

CHAPTER 267.

[H. B. 606.]

HOSPITALS—REGULATION—ADVISORY COUNCIL.

AN ACT relating to licensing and regulation of hospitals; establishing a Washington state hospital advisory council; providing penalties; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Purpose of act. SECTION 1. The primary purpose of this act is to promote safe and adequate care of individuals in hospitals through the development, establishment and enforcement of minimum hospital standards for maintenance and operation. To accomplish these purposes, this act provides for:

To accomplish purpose, provisions for.

- (1) The licensing and inspection of hospitals;
- (2) The establishment of a Washington state hospital advisory council;
- (3) The establishment by the state board of health of standards, rules and regulations for the construction, maintenance and operation of hospitals;
- (4) The enforcement by the Washington state department of health of the standards, rules and regulations established by the board.

Terms defined. SEC. 2. Unless the context clearly indicates otherwise, the following terms, whenever used in this act, shall be deemed to have the following meanings:

"Council." (1) "Council" means the Washington state hospital advisory council herein provided for;

"Department." (2) "Department" means the Washington state department of health;

"Hospital." (3) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, in-

jury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this act does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations;

"Hospital"
does not
include.

(4) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof;

"Person."

(5) "Board" means the state board of health.

"Board."

SEC. 3. The board, after consultation with the council, shall establish and adopt such minimum standards, rules and regulations pertaining to the construction, maintenance and operation of hospitals, and rescind, amend or modify such rules and regulations from time to time, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of hospitaliza-

Adopt mini-
mum stand-
ards, rules and
regulations
pertaining to
construction,
maintenance
and operation
of hospitals.

tion required for the safe and adequate care and treatment of patients. All rules and regulations to become effective shall be filed with the secretary of state.

Rules and regulations filed with secretary of state.

Consultation with department and council by board.

The board shall advise and consult with the department and the council in matters of policy affecting the administration of this act, and shall conduct fair hearing procedures as provided in section 13 of this act.

Enforcement responsibility of department.

SEC. 4. The enforcement of the provisions of this act and the standards, rules and regulations established hereunder by the board, shall be the responsibility of the department which shall cooperate with the joint commission on the accreditation of hospitals. The board shall advise on the employment of personnel and the personnel shall be under the merit system or its successor.

Board advises on employment of personnel.

Washington state hospital advisory council established.

SEC. 5. There shall be established a Washington state hospital advisory council consisting of six members who shall be appointed by the governor, the original members to be appointed within four weeks after this act becomes effective. The council shall consist of three members who shall be superintendents or administrators of hospitals with at least five years experience as such in hospitals, one member of the medical profession with at least five years current medical practice, one member of the osteopathic medical profession with at least five years current osteopathic medical practice, and one member of the nursing profession who is a registered nurse and who has been actively engaged in hospital nursing for a period of not less than five years immediately prior to appointment. Each of the members of the council shall be appointed from a list of names submitted by their respective official state associations, such lists to have three or more names for each appointment to be made.

Members: qualifications; appointments.

The original appointments shall be, two for a period of three years, two for a period of two years, and two for a period of one year, and thereafter the appointees, except those to fill the unexpired terms in the event of a vacancy, shall be for a period of three years. The members of the council shall elect their own chairman. Terms.

SEC. 6. The council shall meet within four weeks following appointment and at least annually thereafter, at which time officers, including a chairman and a secretary, shall be elected. The secretary shall keep a record of all meetings. Special meetings of the council shall be called by the secretary on written request of the chairman, of any three members of the council, or of the director of the state department of health. Three members shall constitute a quorum. Meetings of the council shall be held at such place within the state of Washington as may from time to time be determined by the council. Council meetings; officers.

SEC. 7. The members of the council shall be reimbursed for actual and necessary expenses in the discharge of their official duties, and shall be paid by the department. Per diem.

The council shall have the following duties: Council duties.

(1) To consult with the board and the department in matters of policy affecting administration of this act, and in the development of rules and regulations, provided for hereunder; and

(2) To review and make recommendations with respect to rules, regulations and standards authorized hereunder, prior to their adoption and promulgation by the board as specified herein.

SEC. 8. Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the state fire marshal, who shall adopt, after approval by the board, such recognized standards as may be Standards for fire protection and enforcement thereof.

Department
submits re-
quest for
inspection.

applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this act, he shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the state fire marshal upon completion of any corrections required by him, and the state fire marshal, or his deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the state fire marshal, he shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such hospitals at least once a year.

Fire marshal's
report approv-
ing hospital
required be-
fore license
issued.

Hospital in-
spections
annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal's code for hospitals, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the state fire marshal or his deputy and they shall jointly approve the premises before a full license can be issued.

After January
1, 1956, license
required.

SEC. 9. After January 1, 1956, no person or governmental unit of the state of Washington, acting separately or jointly with any other person or gov-

ernmental unit, shall establish, maintain, or conduct a hospital in this state, or use the word "hospital" to describe or identify an institution, without a license under this act: *Provided*, That the provisions of this section shall not apply to state mental institutions and psychiatric hospitals which come within the scope of chapter 71.12 RCW.

