

HOUSE BILL REPORT

HB 2578

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to disciplinary actions against the health professions license of the subject of a department of social and health services finding.

Brief Description: Concerning disciplinary actions against the health professions license of the subject of a department of social and health services finding.

Sponsors: Representative Moeller.

Brief History:

Committee Activity:

Health Care & Wellness: 1/25/12, 1/26/12 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Health or health professions board or commission to summarily suspend the license of any health care provider who is prohibited from employment in the care of vulnerable adults based upon a finding of neglect or abuse of a minor or abuse, abandonment, neglect, or financial exploitation of a vulnerable adult.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Clibborn, Green, Harris, Kelley, Moeller and Van De Wege.

Staff: Chris Blake (786-7392).

Background:

Department of Social and Health Services Investigations.

The Department of Social and Health Services (DSHS) must initiate investigations upon the report of abuse, abandonment, neglect, exploitation, and financial exploitation of a

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vulnerable adult. If the initial report to the DSHS or its investigation shows that the conduct may have been criminal, the DSHS must immediately report the information to law enforcement. In addition, when a report or investigation involves a licensed health care provider, the DSHS must notify the relevant disciplining authority.

Upon receiving a report of possible abuse or neglect of a child, the DSHS must investigate and provide a report to Child Protective Services. If a report is accepted for investigation by the DSHS, the investigation must occur within a specific timeframe, but may not continue for more than 90 days unless a law enforcement agency or prosecutor has allowed for a longer investigation.

Long-term care workers with a finding of fact, final order, or conclusion of law finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult are prohibited from being employed in the care of a vulnerable adult or from having unsupervised access to a vulnerable adult.

Investigations of Health Care Providers.

The Department of Health and the 15 health professions boards and commissions (disciplining authorities) have regulatory authority over their respective health professions, including issuing licenses, administering investigations, and conducting disciplinary hearings. A disciplining authority may take immediate action against a credentialed health care provider by summarily suspending the person's credential. In cases in which a credentialed health care provider is prohibited from practicing in another state, the disciplining authority in Washington must issue a summary suspension until the disciplinary proceedings in Washington have been completed.

Summary of Substitute Bill:

Any credentialed health care provider or applicant for a health professions credential who is prohibited from employment in the care of vulnerable adults based upon a finding of neglect or abuse of a minor or abuse, abandonment, neglect, or financial exploitation of a vulnerable adult must have his or her health professions credential summarily suspended. The health care provider is prohibited from practicing his or her profession until the Department of Health or the appropriate health professions board or commission has completed its disciplinary proceedings.

Substitute Bill Compared to Original Bill:

The substitute bill specifies that the summary suspension of a health care provider's credential applies in cases of final findings by the DSHS of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult rather than the standard of being disqualified from unsupervised access to vulnerable adults. The summary suspension requirements are applied to those providers with final findings by the DSHS for abuse or neglect of a minor.

Terminology and statutory references are changed.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 26, 2012.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2013.

Staff Summary of Public Testimony:

(In support) There is confusion among employers and the public as to why somebody who is prohibited from working unsupervised with vulnerable adults would still have a license to practice his or her profession from the Department of Health. This bill would summarily suspend that license until there has been a disciplinary hearing with full due process. This bill gives the Department of Health a valuable tool for patient safety similar to another recent bill that requires a suspension of those providers that are prohibited from practicing in another state.

(Opposed) None.

Persons Testifying: Representative Moeller, prime sponsor; and Kristi Weeks, Department of Health.

Persons Signed In To Testify But Not Testifying: None.