
**Health Care & Wellness
Committee**

HB 1104

Brief Description: Authorizing the revocation of a health care provider's license for three separate courses of unprofessional conduct over a ten-year period.

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

Brief Summary of Bill

- Requires a disciplining authority to automatically revoke the credential of any health care provider if he or she has three findings of having engaged in specified acts of 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.

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 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

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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.

Summary of Bill:

A disciplining authority is required to automatically revoke the credential of any health care provider who has been found to have engaged in three specified acts of unprofessional conduct in a ten year period. The three acts must have been from unrelated orders and separate patterns of conduct. The acts of unprofessional conduct that are subject to the automatic revocation penalty are:

- Violations of prescribing practices;
- Convictions of felonies related to the practice of the profession in question;
- Failures to comply with orders of a disciplining authority;
- Acts of abuse of a patient or client;
- Sexual contact with a patient or client; or
- Where death, severe injury, or a significant risk to the public results from (1) negligence, incompetence, or malpractice; (2) violation of laws regulating the profession in question; or (3) current substance abuse.

A disciplining authority may issue a finding of mitigating circumstances which excuses one of the acts of unprofessional conduct from counting toward an automatic revocation if there is strong potential for rehabilitation of the health care provider or strong potential that remedial education and training will prevent future harm. A disciplining authority may issue a finding of mitigating circumstances which excuses any acts of unprofessional conduct in any case in which the act involved a high-risk procedure without any lower-risk alternative, the patient was aware of the procedure's risks, and the health care provider took remedial steps prior to the disciplinary action.

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.