No applica-
tion to.

SEC. 10. An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires which may include affirmative evidence of ability to comply with the standards, rules and regulations as are lawfully prescribed hereunder. An application for renewal of license shall be made to the department upon forms provided by it and submitted thirty days prior to the date of expiration of the license. Each application for a license or renewal thereof by a hospital as defined by this act shall be accompanied by an annual fee based on the number of beds in said hospital, excluding bassinets for the newborn, as follows: Less than fifty beds, twenty dollars; fifty beds or more, but less than one hundred twenty-five, thirty-five dollars; one hundred twenty-five beds or more, fifty dollars: *Provided*, That no fee shall be required of government operated institutions.

Application
for license.

Application
for renewal
of license.

Application
accompanied
by fee.

Fee.

No fee from.

SEC. 11. Upon receipt of an application for license and the license fee, the department shall issue a license or a provisional license if the applicant and the hospital facilities meet the requirements of this act and the standards, rules and regulations established by the board. All licenses issued under the provisions of this act shall expire on the first day of January next succeeding the date of issue. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the writ-

Issuance of
licenses.

Expiration.

Nontransfer-
able.

Posting license.

ten approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

Departments discretion to issue license on failure to comply with acts provisions.

If there be a failure to comply with the provisions of this act or the standards, rules and regulations promulgated pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the hospital for a period to be determined by the department, but shall not exceed twelve months, unless approved by the board.

Department responsible for yearly inspection of hospitals.

SEC. 12. The department shall make or cause to be made at least yearly an inspection of all hospitals. Every inspection of a hospital may include an inspection of every part of the premises. The department may make an examination of all phases of the hospital operation necessary to determine compliance with the law and the standards, rules and regulations adopted thereunder. Any licensee or applicant desiring to make alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, comply with the regulations prescribed by the board.

Hospitals licensed under act relieved of other inspections and licenses.

No hospital licensed pursuant to the provisions of this act shall be required to be inspected or licensed under other state laws or rules and regulations promulgated thereunder, or local ordinances, relative to hotels, restaurants, lodging houses, boarding houses, places of refreshment, nursing homes, maternity homes, or psychiatric hospitals.

Department authorized to deny, suspend or revoke license.

SEC. 13. The department is authorized to deny, suspend, or revoke a license or provisional license in the manner prescribed herein in any case in which it finds that there has been a failure or refusal to comply with the requirements of this act or the

standards, rules and regulations established hereunder. The department shall issue an order to the applicant or licensee giving notice of any rejection, revocation, or suspension, which order shall become final thirty days after the date of mailing: *Providing*, That the applicant or licensee does not within thirty days from the date of mailing of the department's order of rejection, revocation, or suspension of license, make written application to the board for a hearing upon receipt of which the board shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed therefor. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board. The board shall render its decision affirming, modifying, or setting aside the order of the department which decision in the absence of an appeal therefrom as provided by this act, shall become final thirty days after the date of mailing.

Department issues order to applicant or licensee.

Written application for hearing.

Hearing procedure.

SEC. 14. Within thirty days after the date of mailing of the decision of the board, the interested applicant or licensee may appeal to the superior court of the county of Thurston and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the board. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the chairman of the board by personal service, or by mailing a copy thereof to the board and by filing the notice of appeal, together with proof of service thereof, with the clerk of the court. The service and the filing, together with proof of the notice of appeal, all within thirty days shall be jurisdictional. The board shall within ten days after receipt of such notice of appeal serve and file

Appeal from board decision. Jurisdiction.

Informal and summary proceedings.

Appeal perfected.

Jurisdictional requirements.

Board files notice of appearance. Certified copy of proceedings.

a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The board shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case.

Information received by board shall not be disclosed publicly.

SEC. 15. Information received by the board or the department through filed reports, inspection, or as otherwise authorized under this law, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure. Such records of the department shall at all times be available to the council and the members thereof.

Records of department available to council.

Department may maintain injunctive action.

SEC. 16. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department and the board in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a hospital without a license under this law.

Misdemeanor. Separate offense.

SEC. 17. Any person operating or maintaining a hospital without a license under this act shall be guilty of a misdemeanor, and each day of operation of an unlicensed hospital shall constitute a separate offense.

No authorization for standards governing services of physician.

SEC. 18. Nothing contained in this act shall in any way authorize the board to establish standards, rules and regulations governing the professional services rendered by any physician.

Appropriation.

SEC. 19. For the biennium ending June 30, 1957, there is appropriated from the general fund to the

state department of health, the sum of fifty thousand dollars, to carry out the provisions of this act.

SEC. 20. For the biennium ending June 30, 1957, there is appropriated from the general fund to the insurance commissioner, the sum of seven thousand five hundred dollars to carry out the provisions of this act relating to the duties of the state fire marshal.

Appropriation from general fund to insurance commissioner.

SEC. 21. If any part, or parts, of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect, as completely as if the part held unconstitutional had not been included herein, if any such remaining part can then be administered for the purpose of establishing and maintaining standards for hospitals.

Invalidity.

Passed the House March 1, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.