced by a victim.

Persons Testifying: PRO: Representative Van De Wege, prime sponsor; Joice Hagen, WA Federation of State Employees; Kristi Weeks, DOH.

Persons Signed in to Testify But Not Testifying: No one.