
SUBSTITUTE SENATE BILL 5348

State of Washington

67th Legislature

2022 Regular Session

By Senate Law & Justice (originally sponsored by Senators Stanford, Dhingra, Hasegawa, Hunt, and Salomon)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to false representations by health care providers
2 in assisted reproduction; amending RCW 18.130.180; adding a new
3 section to chapter 18.130 RCW; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds it unconscionable
7 that health care providers may misrepresent the source of the gametes
8 provided to assisted reproduction patients. In such cases, false
9 information leaves the children conceived through assisted
10 reproduction without accurate information about their identity,
11 family medical history, and true genetic parentage.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130
13 RCW to read as follows:

14 (1) A health care provider licensed under Title 18 RCW is guilty
15 of false representation in assisted reproduction if he or she
16 knowingly provides false information to a patient related to gametes
17 used or provided for assisted reproduction or the donor of the
18 gametes.

19 (2) The appropriate board or commission under Title 18 RCW or
20 department may investigate any allegations of false representation

1 under this section, and may conduct an enforcement action against the
2 licensed provider pursuant to this chapter.

3 (3) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Assisted reproduction" has the same meaning as defined in
6 RCW 26.26A.010.

7 (b) "Donor" has the same meaning as defined in RCW 26.26A.010.

8 (c) "Gamete" has the same meaning as defined in RCW 26.26A.010.

9 (d) "Health care provider" has the same meaning as defined in RCW
10 7.70.020.

11 **Sec. 3.** RCW 18.130.180 and 2021 c 157 s 7 are each amended to
12 read as follows:

13 The following conduct, acts, or conditions constitute
14 unprofessional conduct for any license holder under the jurisdiction
15 of this chapter:

16 (1) The commission of any act involving moral turpitude,
17 dishonesty, or corruption relating to the practice of the person's
18 profession, whether the act constitutes a crime or not. If the act
19 constitutes a crime, conviction in a criminal proceeding is not a
20 condition precedent to disciplinary action. Upon such a conviction,
21 however, the judgment and sentence is conclusive evidence at the
22 ensuing disciplinary hearing of the guilt of the license holder of
23 the crime described in the indictment or information, and of the
24 person's violation of the statute on which it is based. For the
25 purposes of this section, conviction includes all instances in which
26 a plea of guilty or nolo contendere is the basis for the conviction
27 and all proceedings in which the sentence has been deferred or
28 suspended. Nothing in this section abrogates rights guaranteed under
29 chapter 9.96A RCW;

30 (2) Misrepresentation or concealment of a material fact in
31 obtaining a license or in reinstatement thereof;

32 (3) All advertising which is false, fraudulent, or misleading;

33 (4) Incompetence, negligence, or malpractice which results in
34 injury to a patient or which creates an unreasonable risk that a
35 patient may be harmed. The use of a nontraditional treatment by
36 itself shall not constitute unprofessional conduct, provided that it
37 does not result in injury to a patient or create an unreasonable risk
38 that a patient may be harmed;

1 (5) Suspension, revocation, or restriction of the individual's
2 license to practice any health care profession by competent authority
3 in any state, federal, or foreign jurisdiction, a certified copy of
4 the order, stipulation, or agreement being conclusive evidence of the
5 revocation, suspension, or restriction;

6 (6) Except when authorized by RCW 18.130.345, the possession,
7 use, prescription for use, or distribution of controlled substances
8 or legend drugs in any way other than for legitimate or therapeutic
9 purposes, diversion of controlled substances or legend drugs, the
10 violation of any drug law, or prescribing controlled substances for
11 oneself;

12 (7) Violation of any state or federal statute or administrative
13 rule regulating the profession in question, including any statute or
14 rule defining or establishing standards of patient care or
15 professional conduct or practice;

16 (8) Failure to cooperate with the disciplining authority by:

17 (a) Not furnishing any papers, documents, records, or other
18 items;

19 (b) Not furnishing in writing a full and complete explanation
20 covering the matter contained in the complaint filed with the
21 disciplining authority;

22 (c) Not responding to subpoenas issued by the disciplining
23 authority, whether or not the recipient of the subpoena is the
24 accused in the proceeding; or

25 (d) Not providing reasonable and timely access for authorized
26 representatives of the disciplining authority seeking to perform
27 practice reviews at facilities utilized by the license holder;

28 (9) Failure to comply with an order issued by the disciplining
29 authority or a stipulation for informal disposition entered into with
30 the disciplining authority;

31 (10) Aiding or abetting an unlicensed person to practice when a
32 license is required;

33 (11) Violations of rules established by any health agency;

34 (12) Practice beyond the scope of practice as defined by law or
35 rule;

36 (13) Misrepresentation or fraud in any aspect of the conduct of
37 the business or profession;

38 (14) Failure to adequately supervise auxiliary staff to the
39 extent that the consumer's health or safety is at risk;

1 (15) Engaging in a profession involving contact with the public
2 while suffering from a contagious or infectious disease involving
3 serious risk to public health;

4 (16) Promotion for personal gain of any unnecessary or
5 inefficacious drug, device, treatment, procedure, or service;

6 (17) Conviction of any gross misdemeanor or felony relating to
7 the practice of the person's profession. For the purposes of this
8 subsection, conviction includes all instances in which a plea of
9 guilty or nolo contendere is the basis for conviction and all
10 proceedings in which the sentence has been deferred or suspended.
11 Nothing in this section abrogates rights guaranteed under chapter
12 9.96A RCW;

13 (18) The procuring, or aiding or abetting in procuring, a
14 criminal abortion;

15 (19) The offering, undertaking, or agreeing to cure or treat
16 disease by a secret method, procedure, treatment, or medicine, or the
17 treating, operating, or prescribing for any health condition by a
18 method, means, or procedure which the licensee refuses to divulge
19 upon demand of the disciplining authority;

20 (20) The willful betrayal of a practitioner-patient privilege as
21 recognized by law;

22 (21) Violation of chapter 19.68 RCW or a pattern of violations of
23 RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8),
24 or 74.09.325(8);

25 (22) Interference with an investigation or disciplinary
26 proceeding by willful misrepresentation of facts before the
27 disciplining authority or its authorized representative, or by the
28 use of threats or harassment against any patient or witness to
29 prevent them from providing evidence in a disciplinary proceeding or
30 any other legal action, or by the use of financial inducements to any
31 patient or witness to prevent or attempt to prevent him or her from
32 providing evidence in a disciplinary proceeding;

33 (23) Current misuse of:

34 (a) Alcohol;

35 (b) Controlled substances; or

36 (c) Legend drugs;

37 (24) Abuse of a client or patient or sexual contact with a client
38 or patient;

39 (25) Acceptance of more than a nominal gratuity, hospitality, or
40 subsidy offered by a representative or vendor of medical or health-

1 related products or services intended for patients, in contemplation
2 of a sale or for use in research publishable in professional
3 journals, where a conflict of interest is presented, as defined by
4 rules of the disciplining authority, in consultation with the
5 department, based on recognized professional ethical standards;
6 (26) Violation of RCW 18.130.420;
7 (27) Performing conversion therapy on a patient under age
8 ((eighteen)) 18;
9 (28) Violation of RCW 18.130.430; or
10 (29) Violation of section 2 of this act.

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