
SUBSTITUTE HOUSE BILL 2865

State of Washington 64th Legislature 2016 Regular Session

By House Health Care & Wellness (originally sponsored by
Representatives Cody, Harris, and Ormsby)

READ FIRST TIME 02/02/16.

1 AN ACT Relating to hospital privileges for advanced registered
2 nurse practitioners and physician assistants; and amending RCW
3 70.41.230.

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

5 **Sec. 1.** RCW 70.41.230 and 2015 c 23 s 6 are each amended to read
6 as follows:

7 (1) Except as provided in subsection (3) of this section, prior
8 to granting or renewing clinical privileges or association of any
9 physician, advanced registered nurse practitioner, or physician
10 assistant or hiring a physician, a hospital or facility approved
11 pursuant to this chapter shall request from the physician, advanced
12 registered nurse practitioner, or physician assistant and the
13 physician, advanced registered nurse practitioner, or physician
14 assistant shall provide the following information:

15 (a) The name of any hospital or facility with or at which the
16 physician, advanced registered nurse practitioner, or physician
17 assistant had or has any association, employment, privileges, or
18 practice during the prior five years: PROVIDED, That the hospital may
19 request additional information going back further than five years,
20 and the physician, advanced registered nurse practitioner, or

1 physician assistant shall use his or her best efforts to comply with
2 such a request for additional information;

3 (b) Whether the physician, advanced registered nurse
4 practitioner, or physician assistant has ever been or is in the
5 process of being denied, revoked, terminated, suspended, restricted,
6 reduced, limited, sanctioned, placed on probation, monitored, or not
7 renewed for any professional activity listed in (b)(i) through (x) of
8 this subsection, or has ever voluntarily or involuntarily
9 relinquished, withdrawn, or failed to proceed with an application for
10 any professional activity listed in (b)(i) through (x) of this
11 subsection in order to avoid an adverse action or to preclude an
12 investigation or while under investigation relating to professional
13 competence or conduct:

14 (i) License to practice any profession in any jurisdiction;

15 (ii) Other professional registration or certification in any
16 jurisdiction;

17 (iii) Specialty or subspecialty board certification;

18 (iv) Membership on any hospital medical staff;

19 (v) Clinical privileges at any facility, including hospitals,
20 ambulatory surgical centers, or skilled nursing facilities;

21 (vi) Medicare, medicaid, the food and drug administration, the
22 national institute of health (office of human research protection),
23 governmental, national, or international regulatory agency, or any
24 public program;

25 (vii) Professional society membership or fellowship;

26 (viii) Participation or membership in a health maintenance
27 organization, preferred provider organization, independent practice
28 association, physician-hospital organization, or other entity;

29 (ix) Academic appointment;

30 (x) Authority to prescribe controlled substances (drug
31 enforcement agency or other authority);

32 (c) Any pending professional medical misconduct proceedings or
33 any pending medical malpractice actions in this state or another
34 state, the substance of the allegations in the proceedings or
35 actions, and any additional information concerning the proceedings or
36 actions as the physician, advanced registered nurse practitioner, or
37 physician assistant deems appropriate;

38 (d) The substance of the findings in the actions or proceedings
39 and any additional information concerning the actions or proceedings

1 as the physician, advanced registered nurse practitioner, or
2 physician assistant deems appropriate;

3 (e) A waiver by the physician, advanced registered nurse
4 practitioner, or physician assistant of any confidentiality
5 provisions concerning the information required to be provided to
6 hospitals pursuant to this subsection; and

7 (f) A verification by the physician, advanced registered nurse
8 practitioner, or physician assistant that the information provided by
9 the physician, advanced registered nurse practitioner, or physician
10 assistant is accurate and complete.

11 (2) Except as provided in subsection (3) of this section, prior
12 to granting privileges or association to any physician, advanced
13 registered nurse practitioner, or physician assistant or hiring a
14 physician, a hospital or facility approved pursuant to this chapter
15 shall request from any hospital with or at which the physician,
16 advanced registered nurse practitioner, or physician assistant had or
17 has privileges, was associated, or was employed, during the preceding
18 five years, the following information concerning the physician,
19 advanced registered nurse practitioner, or physician assistant:

20 (a) Any pending professional medical misconduct proceedings or
21 any pending medical malpractice actions, in this state or another
22 state;

23 (b) Any judgment or settlement of a medical malpractice action
24 and any finding of professional misconduct in this state or another
25 state by a licensing or disciplinary board; and

26 (c) Any information required to be reported by hospitals pursuant
27 to RCW 18.71.0195.

