

2SHB 1148 - S AMD 514

By Senator Padden

NOT ADOPTED 04/06/2021

1 On page 6, line 36, after "receipt." insert "A hospital that
2 prevails in an adjudicative proceeding, hearing, or appeal under this
3 section is entitled to recover costs of litigation and reasonable
4 attorneys' fees. Funding for a prevailing hospital to recover the
5 costs of litigation and reasonable attorneys' fees under this section
6 must be paid from the department's local account where fees and
7 charges for the regulation of hospitals are deposited or the state
8 general fund if payment would result in a cash deficit to the
9 department's local account where fees and charges for the regulation
10 of hospitals are deposited. The department shall not increase
11 hospital licensing fees for the sole purpose of funding a prevailing
12 hospital's costs of litigation and reasonable attorneys' fees under
13 this section."

EFFECT: Entitles a hospital to recover the costs of litigation and reasonable attorney fees if the hospital prevails in contesting DOH's enforcement actions through an adjudicative proceeding, hearing, or appeal under the Administrative Procedure Act. Requires the state general fund cover the funding for a prevailing hospital's costs of litigation and reasonable attorneys' fees if payment would result in a cash deficit to the hospital regulatory program account. Prohibits DOH from increasing hospital licensing fees for the sole purpose of funding a prevailing hospital's costs of litigation and reasonable attorney's fees.

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