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## Judiciary Committee

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### SSB 5998

**Title:** An act relating to health care provider and health care facility whistleblower protections.

**Brief Description:** Concerning health care provider and health care facility whistleblower protections.

**Sponsors:** Senate Committee on Health & Long Term Care (originally sponsored by Senators Keiser, Rivers, Carlyle, Fain, Cleveland, Liias, Van De Wege, Conway, Chase, Saldaña and King).

#### Brief Summary of Substitute Bill

- Expands the definition of "whistleblower" to include a health care provider or member of a medical care staff at a health care facility.
- Provides a civil remedy to nonemployee whistleblowers who have been subject to retaliatory action.
- Establishes standards for the sanction process against medical staff.

**Hearing Date:** 2/14/18

**Staff:** Ingrid Lewis (786-7289).

#### Background:

Whistleblower protections, which include confidentiality and freedom from workplace reprisals, extend to consumers, employees, and health care professionals who communicate allegations of improper quality of care by a health care facility or provider to the Department of Health in good faith. Only a whistleblower who is an employee of a health care facility or provider may have recourse against retaliatory action.

Hospitals maintain a quality improvement program that includes a medical staff privileges sanction procedure through which professional conduct is reviewed as part of an evaluation of staff privileges of health care providers.

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*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.*

**Summary of Bill:**

The definition of "whistleblower" for a person who is a health care professional is amended to include a health care provider or member of a medical care staff at a health care facility. Whistleblower protection is expanded to include a whistleblower who initiates in good faith any investigation or administrative proceeding about a complaint made to the Department of Health.

A nonemployee whistleblower who is subjected to reprisal or retaliatory action by a health care provider or health care facility may file a civil cause of action within two years of the retaliatory action. The nonemployee may recover damages and reasonable attorney's fees and costs, as well as enjoin further violations. A respondent may be awarded attorney's fees for unfounded and frivolous claims by a nonemployee whistleblower.

Absent the adherence to a medical staff privileges sanction process, any reduction of medical staff membership or privileges qualifies as a "reprisal or retaliatory action."

A professional peer review action taken by a health care facility must meet the federal standards for professional review actions.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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