

SENATE BILL REPORT

E2SHB 1071

As Reported By Senate Committee On:
Health & Long-Term Care, February 23, 2006

Title: An act relating to the uniform disciplinary act for health professions.

Brief Description: Concerning the uniform disciplinary act for health professions.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Campbell and Morrell).

Brief History: Passed House: 2/08/06, 96-2.

Committee Activity: Health & Long-Term Care: 2/16/06, 2/23/06 [DPA-WM, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline, Parlette and Poulsen.

Minority Report: That it be referred without recommendation.

Signed by Senator Benson.

Staff: Edith Rice (786-7444)

Background: The Uniform Disciplinary Act (UDA) governs disciplinary actions for all 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 16 health profession boards and commissions.

After investigating a complaint or report of unprofessional conduct, the Secretary or the board or commission 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 Secretary or the board or commission 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 sanction the first consideration is what is necessary to protect or compensate the public, and the second consideration is what may rehabilitate the license holder or applicant.

Summary of Amended Bill: The Joint Legislative Audit and Review Committee will review and analyze national research on regulating the competency of professional health care providers, report its findings and review and analyze the current process for regulation under the jurisdiction of the medical quality assurance commission and the dental quality assurance commission. This will include but not be limited to, a review of the complaint processing and sanction determination phase of the process. A report is due to the Legislature by January 1, 2008.

Amended Bill Compared to Original Bill: The Department of Health work group is replaced by a JLARC study, the reference to a schedule of sanctions to be adopted by the Secretary is removed, and the Secretary's authority to take emergency action ordering summary license suspension is eliminated.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Placing authority to issue emergency suspensions with the Secretary will ensure that they take place when they should. This bill allows for the issues to be studied.

Testimony Against: We are concerned that this bill is too broad. Sanctions should not all be the same for different professions. It should be a requirement that the boards and commissions be involved. The Nursing Care Quality Assurance Commission in Washington is one of the best in the nation. We think that all the disciplinary authorities must be involved in this issue; that authority should not be shifted to the Secretary of the Department of Health.

Who Testified: PRO: Representative Campbell, prime sponsor, Mary Selecky.

CON: Laura Groshong, Washington State Society of Certified Social Workers; Ann Tan Piazza, Washington State Nurses Association; Melissa Johnson, Physical Therapists Association; Lucy Homaus, Washington State Psychological Association; Melanie Stewart, Washington Osteopath, Podiatric, and Licensed Mental Health Counselors.