

HOUSE BILL REPORT

SB 5636

As Reported by House Committee On:
Health Care

Title: An act relating to imposition of sanctions on health professionals.

Brief Description: Revising provision for imposition of sanctions on health professionals.

Sponsors: Senators Keiser, Benson, Franklin, Parlette, Kline, Thibaudeau and Kastama.

Brief History:

Committee Activity:

Health Care: 2/16/06, 2/17/06 [DP].

Brief Summary of Bill

- Allows a health profession disciplining authority to consider prior findings of unprofessional conduct, stipulations to informal disposition, and the actions of other state disciplining authorities when imposing a sanction against a health care provider.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 14 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Bailey, Clibborn, Condotta, Green, Moeller, Schual-Berke and Skinner.

Staff: Chris Blake (786-7392).

Background:

The Uniform Disciplinary Act (UDA) governs disciplinary actions for all 57 categories of credentialed health care providers. The UDA defines acts of unprofessional conduct, establishes sanctions for such acts, and provides general procedures for addressing complaints and taking disciplinary actions against a credentialed health care provider. Responsibilities in the disciplinary process are divided between the Secretary of Health (Secretary) and the 16 health profession boards and commissions according to the profession that the health care provider is a member of and the relevant step in the disciplinary process.

After investigating a complaint or report of unprofessional conduct, the Secretary or the board or commission must decide what disciplinary action is warranted by the evidence. The case may be closed without further action, pursued through an informal action in the form of a

statement of allegations, or pursued through a formal action in the form of a statement of charges.

Upon a finding of an act of unprofessional conduct, the Secretary or the board or commission decides which sanctions should be ordered. These sanctions include revocation of a license, suspension of a license, restriction of the practice, mandatory remedial education or treatment, monitoring of the practice, censure or reprimand, conditions of probation, payment of a fine, denial of a license request, corrective action, refund of billings, and surrender of the license. In the selection of a sanction, the first consideration is what is necessary to protect or compensate the public, and the second consideration is what may rehabilitate the license holder or applicant.

Summary of Bill:

When imposing a sanction, a health profession disciplining authority may consider prior findings of unprofessional conduct, stipulations to informal disposition, and the actions of other state disciplining authorities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The way the disciplining authorities work is very narrow and does not consider acts of unprofessional conduct in the context of a provider's prior behavior. Disciplining authorities are not courts and should not have judicial standards applied to their proceedings. This is current Department of Health policy, but having it in statute would ensure that the practice will continue.

Testimony Against: None.

Persons Testifying: Senator Keiser, prime sponsor; and Bonnie King, Department of Health.

Persons Signed In To Testify But Not Testifying: None.