

SHB 1359 - H AMD 65

By Representative Jenkins

ADOPTED 03/02/2017

1 On page 3, after line 26, insert the following:

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3 **"Sec. 2.** RCW 70.170.070 and 1989 1st ex.s. c 9 s 507 are each
4 amended to read as follows:

5 (1) Every person who shall violate or knowingly aid and abet the
6 violation of RCW 70.170.060 (5) or (~~(6)~~) (7), 70.170.080, or
7 *70.170.100, or any valid orders or rules adopted pursuant to these
8 sections, or who fails to perform any act which it is herein made
9 his or her duty to perform, shall be guilty of a misdemeanor.

10 Following official notice to the accused by the department of the
11 existence of an alleged violation, each day of noncompliance upon
12 which a violation occurs shall constitute a separate violation. Any
13 person violating the provisions of this chapter may be enjoined from
14 continuing such violation. The department has authority to levy
15 civil penalties not exceeding one thousand dollars for violations of
16 this chapter and determined pursuant to this section.

17 (2) Every person who shall violate or knowingly aid and abet the
18 violation of RCW 70.170.060 (1) or (2), or any valid orders or rules
19 adopted pursuant to such section, or who fails to perform any act
20 which it is herein made his or her duty to perform, shall be subject
21 to the following criminal and civil penalties:

22 (a) For any initial violations: The violating person shall be
23 guilty of a misdemeanor, and the department may impose a civil
24 penalty not to exceed one thousand dollars as determined pursuant to
25 this section.

26 (b) For a subsequent violation of RCW 70.170.060 (1) or (2)
27 within five years following a conviction: The violating person shall

1 be guilty of a misdemeanor, and the department may impose a penalty
2 not to exceed three thousand dollars as determined pursuant to this
3 section.

4 (c) For a subsequent violation with intent to violate RCW
5 70.170.060 (1) or (2) within five years following a conviction: The
6 criminal and civil penalties enumerated in (a) of this subsection;
7 plus up to a three-year prohibition against the issuance of tax
8 exempt bonds under the authority of the Washington health care
9 facilities authority; and up to a three-year prohibition from
10 applying for and receiving a certificate of need.

11 (d) For a violation of RCW 70.170.060 (1) or (2) within five
12 years of a conviction under (c) of this subsection: The criminal and
13 civil penalties and prohibition enumerated in (a) and (b) of this
14 subsection; plus up to a one-year prohibition from participation in
15 the state medical assistance or medical care services authorized
16 under chapter 74.09 RCW.

17 (3) The provisions of chapter 34.05 RCW shall apply to all
18 noncriminal actions undertaken by the department of health, the
19 department of social and health services, and the Washington health
20 care facilities authority pursuant to chapter 9, Laws of 1989 1st
21 ex. sess."

22
23 Renumber the remaining section consecutively and correct any
24 internal references accordingly.

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26 Correct the title.

EFFECT: Corrects a subsection reference related to penalties to
reflect changes the bill makes to subsection numbering.

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