



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 08-14-117 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-16-270 Mandatory reporting by employers of licensed health care providers

Hearing location(s): Department of Health
Point Plaza East Room 152
310 Israel Rd SE
Tumwater WA 98501

Date: 11/25/2008

Time: 10:30 am

Submit written comments to:

Name: Margaret Gilbert
Address: Department of Health
PO Box 47873
Olympia, WA 98504-7873
Website: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-4930 by (date) 11/25/2008

Assistance for persons with disabilities: Contact

Margaret Gilbert by 11/18/2008

TTY (800) 833-6388 or () 711

Date of intended adoption: 11/28/2008

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rule would place into chapter 246-16 WAC all rules implementing the mandatory reporting requirements of chapter 18.130 RCW, the Uniform Disciplinary Act. The proposed rule would also assure common terminology in reporting requirements and utilize a common reporting mechanism for all professions and all reporting entities.

Reasons supporting proposal:

In March 2008, the department adopted mandatory reporting rules as directed by RCW 18.130.070 (as amended in 2006 by SHB2974). These were placed in chapter 246-16 WAC, Standards of Professional Conduct. In 2008, 4SHB1103 imposed additional mandatory reporting requirements and amended RCW 18.130.080.

Statutory authority for adoption:

RCW 18.130.080

Statute being implemented:

RCW 18.130.080

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

DATE 09/30/08

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 30, 2008

TIME: 5:53 PM

WSR 08-20-120

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Margaret Gilbert	Department of Health, POBox 47874, Olympia Washington 98504-7873	360-236-4913
Implementation.... Karen Jensen	Department of Health, POBox 47850, Olympia Washington 98504-7850	360-236-4600
Enforcement..... Karen Jensen	Department of Health, POBox 47850, Olympia Washington 98504-7850	360-236-4600

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

NEW SECTION

WAC 246-16-270 Mandatory reporting--Reports by employers of license holders. (1) Every license holder, corporation, organization, health care facility, and state and local governmental agency that employs a license holder shall report to the department of health when the employed license holder's services have been terminated or restricted based on a final determination or finding that the license holder:

(a) Has committed an act or acts that may constitute unprofessional conduct; or

(b) May not be able to practice his or her profession with reasonable skill and safety due to a mental or physical condition.

(2) Reports under this section must be submitted to the department of health as soon as possible but no later than twenty days after a final determination or finding is made. The report should contain the information described in WAC 246-16-220(2).

(3) Reports made by a hospital according to RCW 70.41.210 and reports by ambulatory surgical facilities according to RCW 70.230.120 meet the requirement of this section.

(4) If a license holder fails to submit a report required by this section, a civil penalty of up to five hundred dollars may be imposed and the disciplining authority may take action against the license holder for unprofessional conduct.