

HOUSE BILL REPORT

HB 1003

As Passed House:

March 5, 2013

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: Representatives Moeller, Cody, Morrell, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton and Jinkins.

Brief History:

Committee Activity:

Health Care & Wellness: 1/31/13, 2/8/13 [DP].

Floor Activity:

Passed House: 3/5/13, 95-0.

Brief Summary of 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: Do pass. Signed by 16 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Angel, Clibborn, Green, Harris, Manweller, Moeller, Morrell, Riccelli, Ross, Short, Tharinger and Van De Wege.

Staff: Chris Blake (786-7392).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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.

Individuals 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 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2014.

Staff Summary of Public Testimony:

(In support) This bill is about our responsibility to protect our most vulnerable citizens, the elderly and the developmentally delayed, and ensure that the system works to protect them. This bill will tighten the process and timeline for those licensed caregivers accused of abusing those in their care. This will offer increased protection to other vulnerable adults. In one instance of abuse, it took a year to issue a final finding to remove the caregiver from employment and over two years to remove the person's professional license. This will give the Department of Health another valuable tool for ensuring patient safety, by allowing the agency to immediately suspend providers after a final finding and pending the Department of Health final determination. This bill will reduce confusion among the public and providers who do not understand how the Department of Social and Health Services can prohibit providers from practicing while also allowing them to maintain their professional credential. The need for this law is strong. This bill makes employers aware of providers who have engaged in misconduct and then go from one employer to another without being detected.

(Opposed) None.

Persons Testifying: Representative Moeller, prime sponsor; Teri Johnson; Pam Pratt; Debbie Johnson; Kristi Weeks, Department of Health; and Cindi Laws, Concierge Care Advisors.

Persons Signed In To Testify But Not Testifying: None.