

SENATE BILL REPORT

SB 5948

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
MARCH 3, 1993

Brief Description: Modifying process and procedures for disciplining of health care professionals.

SPONSORS: Senators Deccio, Talmadge, Franklin, Prentice and McCaslin

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 5948 be substituted therefor, and the substitute bill do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, Moyer, Niemi, Quigley, Sheldon, L. Smith, and Winsley.

Staff: Scott Plack (786-7409)

Hearing Dates: March 3, 1993

BACKGROUND:

The state's regulated health professions are subject to the Uniform Disciplinary Act (UDA). The UDA standardizes certain procedures related to the disciplining of health care professionals, as well as the range of sanctions available for imposition. The Secretary of Health is the disciplinary authority for 21 of the state's regulated health professions. Independent regulatory boards are the disciplinary authority for the remaining 19 health professions regulated by the state.

While disciplinary procedures are standardized under the UDA, the application of disciplinary procedures and sanctions vary among the health care professions. Each disciplinary authority may use different standards in deciding whether to pursue disciplinary investigations. They may also independently choose among the various sanctions authorized in law for imposition on persons found in violation of UDA.

When charges are issued against an individual for a violation of the UDA, current law allows the person charged 20 days to request a hearing. The 20-day period may be insufficient for some license holders and no provision currently exists for allowing an extension. License holders in authorized substance abuse treatment programs are not subject to discipline provided they meet program conditions and successfully complete treatment. Participants suffering a lapse in treatment may be disciplined regardless of whether

they are making progress toward successful completion of treatment.

Some argue that uniform procedures are needed to assure that the UDA is consistently and objectively applied among the regulated health professions.

SUMMARY:

Individuals charged with a violation of the UDA may be granted up to an additional 60 days to request a hearing on the charges. The disciplinary authority may grant such requests for good cause.

The disciplinary authorities are directed to develop uniform procedures and abide by other requirements in performing disciplinary responsibilities under the Uniform Disciplinary Act. Uniform procedures must be developed to respond to public inquiries concerning complaints, investigations, findings of fact and final orders. Release of information related to disciplinary actions or violations is limited to revocation of licenses and not to other sanctions against a license holder. Individuals contacted by a disciplinary authority about a complaint must be informed about their rights to obtain legal counsel prior to responding to inquiries. They must also be informed that such inquiries may be used in adjudicative proceedings.

The full disclosure of charges must be made to persons charged with violations of the UDA. Uniform procedures must be developed to assure timely and complete response to requests for discovery, dispositions and reasonable consultation with disciplinary authority staff. Individuals charged with a violation of the UDA are permitted to agree to sanctions without admitting to the violation. Any settlement offer made by agents of the disciplinary authority to an individual violating the UDA must be honored by a disciplinary authority, except that they may be disapproved for good cause. Witnesses must be informed that their responses to investigations by a disciplinary authority may be released to persons under investigation if charges are filed.

Modifications are made in the substance abuse treatment programs. Participants suffering a setback in complying with treatment program requirements will be encouraged to continue to participate in the program, and may do so without disciplinary action, if progress is made towards successful completion of treatment.

The provisions of the act are applicable to all actions pending or in process before a disciplinary authority on January 1, 1993, and for all actions after January 1, 1993.

EFFECT OF PROPOSED SUBSTITUTE:

A provision is added to the bill allowing any respondent to a disciplinary action under the Uniform Disciplinary Act to have at least 90 days to submit documents and evidence for

consideration in a settlement conference. Extensions may be granted for good cause.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one