

2 **SSB 5948** - S AMD  
3 By Senators Deccio and Talmadge

4 Adopted 3/15/93

5 Beginning on page 2, line 18, strike section 2 and insert the  
6 following:

7 "NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130  
8 RCW to read as follows:

9 REQUIRED UNIFORM PROCEDURES. (1) The secretary shall develop  
10 uniform procedural rules to respond to public inquiries concerning  
11 complaints and their disposition, active investigations, statement of  
12 charges, findings of fact, and final orders involving a licensee,  
13 applicant, or unlicensed person. The uniform procedural rules adopted  
14 under this subsection apply to all adjudicative proceedings conducted  
15 under this chapter and shall include provisions for the establishing  
16 time lines for discovery, settlement, and scheduling hearings.

17 (2) The uniform procedures for conducting investigations shall  
18 provide that prior to taking a written statement:

19 (a) For violation of this chapter, the investigator shall inform  
20 such person, in writing of: (i) The nature of the complaint; (ii) that  
21 the person may consult with legal counsel at his or her expense prior  
22 to making a statement; and (iii) that any statement that the person  
23 makes may be used in an adjudicative proceeding conducted under this  
24 chapter; and

25 (b) From a witness or potential witness in an investigation under  
26 this chapter, the investigator shall inform the person, in writing,  
27 that the statement may be released to the licensee, applicant, or  
28 unlicensed person under investigation if a statement of charges is  
29 issued.

30 (3) The disciplining authority may enter into an agreement to  
31 dispose of a matter with or without a finding of unprofessional conduct  
32 or inability to practice, which may include one or more sanctions set  
33 forth in RCW 18.130.160. When the representative of the disciplining  
34 authority and the respondent have entered into a written settlement  
35 agreement, such agreement shall be submitted to the disciplining  
36 authority for approval. In considering whether to approve the

1 settlement, the disciplining authority may consider such written  
2 materials as the parties may agree. If no settlement is approved by  
3 the disciplining authority and the matter proceeds to a hearing, a  
4 person who participated in the decision not to approve the proposed  
5 settlement may not participate as a hearing officer or board panel  
6 member in the hearing.

7 (4) In order to assure the uniform application of the procedural  
8 rules developed by the secretary, the secretary or his or her designee  
9 shall serve as presiding officer for all proceedings under this  
10 chapter, including those conducted by disciplinary authorities  
11 identified in RCW 18.130.040(2)(b), other than the board of funeral  
12 directors and embalmers, and shall perform all functions of the  
13 presiding officer under chapter 34.05 RCW. In those areas where the  
14 disciplining authority is a board, the secretary or his or her  
15 designee, shall not vote on the final decision."

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19 On page 4, beginning on line 11, after "has a" strike all material  
20 through "but" on line 12, and insert "program violation that in the  
21 opinion of the monitoring program does not affect the continuing  
22 ability to practice, and"

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26 On page 6, beginning on line 8, strike all of section 4

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30 On page 1, line 2 of the title, after "18.130.175;" insert "and"

1        On page 1, line 3 of the title, strike ";" and creating a new  
2 section"

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