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HOUSE BILL 2172

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Caldier and Jinkins

1 AN ACT Relating to protecting whistleblowers who provide  
2 information to the attorney general regarding anticompetitive  
3 transactions involving hospitals, hospital systems, or provider  
4 organizations; and adding a new section to chapter 19.86 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.86  
7 RCW to read as follows:

8 (1) A hospital, hospital system, or provider organization may not  
9 engage in reprisal or retaliatory action against a whistleblower who  
10 reports or provides information to the attorney general regarding an  
11 alleged violation of this chapter in connection with a merger,  
12 acquisition, or contracting affiliation involving the hospital,  
13 hospital system, or provider organization. Any whistleblower who is  
14 the subject of reprisal or retaliatory action by a hospital, hospital  
15 system, or provider organization is entitled to a remedy under RCW  
16 43.70.075.

17 (2) In any action brought by the attorney general against a  
18 hospital, hospital system, or provider organization for a violation  
19 of this chapter in connection with a merger, acquisition, or  
20 contracting affiliation, the hospital, hospital system, or provider  
21 organization is liable for all costs incurred by a whistleblower in

1 responding to any discovery request made by the hospital, hospital  
2 system, or provider organization, including all costs and reasonable  
3 attorneys' fees incurred in preparing for and attending a deposition  
4 or in responding to requests for the production of documents.

5 (3) For the purposes of this section:

6 (a) "Hospital" means a facility licensed under chapter 70.41 or  
7 71.12 RCW.

8 (b) "Hospital system" means:

9 (i) A parent corporation of one or more hospitals and any entity  
10 affiliated with such a parent corporation through ownership or  
11 control; or

12 (ii) A hospital and any entity affiliated with a hospital through  
13 ownership.

14 (c) "Provider organization" means a corporation, partnership,  
15 business trust, association, or organized group of persons, whether  
16 incorporated or not, which is in the business of health care delivery  
17 or management and that represents seven or more health care providers  
18 in contracting with carriers or third-party administrators for the  
19 payments of health care services. A "provider organization" includes  
20 physician organizations, physician-hospital organizations,  
21 independent practice associations, provider networks, and accountable  
22 care organizations.

23 (d) "Whistleblower" means a consumer, employee, or health care  
24 professional who in good faith reports or provides information to the  
25 attorney general regarding alleged violations of this chapter  
26 resulting from a merger, acquisition, or contracting affiliation  
27 involving a hospital, hospital system, or provider organization.

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