

WAC 246-10-307 Show cause hearing. (1) A license holder's request for a show cause hearing must be filed within twenty days of the service of the summary action. A license holder must also respond to the statement of charges by requesting a hearing or an extension of time as provided in RCW 18.130.090.

(2) The show cause hearing will be conducted within fourteen days of the license holder filing the show cause hearing request.

(3) Unless otherwise specified by the presiding officer, the license holder must file, and deliver a copy to the department's attorney, any documents or written testimony to be admitted into evidence at the show cause hearing by noon on the fourth business day after filing the show cause hearing request.

(4) Unless otherwise specified by the presiding officer, the department must file, and deliver a copy to the license holder's attorney or to the license holder if not represented by counsel, any rebuttal documents or written testimony to be admitted into evidence at the show cause hearing by noon on the seventh calendar day after the date the show cause hearing request was filed, but no less than the close of business two business days before the show cause hearing.

(5) In reviewing the order of summary action, the presiding officer will consider the statement of charges, the motions and documents supporting the request for summary action, the license holder's answer to the statement of charges, documentary evidence or written testimony presented by the license holder and department in rebuttal that is timely filed pursuant to subsections (3) and (4) of this section, and unless waived, the parties will be given an opportunity for oral argument.

(6) In cases under RCW 18.130.050 (8)(a) and 18.130.370, the department has the burden of proving at the show cause hearing that the licensee is prohibited from practicing a health profession in another state, federal, or foreign jurisdiction and that the conduct is substantially equivalent to unprofessional conduct. A copy of the order, stipulation, or agreement from a competent authority in any state, federal, or foreign jurisdiction showing that a license is prohibited from practicing their health profession is prima facie evidence that the requirements of RCW 34.05.479 (1) and (2) have been met.

(7) In cases under RCW 18.130.050 (8)(b), the department has the burden of proving at the show cause hearing that the licensee is prohibited from employment in the care of vulnerable adults based upon a department of social and health services' final finding of abuse or neglect of a minor or abuse or abandonment, neglect, or financial exploitation of a vulnerable adult.

(8) The presiding officer will issue an order, and may overturn, uphold, or amend the summary suspension or restriction.

(9) Within forty-five days of a determination by the secretary to sustain the summary suspension or place restrictions on the license, the license holder may request a full hearing on the statement of charges on the merits of the disciplining authority's decision to suspend or restrict the license. A full hearing must be provided within forty-five days of receipt of the request for a hearing, unless stipulated otherwise.

[Statutory Authority: RCW 43.70.040, 34.05.220, 34.05.410, 18.130.050, and 34.05.413 through 34.05.476. WSR 18-18-049, § 246-10-307, filed 8/29/18, effective 9/29/18. Statutory Authority: RCW 18.130.135 and 43.70.040. WSR 09-03-089, § 246-10-307, filed 1/20/09, effective 2/20/09.]