

FINAL BILL REPORT

SHB 1239

C 162 L 19
Synopsis as Enacted

Brief Description: Protecting the confidentiality of health care quality and peer review discussions to support effective patient safety.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Macri, Harris, Appleton, Thai, Wylie and Chambers).

House Committee on Health Care & Wellness
Senate Committee on Health & Long Term Care

Background:

I. Privileges.

Hospital privileges are the authority granted by a hospital for a provider to use its facilities and equipment. If a provider's privileges are restricted or revoked, the hospital must keep records of the restriction or revocation. If the restriction or revocation involved unprofessional conduct under the Uniform Disciplinary Act, the hospital must report the restriction or revocation to the Department of Health.

II. Quality Improvement Programs.

A licensed hospital is required to establish coordinated quality improvement programs for the improvement of health care services and the identification and prevention of medical malpractice. The hospital's quality improvement program must include a variety of elements, including the establishment of one or more quality improvement committees and a process to review of the staff's credentials, physical and mental capacity, professional conduct, and competence as part of an evaluation of staff privileges. Quality improvement committees must report to the governing board of the hospital on a quarterly basis.

Information and documents created specifically for a quality improvement committee are exempt from public disclosure under the Public Disclosure Act. Discovery and use of the information and documents in civil proceedings are also limited.

III. Open Public Meetings.

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.

Under the Open Public Meetings Act, meetings of a public agency where official businesses is transacted must be open to the public. Unless there is an emergency, the public must be given advance notice of all meetings.

Public agencies may conduct executive sessions out of the view of the public for certain enumerated purposes. For example, the board of commissioners of a public hospital district may conduct executive sessions concerning the granting, denial, revocation, restriction, or other consideration of the status of the clinical or staff privileges of a physician or other health care provider, although the final action must be taken in public.

Similarly, the meetings, proceedings, and deliberations of a quality improvement committee and the meetings, proceedings and deliberations of the board of governors of a public hospital district to review the activities of a quality improvement committee may be conducted in executive session, although any final actions must be taken in public. A review by the board of governors is subject to the same protections, limitations, and exemptions that apply to quality improvement committee activities.

Summary:

Public hospitals are granted the authority to conduct executive sessions regarding staff privileges and quality improvement, similar to the authority granted to public hospital districts.

The meetings of a governing body of a public hospital concerning the granting, denial, revocation, restriction, or other consideration of the clinical staff privileges of a health provider are confidential and may be conducted in executive session. Final action, however, must be taken in public.

All meetings, proceedings, and deliberations of a quality improvement committee of a public hospital and all meetings, proceedings, and deliberations to review the activities of a quality improvement committee may, at the discretion of the governing body of the hospital, be confidential and conducted in executive session. Final action, however, must be taken in public. A review by the governing body is subject to the same protections, limitations, and exemptions that apply to quality improvement committee activities.

A public hospital is defined as any hospital owned or operated by the state or any of its subdivisions, including the University of Washington. A governing body is defined as the board or committee of a public hospital with authority to make final decisions concerning the granting, denial, revocation, restriction, or other consideration of the clinical or staff privileges of a health care provider.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 28, 2019