28 (3) In lieu of the requirements of subsections (1) and (2) of
29 this section, when granting or renewing privileges or association of
30 any physician, advanced registered nurse practitioner, or physician
31 assistant providing telemedicine services, an originating site
32 hospital may rely on a distant site hospital's decision to grant or
33 renew clinical privileges or association of the physician, advanced
34 registered nurse practitioner, or physician assistant if the
35 originating site hospital obtains reasonable assurances, through a
36 written agreement with the distant site hospital, that all of the
37 following provisions are met:

38 (a) The distant site hospital providing the telemedicine services
39 is a medicare participating hospital;

1 (b) Any physician, advanced registered nurse practitioner, or
2 physician assistant providing telemedicine services at the distant
3 site hospital will be fully privileged to provide such services by
4 the distant site hospital;

5 (c) Any physician, advanced registered nurse practitioner, or
6 physician assistant providing telemedicine services will hold and
7 maintain a valid license to perform such services issued or
8 recognized by the state of Washington; and

9 (d) With respect to any distant site physician, advanced
10 registered nurse practitioner, or physician assistant who holds
11 current privileges at the originating site hospital whose patients
12 are receiving the telemedicine services, the originating site
13 hospital has evidence of an internal review of the distant site
14 physician's, advanced registered nurse practitioner's, or physician
15 assistant's performance of these privileges and sends the distant
16 site hospital such performance information for use in the periodic
17 appraisal of the distant site physician, advanced registered nurse
18 practitioner, or physician assistant. At a minimum, this information
19 must include all adverse events, as defined in RCW 70.56.010, that
20 result from the telemedicine services provided by the distant site
21 physician, advanced registered nurse practitioner, or physician
22 assistant to the originating site hospital's patients and all
23 complaints the originating site hospital has received about the
24 distant site physician, advanced registered nurse practitioner, or
25 physician assistant.

26 (4)(a) The medical quality assurance commission or the board of
27 osteopathic medicine and surgery shall be advised within thirty days
28 of the name of any physician or physician assistant denied staff
29 privileges, association, or employment on the basis of adverse
30 findings under subsection (1) of this section.

31 **(b) The nursing care quality assurance commission shall be**
32 **advised within thirty days of the name of any advanced registered**
33 **nurse practitioner denied staff privileges or association on the**
34 **basis of adverse findings under subsection (1) of this section.**

35 (5) A hospital or facility that receives a request for
36 information from another hospital or facility pursuant to subsections
37 (1) through (3) of this section shall provide such information
38 concerning the physician, advanced registered nurse practitioner, or
39 physician assistant in question to the extent such information is
40 known to the hospital or facility receiving such a request, including

1 the reasons for suspension, termination, or curtailment of employment
2 or privileges at the hospital or facility. A hospital, facility, or
3 other person providing such information in good faith is not liable
4 in any civil action for the release of such information.

5 (6) Information and documents, including complaints and incident
6 reports, created specifically for, and collected, and maintained by a
7 quality improvement committee are not subject to discovery or
8 introduction into evidence in any civil action, and no person who was
9 in attendance at a meeting of such committee or who participated in
10 the creation, collection, or maintenance of information or documents
11 specifically for the committee shall be permitted or required to
12 testify in any civil action as to the content of such proceedings or
13 the documents and information prepared specifically for the
14 committee. This subsection does not preclude: (a) In any civil
15 action, the discovery of the identity of persons involved in the
16 medical care that is the basis of the civil action whose involvement
17 was independent of any quality improvement activity; (b) in any civil
18 action, the testimony of any person concerning the facts which form
19 the basis for the institution of such proceedings of which the person
20 had personal knowledge acquired independently of such proceedings;
21 (c) in any civil action by a health care provider regarding the
22 restriction or revocation of that individual's clinical or staff
23 privileges, introduction into evidence information collected and
24 maintained by quality improvement committees regarding such health
25 care provider; (d) in any civil action, disclosure of the fact that
26 staff privileges were terminated or restricted, including the
27 specific restrictions imposed, if any and the reasons for the
28 restrictions; or (e) in any civil action, discovery and introduction
29 into evidence of the patient's medical records required by regulation
30 of the department of health to be made regarding the care and
31 treatment received.

32 (7) Hospitals shall be granted access to information held by the
33 medical quality assurance commission ~~((and))~~, the board of
34 osteopathic medicine and surgery, and the nursing care quality
35 assurance commission pertinent to decisions of the hospital regarding
36 credentialing and recredentialing of practitioners.

37 (8) Violation of this section shall not be considered negligence
38 per se.

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