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5 On page 3, after line 31, insert the following:

6 "Sec. 2. RCW 18.130.050 and 1987 c 150 s 2 are each amended to
7 read as follows:

8 The disciplining authority has the following authority:

9 (1) To adopt, amend, and rescind such rules as are deemed necessary
10 to carry out this chapter;

11 (2) To investigate all complaints or reports of unprofessional
12 conduct as defined in this chapter and to hold hearings as provided in
13 this chapter;

14 (3) To issue subpoenas and administer oaths in connection with any
15 investigation, hearing, or proceeding held under this chapter;

16 (4) To take or cause depositions to be taken and use other
17 discovery procedures as needed in any investigation, hearing, or
18 proceeding held under this chapter;

19 (5) To compel attendance of witnesses at hearings;

20 (6) In the course of investigating a complaint or report of
21 unprofessional conduct, to conduct practice reviews;

22 (7) To take emergency action ordering summary suspension of a
23 license, or restriction or limitation of the licensee's practice
24 pending proceedings by the disciplining authority;

25 (8) To use the office of administrative hearings as authorized in
26 chapter 34.12 RCW to conduct hearings. However, the disciplining
27 authority shall make the final decision regarding disposition of the
28 license;

29 (9) To use individual members of the boards to direct
30 investigations. However, the member of the board shall not
31 subsequently participate in the hearing of the case;

32 (10) To enter into contracts for professional services determined
33 to be necessary for adequate enforcement of this chapter;

34 (11) To contract with licensees or other persons or organizations
35 to provide services necessary for the monitoring and supervision of
36 licensees who are placed on probation, whose professional activities

1 are restricted, or who are for any authorized purpose subject to
2 monitoring by the disciplining authority;

3 (12) To adopt standards of professional conduct or practice;

4 (13) To grant or deny license applications, and in the event of a
5 finding of unprofessional conduct by an applicant or license holder, to
6 impose any sanction against a license applicant or license holder
7 provided by this chapter;

8 ~~(14) ((To enter into an assurance of discontinuance in lieu of
9 issuing a statement of charges or conducting a hearing. The assurance
10 shall consist of a statement of the law in question and an agreement to
11 not violate the stated provision. The applicant or license holder
12 shall not be required to admit to any violation of the law, nor shall
13 the assurance be construed as such an admission. Violation of an
14 assurance under this subsection is grounds for disciplinary action;~~

15 ~~(15))~~ To designate individuals authorized to sign subpoenas and
16 statements of charges."

17 On page 3, line 34, after "finding" insert ", after hearing,"

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21 On page 4, after line 25, insert the following:

22 "The licensee or applicant may enter into a stipulated disposition
23 of charges that includes one or more of the sanctions of this section,
24 but only after a statement of charges has been issued and the licensee
25 has been afforded the opportunity for a hearing and has elected on the
26 record to forego such a hearing. The stipulation shall either contain
27 one or more specific findings of unprofessional conduct or inability to
28 practice, or a statement by the licensee acknowledging that evidence is
29 sufficient to justify one or more specified findings of unprofessional
30 conduct or inability to practice. The stipulation entered into
31 pursuant to this subsection shall be considered formal disciplinary
32 action for all purposes."

33 On page 4, after line 25, insert the following:

1 "NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130
2 RCW to read as follows:

3 (1) Prior to serving a statement of charges under RCW 18.130.090 or
4 18.130.170, the disciplinary authority may furnish a statement of
5 allegations to the licensee or applicant along with a detailed summary
6 of the evidence relied upon to establish the allegations and a proposed
7 stipulation for informal resolution of the allegations. These
8 documents shall be exempt from public disclosure until such time as the
9 allegations are resolved either by stipulation or otherwise.

10 (2) The disciplinary authority and the applicant or licensee may
11 stipulate that the allegations may be disposed of informally in
12 accordance with this subsection. The stipulation shall contain a
13 statement of the facts leading to the filing of the complaint; the act
14 or acts of unprofessional conducted alleged to have been committed or
15 the alleged basis for determining that the applicant or licensee is
16 unable to practice with reasonable skill and safety; a statement that
17 the stipulation is not to be construed as a finding of either
18 unprofessional conduct or inability to practice; an acknowledgement
19 that a finding of unprofessional conduct or inability to practice, if
20 proven, constitutes grounds for discipline under this chapter; and an
21 agreement on the part of the licensee or applicant that the sanctions
22 set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and
23 (8), may be imposed as part of the stipulation, except that no fine may
24 be imposed but the licensee or applicant may agree to reimburse the
25 disciplinary authority the costs of investigation and processing the
26 complaint up to an amount not exceeding one thousand dollars per
27 allegation; and an agreement on the part of the disciplinary authority
28 to forego further disciplinary proceedings concerning the allegations.
29 A stipulation entered into pursuant to this subsection shall not be
30 considered formal disciplinary action.

