
**Health Care & Wellness
Committee**

HB 1101

Brief Description: Providing for uniform sanctioning of health care professionals.

Sponsors: Representatives Campbell, Green, Cody, Hudgins, Moeller and Wallace.

Brief Summary of Bill

- Directs the Secretary of Health to develop a schedule of sanctions, including aggravating and mitigating circumstances, to apply to health care providers found to have engaged in unprofessional conduct.

Hearing Date: 1/22/07

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 14 health profession boards and commissions (collectively known as "disciplining authorities") 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 disciplining authority 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 disciplining authority decides which sanctions should be ordered. These sanctions include: revocation of a license, suspension of a

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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 health care provider or applicant.

In May 2006, the Department of Health published sanctioning guidelines to assist in (1) determining the type of action to take following an investigation and (2) selecting which sanction should be imposed following a finding of unprofessional conduct. The guidelines include a range of sanctions for seven categories of unprofessional conduct and list several aggravating and mitigating circumstances that may be considered. The guidelines apply to the twenty-three health professions regulated by the Secretary, but are not binding on the professions regulated by the other boards and commissions.

Summary of Bill:

The Secretary shall establish a schedule to define appropriate ranges of sanctions to apply to a credentialed health care provider for acts of unprofessional conduct. The schedule must identify aggravating and mitigating circumstances to reduce or enhance a sanction for each act of unprofessional conduct. The Secretary must consider the maintenance of consistent sanction determinations that balance the protection of the public's health and the rights of health care providers. The schedule shall apply to all disciplining authorities and shall be developed with the advice and consultation of the health profession boards and commissions. Disciplining authorities must apply sanctions in accordance with the schedule.

Appropriation: None.

Fiscal Note: Requested on January 17, 2007.

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