

**SENATE BILL 5012**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senator Conner.

Read first time January 14, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the uniform disciplinary act; and amending RCW  
2 18.130.180.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.130.180 and 1989 c 270 s 33 are each amended to  
5 read as follows:

6 The following conduct, acts, or conditions constitute  
7 unprofessional conduct for any license holder or applicant under the  
8 jurisdiction of this chapter:

9 (1) The commission of any act involving moral turpitude,  
10 dishonesty, or corruption relating to the practice of the person's  
11 profession, whether the act constitutes a crime or not. If the act  
12 constitutes a crime, conviction in a criminal proceeding is not a  
13 condition precedent to disciplinary action. Upon such a conviction,  
14 however, the judgment and sentence is conclusive evidence at the

1 ensuing disciplinary hearing of the guilt of the license holder or  
2 applicant of the crime described in the indictment or information, and  
3 of the person's violation of the statute on which it is based. For the  
4 purposes of this section, conviction includes all instances in which a  
5 plea of guilty or nolo contendere is the basis for the conviction and  
6 all proceedings in which the sentence has been deferred or suspended.  
7 Nothing in this section abrogates rights guaranteed under chapter 9.96A  
8 RCW;

9 (2) Misrepresentation or concealment of a material fact in  
10 obtaining a license or in reinstatement thereof;

11 (3) All advertising which is false, fraudulent, or misleading;

12 (4) Incompetence, negligence, or malpractice which results in  
13 injury to a patient or which creates an unreasonable risk that a  
14 patient may be harmed;

15 (5) Suspension, revocation, or restriction of the individual's  
16 license to practice the profession by competent authority in any state,  
17 federal, or foreign jurisdiction, a certified copy of the order,  
18 stipulation, or agreement being conclusive evidence of the revocation,  
19 suspension, or restriction;

20 (6) The possession, use, prescription for use, or distribution of  
21 controlled substances or legend drugs in any way other than for  
22 legitimate or therapeutic purposes, diversion of controlled substances  
23 or legend drugs, the violation of any drug law, or prescribing  
24 controlled substances for oneself;

25 (7) Violation of any state or federal statute or administrative  
26 rule regulating the profession in question, including any statute or  
27 rule defining or establishing standards of patient care or professional  
28 conduct or practice;

29 (8) Failure to cooperate with the disciplining authority by:

30 (a) Not furnishing any papers or documents;

1 (b) Not furnishing in writing a full and complete explanation  
2 covering the matter contained in the complaint filed with the  
3 disciplining authority; or

4 (c) Not responding to subpoenas issued by the disciplining  
5 authority, whether or not the recipient of the subpoena is the accused  
6 in the proceeding;

7 (9) Failure to comply with an order issued by the disciplining  
8 authority or an assurance of discontinuance entered into with the  
9 disciplining authority;

10 (10) Aiding or abetting an unlicensed person to practice when a  
11 license is required;

12 (11) Violations of rules established by any health agency;

13 (12) Practice beyond the scope of practice as defined by law or  
14 rule, except that the board shall not make a finding under this  
15 subsection solely on the basis that the practice is unconventional or  
16 experimental in the absence of demonstratable physical harm to a  
17 patient;

18 (13) Misrepresentation or fraud in any aspect of the conduct of the  
19 business or profession;

20 (14) Failure to adequately supervise auxiliary staff to the extent  
21 that the consumer's health or safety is at risk;

22 (15) Engaging in a profession involving contact with the public  
23 while suffering from a contagious or infectious disease involving  
24 serious risk to public health;

25 (16) Promotion for personal gain of any unnecessary or  
26 inefficacious drug, device, treatment, procedure, or service;

27 (17) Conviction of any gross misdemeanor or felony relating to the  
28 practice of the person's profession. For the purposes of this  
29 subsection, conviction includes all instances in which a plea of guilty  
30 or nolo contendere is the basis for conviction and all proceedings in

1 which the sentence has been deferred or suspended. Nothing in this  
2 section abrogates rights guaranteed under chapter 9.96A RCW;

3 (18) The procuring, or aiding or abetting in procuring, a criminal  
4 abortion;

5 (19) The offering, undertaking, or agreeing to cure or treat  
6 disease by a secret method, procedure, treatment, or medicine, or the  
7 treating, operating, or prescribing for any health condition by a  
8 method, means, or procedure which the licensee refuses to divulge upon  
9 demand of the disciplining authority;

10 (20) The willful betrayal of a practitioner-patient privilege as  
11 recognized by law;

12 (21) Violation of chapter 19.68 RCW;

13 (22) Interference with an investigation or disciplinary proceeding  
14 by willful misrepresentation of facts before the disciplining authority  
15 or its authorized representative, or by the use of threats or  
16 harassment against any patient or witness to prevent them from  
17 providing evidence in a disciplinary proceeding or any other legal  
18 action;

19 (23) Current misuse of:

20 (a) Alcohol;

21 (b) Controlled substances; or

22 (c) Legend drugs;

23 (24) Abuse of a client or patient or sexual contact with a client  
24 or patient.