31 (3) If the licensee or applicant declines to agree to disposition
32 of the charges by means of a stipulation pursuant to subsection (2) of
33 this section, the disciplinary authority may proceed to formal
34 disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

35 (4) Upon execution of a stipulation under subsection (2) of this
36 section by both the licensee or applicant and the disciplinary
37 authority, the complaint is deemed disposed of and shall become subject
38 to public disclosure on the same basis and to the same extent as other
39 records of the disciplinary authority. Should the licensee or

1 applicant fail to pay any agreed reimbursement within thirty days of
2 the date specified in the stipulation for payment, the disciplinary
3 authority may seek collection of the amount agreed to be paid in the
4 same manner as enforcement of a fine under RCW 18.130.165."

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8 On page 15, after line 15, insert the following:

9 "Sec. 18. RCW 18.130.180 and 1991 c 332 s 34 and 1991 c 215 c 3
10 are each reenacted and amended to read as follows:

11 The following conduct, acts, or conditions constitute
12 unprofessional conduct for any license holder or applicant under the
13 jurisdiction of this chapter:

14 (1) The commission of any act involving moral turpitude,
15 dishonesty, or corruption relating to the practice of the person's
16 profession, whether the act constitutes a crime or not. If the act
17 constitutes a crime, conviction in a criminal proceeding is not a
18 condition precedent to disciplinary action. Upon such a conviction,
19 however, the judgment and sentence is conclusive evidence at the
20 ensuing disciplinary hearing of the guilt of the license holder or
21 applicant of the crime described in the indictment or information, and
22 of the person's violation of the statute on which it is based. For the
23 purposes of this section, conviction includes all instances in which a
24 plea of guilty or nolo contendere is the basis for the conviction and
25 all proceedings in which the sentence has been deferred or suspended.
26 Nothing in this section abrogates rights guaranteed under chapter 9.96A
27 RCW;

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

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

31 (4) Incompetence, negligence, or malpractice which results in
32 injury to a patient or which creates an unreasonable risk that a
33 patient may be harmed. The use of a nontraditional treatment by itself
34 shall not constitute unprofessional conduct, provided that it does not
35 result in injury to a patient or create an unreasonable risk that a
36 patient may be harmed;

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

6 (6) The possession, use, prescription for use, or distribution of
7 controlled substances or legend drugs in any way other than for
8 legitimate or therapeutic purposes, diversion of controlled substances
9 or legend drugs, the violation of any drug law, or prescribing
10 controlled substances for oneself;

11 (7) Violation of any state or federal statute or administrative
12 rule regulating the profession in question, including any statute or
13 rule defining or establishing standards of patient care or professional
14 conduct or practice;

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

16 (a) Not furnishing any papers or documents;

17 (b) Not furnishing in writing a full and complete explanation
18 covering the matter contained in the complaint filed with the
19 disciplining authority; or

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

23 (9) Failure to comply with an order issued by the ~~((disciplining))~~
24 disciplinary authority or ~~((an assurance of discontinuance))~~ a
25 stipulation for informal disposition entered into with the
26 ~~((disciplining))~~ disciplinary authority;

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

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

30 (12) Practice beyond the scope of practice as defined by law or
31 rule;

32 (13) Misrepresentation or fraud in any aspect of the conduct of the
33 business or profession;

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

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

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

3 (17) Conviction of any gross misdemeanor or felony relating to the
4 practice of the person's profession. For the purposes of this
5 subsection, conviction includes all instances in which a plea of guilty
6 or nolo contendere is the basis for conviction and all proceedings in
7 which the sentence has been deferred or suspended. Nothing in this
8 section abrogates rights guaranteed under chapter 9.96A RCW;

9 (18) The procuring, or aiding or abetting in procuring, a criminal
10 abortion;

11 (19) The offering, undertaking, or agreeing to cure or treat
12 disease by a secret method, procedure, treatment, or medicine, or the
13 treating, operating, or prescribing for any health condition by a
14 method, means, or procedure which the licensee refuses to divulge upon
15 demand of the disciplining authority;

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

18 (21) Violation of chapter 19.68 RCW;

19 (22) Interference with an investigation or disciplinary proceeding
20 by willful misrepresentation of facts before the disciplining authority
21 or its authorized representative, or by the use of threats or
22 harassment against any patient or witness to prevent them from
23 providing evidence in a disciplinary proceeding or any other legal
24 action;

25 (23) Current misuse of:

26 (a) Alcohol;

27 (b) Controlled substances; or

28 (c) Legend drugs;

29 (24) Abuse of a client or patient or sexual contact with a client
30 or patient;

31 (25) Acceptance of more than a nominal gratuity, hospitality, or
32 subsidy offered by a representative or vendor of medical or health-
33 related products or services intended for patients, in contemplation of
34 a sale or for use in research publishable in professional journals,
35 where a conflict of interest is presented, as defined by rules of the
36 disciplining authority, in consultation with the department, based on
37 recognized professional ethical standards."

1 Renumber the remaining sections consecutively and correct internal
2 references accordingly.

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