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HOUSE BILL 2578

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State of Washington                      62nd Legislature                      2012 Regular Session

By Representative Moeller

Read first time 01/18/12. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to disciplinary actions against the health  
2 professions license of the subject of a department of social and health  
3 services finding; amending RCW 18.130.050; adding a new section to  
4 chapter 18.130 RCW; and providing an effective date.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.130 RCW  
7 to read as follows:

8            Any individual who applies for a license or temporary practice  
9 permit or holds a license or temporary practice permit and is  
10 disqualified from unsupervised access to vulnerable adults pursuant to  
11 the issuance of a final order by the department of social and health  
12 services based upon an investigation conducted under chapter 74.34 RCW  
13 is prohibited from practicing a health care profession in this state  
14 until proceedings of the appropriate disciplining authority have been  
15 completed under RCW 18.130.050.

16            **Sec. 2.** RCW 18.130.050 and 2008 c 134 s 3 are each amended to read  
17 as follows:

1           Except as provided in RCW 18.130.062, the disciplining authority  
2 has the following authority:

3           (1) To adopt, amend, and rescind such rules as are deemed necessary  
4 to carry out this chapter;

5           (2) To investigate all complaints or reports of unprofessional  
6 conduct as defined in this chapter;

7           (3) To hold hearings as provided in this chapter;

8           (4) To issue subpoenas and administer oaths in connection with any  
9 investigation, consideration of an application for license, hearing, or  
10 proceeding held under this chapter;

11           (5) To take or cause depositions to be taken and use other  
12 discovery procedures as needed in any investigation, hearing, or  
13 proceeding held under this chapter;

14           (6) To compel attendance of witnesses at hearings;

15           (7) In the course of investigating a complaint or report of  
16 unprofessional conduct, to conduct practice reviews and to issue  
17 citations and assess fines for failure to produce documents, records,  
18 or other items in accordance with RCW 18.130.230;

19           (8) To take emergency action ordering summary suspension of a  
20 license, or restriction or limitation of the license holder's practice  
21 pending proceedings by the disciplining authority. Within fourteen  
22 days of a request by the affected license holder, the disciplining  
23 authority must provide a show cause hearing in accordance with the  
24 requirements of RCW 18.130.135. In addition to the authority in this  
25 subsection, a disciplinary authority shall:

26           (a) Consistent with RCW 18.130.370, ((a disciplining authority  
27 shall)) issue a summary suspension of the license or temporary practice  
28 permit of a license holder prohibited from practicing a health care  
29 profession in another state, federal, or foreign jurisdiction because  
30 of an act of unprofessional conduct that is substantially equivalent to  
31 an act of unprofessional conduct prohibited by this chapter or any of  
32 the chapters specified in RCW 18.130.040. The summary suspension  
33 remains in effect until proceedings by the Washington disciplining  
34 authority have been completed;

35           (b) Consistent with section 1 of this act, issue a summary  
36 suspension of the license or temporary practice permit of a license  
37 holder who has been determined by a final order of the department of  
38 social and health services to be disqualified from unsupervised access

1 to vulnerable adults in a nursing home, boarding home, adult family  
2 home or in-home care setting. The summary suspension remains in effect  
3 until proceedings by the Washington disciplining authority have been  
4 completed;

5 (9) To conduct show cause hearings in accordance with RCW  
6 18.130.062 or 18.130.135 to review an action taken by the disciplining  
7 authority to suspend a license or restrict or limit a license holder's  
8 practice pending proceedings by the disciplining authority;

9 (10) To use a presiding officer as authorized in RCW 18.130.095(3)  
10 or the office of administrative hearings as authorized in chapter 34.12  
11 RCW to conduct hearings. The disciplining authority shall make the  
12 final decision regarding disposition of the license unless the  
13 disciplining authority elects to delegate in writing the final decision  
14 to the presiding officer. Disciplining authorities identified in RCW  
15 18.130.040(2)(b) may not delegate the final decision regarding  
16 disposition of the license or imposition of sanctions to a presiding  
17 officer in any case pertaining to standards of practice or where  
18 clinical expertise is necessary;

19 (11) To use individual members of the boards to direct  
20 investigations and to authorize the issuance of a citation under  
21 subsection (7) of this section. However, the member of the board shall  
22 not subsequently participate in the hearing of the case;

23 (12) To enter into contracts for professional services determined  
24 to be necessary for adequate enforcement of this chapter;

25 (13) To contract with license holders or other persons or  
26 organizations to provide services necessary for the monitoring and  
27 supervision of license holders who are placed on probation, whose  
28 professional activities are restricted, or who are for any authorized  
29 purpose subject to monitoring by the disciplining authority;

30 (14) To adopt standards of professional conduct or practice;

31 (15) To grant or deny license applications, and in the event of a  
32 finding of unprofessional conduct by an applicant or license holder, to  
33 impose any sanction against a license applicant or license holder  
34 provided by this chapter. After January 1, 2009, all sanctions must be  
35 issued in accordance with RCW 18.130.390;

36 (16) To restrict or place conditions on the practice of new  
37 licensees in order to protect the public and promote the safety of and  
38 confidence in the health care system;

1           (17) To designate individuals authorized to sign subpoenas and  
2 statements of charges;

3           (18) To establish panels consisting of three or more members of the  
4 board to perform any duty or authority within the board's jurisdiction  
5 under this chapter;

6           (19) To review and audit the records of licensed health facilities'  
7 or services' quality assurance committee decisions in which a license  
8 holder's practice privilege or employment is terminated or restricted.  
9 Each health facility or service shall produce and make accessible to  
10 the disciplining authority the appropriate records and otherwise  
11 facilitate the review and audit. Information so gained shall not be  
12 subject to discovery or introduction into evidence in any civil action  
13 pursuant to RCW 70.41.200(3).

14           NEW SECTION.   **Sec. 3.** This act takes effect January 1, 2013.

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