
SUBSTITUTE SENATE BILL 6347

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl, Quigley, Winsley, Wojahn, Wood, Franklin and Thibaudeau)

Read first time 02/02/96.

1 AN ACT Relating to whistleblower complaints against health
2 carriers; and amending RCW 43.70.075.

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

4 **Sec. 1.** RCW 43.70.075 and 1995 c 265 s 19 are each amended to read
5 as follows:

6 (1) The identity of a whistleblower who complains, in good faith,
7 to the department of health about the improper quality of care by a
8 health care provider, or in a health care facility, as defined in RCW
9 (~~43.72.010~~) 48.43.005 that is regulated by the department of health,
10 shall remain confidential. The identity of a whistleblower who
11 complains, in good faith, to the department of social and health
12 services about the improper quality of care in a health care facility,
13 as defined in RCW 48.43.005 that is regulated by or under contract to
14 provide services for the department of social and health services,
15 shall remain confidential. The identity of a whistleblower who
16 complains, in good faith, to the office of the insurance commissioner
17 about improper quality of care by a health carrier, as defined in RCW
18 48.43.005, shall remain confidential. The provisions of RCW 4.24.500
19 through 4.24.520, providing certain protections to persons who

1 communicate to government agencies, shall apply to complaints filed
2 under this section. The identity of the whistleblower shall remain
3 confidential unless the respective department or office determines that
4 the complaint was not made in good faith. An employee who is a
5 whistleblower, as defined in this section, and who as a result of being
6 a whistleblower has been subjected to workplace reprisal or retaliatory
7 action has the remedies provided under chapter 49.60 RCW.

8 (2)(a) "Improper quality of care" means any practice, procedure,
9 action, or failure to act that violates any state law or rule of the
10 applicable state health licensing authority under Title 18 or chapters
11 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW or violates
12 any state law or rule adopted under Title 48 RCW or chapter 265, Laws
13 of 1995, regulating health carriers, and is enforced by the department
14 of health, the department of social and health services, or the
15 insurance commissioner. Each health disciplinary authority as defined
16 in RCW 18.130.040 may, with consultation and interdisciplinary
17 coordination provided by the state department of health, adopt rules
18 defining accepted standards of practice for their profession that shall
19 further define improper quality of care. Improper quality of care
20 shall not include good faith personnel actions related to employee
21 performance or actions taken according to established terms and
22 conditions of employment.

23 (b) "Reprisal or retaliatory action" means but is not limited to:
24 Denial of adequate staff to perform duties; frequent staff changes;
25 frequent and undesirable office changes; refusal to assign meaningful
26 work; unwarranted and unsubstantiated report of misconduct pursuant to
27 Title 18 RCW; letters of reprimand or unsatisfactory performance
28 evaluations; demotion; reduction in pay; denial of promotion;
29 suspension; dismissal; denial of employment; and a supervisor or
30 superior encouraging coworkers to behave in a hostile manner toward the
31 whistleblower.

32 (c) "Whistleblower" means a consumer, employee, or health care
33 professional who in good faith reports alleged quality of care concerns
34 to the department of health.

35 (3) Nothing in this section prohibits a health care facility from
36 making any decision exercising its authority to terminate, suspend, or
37 discipline an employee who engages in workplace reprisal or retaliatory
38 action against a whistleblower.

1 (4) The department shall adopt rules to implement procedures for
2 filing, investigation, and resolution of whistleblower complaints that
3 are integrated with complaint procedures under Title 18 RCW for health
4 professionals or health care facilities regulated by the department.

5 (5) The department of social and health services shall adopt rules
6 to implement procedures for filing, investigation, and resolution of
7 whistleblower complaints that are integrated with complaint procedures
8 for health facilities regulated by or under contract to provide
9 services for the department.

10 (6) The office of the insurance commissioner shall adopt rules to
11 implement procedures for filing, investigation, and resolution of
12 whistleblower complaints that are integrated with complaint procedures
13 under Title 48 RCW and chapter 265, Laws of 1995, for health carriers.

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