
Health Care & Wellness Committee

HB 1493

Brief Description: Providing greater transparency to the health professions disciplinary process.

Sponsors: Representatives Pedersen, Bailey, Kagi, Clibborn, Ryu, Jenkins, Hinkle, Moeller, Van De Wege, Roberts, Stanford and Kenney.

Brief Summary of Bill

- Allows a complainant in a disciplinary proceeding under the Uniform Disciplinary Act to supplement the contents of his or her complaint.
- Requires a disciplining authority to promptly respond to inquiries regarding the status of a complaint.
- Requires a disciplining authority to provide a complainant with the file relating to the complaint.
- Requires a disciplining authority to allow a complainant to submit an oral or written victim impact statement.
- Requires a disciplining authority to inform the complainant with a report on the complaint's final disposition.
- Allows the complainant to make a request for reconsideration of the disciplining authority's decision.

Hearing Date: 2/2/11

Staff: Jim Morishima (786-7191).

Background:

Overview of the Health Professions Disciplinary Process.

Credentialed health care providers are subject to professional discipline under the Uniform Disciplinary Act (UDA). Under the UDA, the disciplining authority may take action against a

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provider for a variety of reasons, including unprofessional conduct, unlicensed practice, and the mental or physical inability to practice skillfully or safely. The Department of Health is the disciplining authority for many providers and various boards and commissions are the disciplining authority for the remainder.

The UDA allows (and in some cases requires) individuals and organizations to file reports or complaints about health care providers. Once a disciplining authority receives a complaint, it makes a threshold determination as to whether the conduct in the complaint constitutes a violation of the law and whether the disciplining authority has the legal authority to take action. If a complaint does not meet this threshold, it is closed. If it does, the disciplining authority conducts an investigation.

After the investigation, if the evidence supports the complaint, the disciplining authority may institute disciplinary proceedings against the provider. Disciplinary proceedings may be resolved in a variety of ways, including a formal hearing (pursuant to the Administrative Procedures Act) or a stipulated agreement.

Disclosure of Documents Related to Disciplinary Proceedings.

A complaint submitted to a disciplining authority is exempt from public disclosure until a determination of whether to investigate is made. Complaints determined to warrant no cause of action after an investigation must include an explanation of the decision to close the complaint. Disciplinary files are generally open to public inspection and copying, except for certain information such as patient information and the name, address, and social security number of the provider.

Notifications to Complainants.

A disciplining authority must provide notification to a complainant in several stages of a disciplinary proceeding. For example, the disciplining authority must provide a complainant with notice as soon as the initial assessment of the complaint is complete. Also, the disciplining authority must report the issuance of statements of charges and final orders to the complainant.

Summary of Bill:

A disciplining authority must provide a complainant with a reasonable opportunity to supplement or amend the contents of the complaint and must promptly respond to the inquiries as to the status of the complaint. The disciplining authority must provide the complainant with a copy of the file relating to the complaint upon request, including any response submitted by the subject of the complaint. The disciplining authority may not disclose any confidential or privileged information or any information exempt from public disclosure. The disciplining authority may impose a charge for copying the file.

Prior to any final decision in any disciplinary proceeding, the disciplining authority must provide the complainant or his or her representative an opportunity to be heard through an oral or written victim impact statement. If the provider who is the subject of the proceeding is not present at the proceeding, the disciplining authority must transmit the impact statement to him or her. The provider must certify to the disciplining authority that he or she has received and read it.

The disciplining authority must inform the complainant in writing of the final disposition of the complaint. Within 30 days of receiving this notice, the complainant may make a request for reconsideration, which may contain supplemental information. Within 30 days of receiving the request for reconsideration, the disciplining authority must notify the complainant of its final decision, including an explanation of the reasoning behind the decision.

Appropriation: None.

Fiscal Note: Requested on January 26, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.