
HOUSE BILL 2543

State of Washington

61st Legislature

2010 Regular Session

By Representative Chase

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1 AN ACT Relating to the disciplinary process of the medical quality
2 assurance commission; and amending RCW 18.71.019.

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

4 **Sec. 1.** RCW 18.71.019 and 1996 c 195 s 1 are each amended to read
5 as follows:

6 (1) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
7 unlicensed practice and the issuance and denial of licenses and
8 discipline of licensees under this chapter.

9 (2) When a panel of the commission revokes a license, the
10 respondent may request review of the revocation order of the panel by
11 the remaining members of the commission not involved in the initial
12 investigation. The respondent's request for review must be filed
13 within twenty days of the effective date of the order revoking the
14 respondent's license. The review shall be scheduled for hearing by the
15 remaining members of the commission not involved in the initial
16 investigation within sixty days. The commission shall adopt rules
17 establishing review procedures.

18 (3)(a) In addition to the requirements of RCW 18.130.095, the
19 secretary or the commission, as applicable, shall provide to a

1 complainant a written explanation of any determination pertaining to
2 his or her complaint including, but not limited to, a determination to
3 initiate an investigation, a determination to close a complaint without
4 investigation, a determination of whether to initiate a formal
5 disciplinary hearing, a finding of unprofessional conduct following a
6 hearing, or a finding that unprofessional conduct did not occur
7 following a hearing.

8 (b) Within sixty days of receiving a written explanation from the
9 secretary or commission under (a) of this subsection, the complainant
10 may appeal the determination to an administrative law judge in
11 accordance with chapter 34.05 RCW.

12 (c) Within sixty days of receiving a decision under (b) of this
13 subsection, the complainant may request judicial review of the decision
14 in accordance with chapter 34.05 RCW.

15 (d) Following a ruling in favor of the complainant under (b) or (c)
16 of this subsection, the secretary or the commission, as appropriate,
17 shall continue to pursue the case against the license holder.

18 (4)(a) Prior to any final decision on any disciplinary proceeding
19 before the commission, the commission shall provide the complainant or
20 his or her representative an opportunity to be heard through an oral or
21 written victim impact statement, or both, at the victim's or his or her
22 representative's option, about the impact of the victim's injury on the
23 victim and his or her family and on a recommended sanction.

24 (b) The commission shall make reasonable efforts to ensure that the
25 victim or his or her representative be given the opportunity to provide
26 the impact statement in the presence of the physician who is the
27 subject of the disciplinary proceeding, unless the physician is not
28 present at the proceeding. If the physician is not present, the
29 commission shall transmit the impact statement to the physician who
30 shall certify to the commission that he or she has received and read
31 it.

32 (c) For purposes of this subsection, representatives of the victim
33 include his or her family members and such other affected parties as
34 may be designated by the commission upon request.

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