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HOUSE BILL 2798

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Lambert, Campbell, Cody, Parlette, Kagi, Benson and Haigh

Read first time 01/20/2000. Referred to Committee on Health Care.

1 AN ACT Relating to legibility of prescriptions; and amending RCW  
2 18.130.180.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.130.180 and 1995 c 336 s 9 are each amended to read  
5 as follows:

6 The following conduct, acts, or conditions constitute  
7 unprofessional conduct for any license holder or applicant under the  
8 jurisdiction of this chapter:

9 (1) The commission of any act involving moral turpitude,  
10 dishonesty, or corruption relating to the practice of the person's  
11 profession, whether the act constitutes a crime or not. If the act  
12 constitutes a crime, conviction in a criminal proceeding is not a  
13 condition precedent to disciplinary action. Upon such a conviction,  
14 however, the judgment and sentence is conclusive evidence at the  
15 ensuing disciplinary hearing of the guilt of the license holder or  
16 applicant of the crime described in the indictment or information, and  
17 of the person's violation of the statute on which it is based. For the  
18 purposes of this section, conviction includes all instances in which a  
19 plea of guilty or nolo contendere is the basis for the conviction and

1 all proceedings in which the sentence has been deferred or suspended.  
2 Nothing in this section abrogates rights guaranteed under chapter 9.96A  
3 RCW;

4 (2) Misrepresentation or concealment of a material fact in  
5 obtaining a license or in reinstatement thereof;

6 (3) All advertising which is false, fraudulent, or misleading;

7 (4) Incompetence, negligence, or malpractice which results in  
8 injury to a patient or which creates an unreasonable risk that a  
9 patient may be harmed. The use of a nontraditional treatment by itself  
10 shall not constitute unprofessional conduct, provided that it does not  
11 result in injury to a patient or create an unreasonable risk that a  
12 patient may be harmed;

13 (5) Suspension, revocation, or restriction of the individual's  
14 license to practice any health care profession by competent authority  
15 in any state, federal, or foreign jurisdiction, a certified copy of the  
16 order, stipulation, or agreement being conclusive evidence of the  
17 revocation, suspension, or restriction;

18 (6) The possession, use, prescription for use, or distribution of  
19 controlled substances or legend drugs in any way other than for  
20 legitimate or therapeutic purposes, diversion of controlled substances  
21 or legend drugs, the violation of any drug law, or prescribing  
22 controlled substances for oneself;

23 (7) Violation of any state or federal statute or administrative  
24 rule regulating the profession in question, including any statute or  
25 rule defining or establishing standards of patient care or professional  
26 conduct or practice;

27 (8) Failure to cooperate with the disciplining authority by:

28 (a) Not furnishing any papers or documents;

29 (b) Not furnishing in writing a full and complete explanation  
30 covering the matter contained in the complaint filed with the  
31 disciplining authority;

32 (c) Not responding to subpoenas issued by the disciplining  
33 authority, whether or not the recipient of the subpoena is the accused  
34 in the proceeding; or

35 (d) Not providing reasonable and timely access for authorized  
36 representatives of the disciplining authority seeking to perform  
37 practice reviews at facilities utilized by the license holder;

- 1 (9) Failure to comply with an order issued by the disciplining  
2 authority or a stipulation for informal disposition entered into with  
3 the disciplining authority;
- 4 (10) Aiding or abetting an unlicensed person to practice when a  
5 license is required;
- 6 (11) Violations of rules established by any health agency;
- 7 (12) Practice beyond the scope of practice as defined by law or  
8 rule;
- 9 (13) Misrepresentation or fraud in any aspect of the conduct of the  
10 business or profession;
- 11 (14) Failure to adequately supervise auxiliary staff to the extent  
12 that the consumer's health or safety is at risk;
- 13 (15) Engaging in a profession involving contact with the public  
14 while suffering from a contagious or infectious disease involving  
15 serious risk to public health;
- 16 (16) Promotion for personal gain of any unnecessary or  
17 inefficacious drug, device, treatment, procedure, or service;
- 18 (17) Conviction of any gross misdemeanor or felony relating to the  
19 practice of the person's profession. For the purposes of this  
20 subsection, conviction includes all instances in which a plea of guilty  
21 or nolo contendere is the basis for conviction and all proceedings in  
22 which the sentence has been deferred or suspended. Nothing in this  
23 section abrogates rights guaranteed under chapter 9.96A RCW;
- 24 (18) The procuring, or aiding or abetting in procuring, a criminal  
25 abortion;
- 26 (19) The offering, undertaking, or agreeing to cure or treat  
27 disease by a secret method, procedure, treatment, or medicine, or the  
28 treating, operating, or prescribing for any health condition by a  
29 method, means, or procedure which the licensee refuses to divulge upon  
30 demand of the disciplining authority;
- 31 (20) The willful betrayal of a practitioner-patient privilege as  
32 recognized by law;
- 33 (21) Violation of chapter 19.68 RCW;
- 34 (22) Interference with an investigation or disciplinary proceeding  
35 by willful misrepresentation of facts before the disciplining authority  
36 or its authorized representative, or by the use of threats or  
37 harassment against any patient or witness to prevent them from  
38 providing evidence in a disciplinary proceeding or any other legal  
39 action, or by the use of financial inducements to any patient or

1 witness to prevent or attempt to prevent him or her from providing  
2 evidence in a disciplinary proceeding;

3 (23) Current misuse of:

4 (a) Alcohol;

5 (b) Controlled substances; or

6 (c) Legend drugs;

7 (24) Abuse of a client or patient or sexual contact with a client  
8 or patient;

9 (25) Acceptance of more than a nominal gratuity, hospitality, or  
10 subsidy offered by a representative or vendor of medical or health-  
11 related products or services intended for patients, in contemplation of  
12 a sale or for use in research publishable in professional journals,  
13 where a conflict of interest is presented, as defined by rules of the  
14 disciplining authority, in consultation with the department, based on  
15 recognized professional ethical standards;

16 (26) Issuance of a medication order or a prescription for a drug  
17 that is in written form but is not printed, typed, or computer  
18 generated.

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