

RCW 28B.10.930 Comprehensive cancer care collaborative

arrangements—Nonstate entity. (1) To facilitate a public-private collaborative arrangement between a comprehensive cancer center and an institution of higher education and maintain the independence of the comprehensive cancer center as a nonprofit private entity, a comprehensive cancer center that is operated in conformance with subsection (3) of this section is not:

(a) A state agency, state employer, quasi-government entity, or the functional equivalent of a state entity for any purpose under Washington law;

(b) Subject to any obligation or duty of a state agency, state employer, or quasi-government entity under any Washington law; and

(c) Subject to state laws or rules and local ordinances, resolutions, or rules specifically applicable to state agencies solely because of an entity's status as a state agency, but is subject to generally applicable state laws and rules and local ordinances, resolutions, and rules.

(2) Employees of a comprehensive cancer center that is operated in conformance with subsection (3) of this section are not employees of a state agency, nor have any right or entitlement to any benefits conferred upon employees of a state agency.

(3) (a) For purposes of chapter 71, Laws of 2022, and to ensure that a comprehensive cancer center maintains its character as a nonpublic entity, a comprehensive cancer center must not:

(i) Perform an exclusively governmental function, but perform cancer research and medical treatment that are traditionally performed by both governmental and nongovernmental entities;

(ii) Receive a majority of its operations funding from the government of the state of Washington or its agencies or institutions, but perform research and medical services under contract to both governmental and nongovernmental entities;

(iii) Be subject to day-to-day management by any state agency or institution of higher education; and

(iv) Be created solely by a state agency or an institution of higher education.

(b) For purposes of chapter 71, Laws of 2022, and to ensure that the employees of a comprehensive cancer center are at no times employees of a state agency or institution of higher education, state employer, quasi-government entity, or the functional equivalent of a state entity, no state agency or institution of higher education, nor the employees, designees, or agents of a state agency or institution of higher education, may:

(i) Directly exercise employer management over comprehensive cancer center employees' day-to-day operation of the comprehensive cancer center;

(ii) Solely determine the compensation, benefits, and working conditions of comprehensive cancer center employees for their comprehensive cancer center employment; or

(iii) Engage in collective bargaining, the ratification of collective bargaining agreements as an employer, or other discussion with the exclusive bargaining representatives of the employees of a comprehensive cancer center related to comprehensive cancer center employees.

(4) For the purposes of chapter 71, Laws of 2022, the following definitions apply:

(a) "Collaborative arrangement" means a written arrangement between a comprehensive cancer center and an institution of higher education, through which the cancer care programs of the comprehensive cancer center and institution of higher education will be aligned and managed.

(b) "Comprehensive cancer center" means a comprehensive cancer center as defined in RCW 82.04.4265 that enters into a collaborative arrangement with an institution of higher education and is operated in conformance with this section. [2022 c 71 § 2.]

Findings—Intent—2022 c 71: "(1) The legislature finds that Washington benefits from its outstanding university research and health care delivery for cancer patients. The legislature finds that Washington state's citizens and its economy are benefited from the ability to attract and retain private, not-for-profit cancer research and health care delivery institutions. The legislature finds it is in the interest of the citizens of the state of Washington to promote collaboration between public universities and private not-for-profit entities in health care that will provide the highest level of cancer care for patients and advance the prevention, treatment, and cure of cancer through advanced research. The legislature intends to foster the development of cooperative and collaborative arrangements between institutions of higher education and private nonprofit comprehensive cancer centers, for the effective and efficient delivery of cancer-related clinical care and as a platform to further advance cancer-related education and research.

(2) Further, the legislature intends that private nonprofit comprehensive cancer centers are not hindered in entering into such collaborations that would benefit the state of Washington and its residents by the application of certain laws governing state agencies.

(3) The legislature intends that private nonprofit comprehensive cancer centers in such collaborative arrangements are not state entities, or quasi-government entities, as a result of any such collaborative arrangement so long as the parties to the collaborative arrangement operate in conformance with section 2 of this act. The legislature further intends that employees of such private nonprofit entities are not state employees as a result of the collaboration so long as the parties to the collaborative arrangement operate in conformance with section 2 of this act.

(4) The legislature intends to maintain existing responsibilities that state institutions of higher education, as state agencies, owe to the citizens of the state, including but not limited to being subject to state audit and public records requirements, and preserving assets in the interest of the citizens of the state. Further, the legislature intends for private comprehensive cancer centers to retain their private status as they enter into the collaborative agreements with state institutions of higher education, described herein. The legislature intends that collaborations between state institutions of higher education and comprehensive cancer centers be governed by contractual arrangements that address, as necessary and appropriate, the intellectual property rights and obligations of the state." [2022 c 71 § 1.]